

AGENDA

PLANNING COMMITTEE MEETING



Date: Thursday 28 April 2016
Time: 6.00 p.m.
Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Ash, Clark, Cox, English (Chairman),
Harper, Harwood, Hemsley, Munford,
Paine, Paterson, Perry, Round and
Mrs Stockell

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 Items withdrawn from the Agenda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 - N/A - Any unfinished business will be rolled over to the next ordinary meeting of the Committee scheduled to be held on 2 June 2016

Continued Over/:

Issued on Wednesday 20 April 2016

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact Debbie Snook on 01622 602030**. To find out more about the work of the Committee, please visit www.maidstone.gov.uk

**Alison Broom, Chief Executive, Maidstone Borough Council,
Maidstone House, King Street, Maidstone, Kent ME15 6JQ**

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 7 April 2016 - to follow	
11.	Presentation of Petitions (if any)	
12.	Report of the Head of Planning and Development - Deferred Items	1
13.	11/0511 - Wierton Place, Wierton Road, Boughton Monchelsea, Maidstone, Kent	2 - 50
14.	11/0512 - Wierton Place, Wierton Road, Boughton Monchelsea, Maidstone, Kent	51 - 86
15.	14/505125 - Lenham Ironmongers Ltd, 8 Faversham Road, Lenham, Kent	87 - 98
16.	14/506738 - Land At Barty Farm, Roundwell, Bearsted, Kent	99 - 148
17.	15/504667 - Barty House Nursing Home, Roundwell, Bearsted, Kent	149 - 159
18.	15/505441 - Tovil Quarry Site, Straw Mill Hill, Tovil, Kent	160 - 210
19.	15/508298 - Shangri La, Horseshoes Lane, Langley, Kent	211 - 229
20.	15/509275 - Land South West To The Gables, Marden Road, Staplehurst, Kent	230 - 243
21.	15/509907 - Land South Of Sunny Brae, Hubbards Lane, Boughton Monchelsea, Kent	244 - 254
22.	15/510461 - Land At Cripple Street, Cripple Street, Maidstone, Kent	255 - 263
23.	15/510628 - Land At Church Road, Harrietsham, Kent	264 - 277
24.	Appeal Decisions	278 - 279
25.	Chairman's Announcements	

PART II

To move that the public be excluded for the items set out in Part II of the Agenda because of the likely disclosure of exempt information for the reason specified having applied the Public Interest Test.

Head of Schedule 12A and Brief Description

- | | | | |
|-----|---|-----------------------------------|-----------|
| 26. | 11/0511/11/0512 - Exempt Appendix -
Wierton Place, Wierton Road, Boughton
Monchelsea, Maidstone, Kent | 3 – Financial/Business
Affairs | 280 - 442 |
| 27. | 15/505441 - Exempt Appendix - Tovil
Quarry Site, Straw Mill Hill, Tovil, Kent | 3 – Financial/Business
Affairs | 443 - 477 |

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.

BACKGROUND DOCUMENTS: The background documents for the items on the agenda are to be found on the respective planning files for each application and on the files for those applications referred to in the history section of each report. Background documents are available for inspection during normal office hours at the Maidstone Borough Council Gateway Reception, King Street, Maidstone, Kent ME15 6JQ.

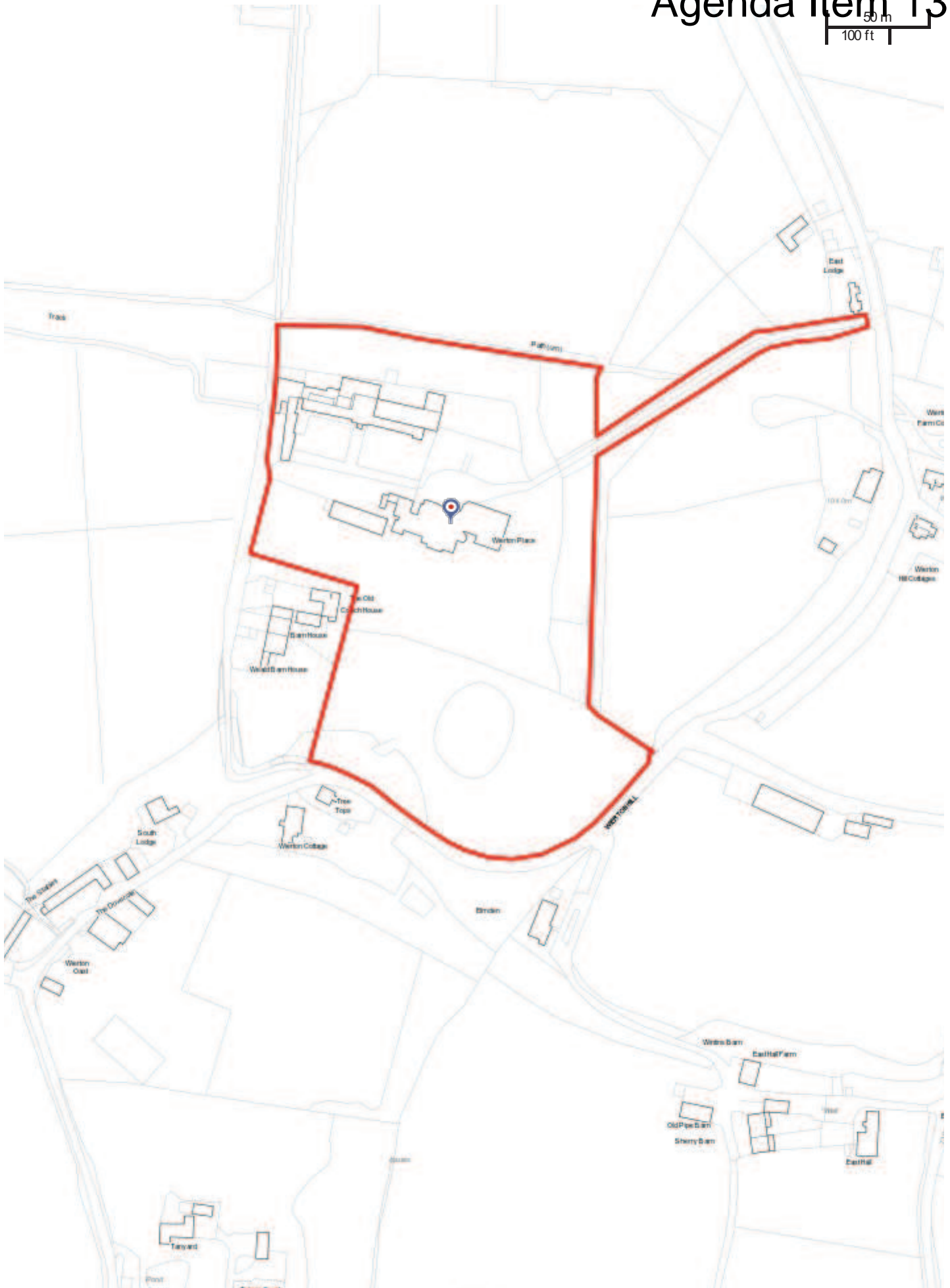
Agenda Item 12

MAIDSTONE BOROUGH COUNCIL
PLANNING COMMITTEE
28 APRIL 2016

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

The following applications stand deferred from previous meetings of the Planning Committee. The Head of Planning and Development will report orally at the meeting on the latest situation.

APPLICATION	DATE DEFERRED
<u>14/504109 - ADVERTISEMENT CONSENT FOR THE INSTALLATION OF 2 NO. NON-ILLUMINATED METAL POLE MOUNTED SIGNS (RETROSPECTIVE APPLICATION) - HUNTON C OF E PRIMARY SCHOOL, BISHOPS LANE, HUNTON, KENT</u> Deferred to enable the Officers to negotiate movement of the signage to locations that are less visually intrusive.	14 January 2016
<u>14/0668 - RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE OF LAND FROM AGRICULTURAL TO RESIDENTIAL INVOLVING THE STATIONING OF ONE MOBILE HOME AND THE LAYING OF HARD SURFACING - OAKLANDS, GRAVELLY BOTTOM ROAD, KINGSWOOD, MAIDSTONE, KENT</u> Deferred to enable the Officers to investigate the length of time and details necessary for a temporary, personal permission to be issued.	17 March adjourned to 24 March 2016
<u>15/505411 - OUTLINE PLANNING APPLICATION FOR THE ERECTION OF UP TO 108 DWELLINGS WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATION EXCEPT FOR MEANS OF ACCESS (FROM STRAW MILL HILL) TO BE DETERMINED AT THIS STAGE - TOVIL QUARRY SITE, STRAW MILL HILL, TOVIL, KENT</u> Deferred for further discussion of potential highway improvements, specifically in Straw Mill Hill; and to circulate the viability report to Members.	17 March adjourned to 24 March 2016
<u>14/505125 - PROPOSED NEW DETACHED BUILDING TO ACCOMMODATE THREE AIR CONDITION UNITS - LENHAM IRONMONGERS LTD, 8 FAVERSHAM ROAD, LENHAM, KENT</u> Deferred to the next meeting to enable the Environmental Health Officer to be present.	7 April 2016



11/0511

Scale: 1:2500

Printed on: 16/2/2016 at 15:38 PM

© Ordnance Survey Maps - Maidstone
Borough Council Licence No. 100019636, 2015

REPORT SUMMARY

REFERENCE NO - 11/0511		
APPLICATION PROPOSAL <p>Change of use of existing nightclub and apartments to 1 dwelling and 6 apartments, including extensions; conversion of the existing ball room to 2 dwellings, including extensions; demolition of existing garage block and erection of 4 terraced properties; conversion of existing glasshouses to 4 dwellings, including extensions; and the erection of 5 detached dwellings to the north and south of the access track, together with associated access and landscape works (PLEASE SEE MA/11/0512 FOR LISTED BUILDING CONSENT APPLICATION).</p>		
ADDRESS Wierton Place, Wierton Road, Boughton Monchelsea, Maidstone, Kent, ME17 4JW		
RECOMMENDATION: APPROVE subject to signing of S106 Agreement and subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION <p>As set out the report.</p>		
REASON FOR REFERRAL TO COMMITTEE <p>The Development Manager requested that Members defer consideration of the application at Committee on 25th February 2016 for the following reason:</p> <p><i>"It is requested that the above items be withdrawn in order to carry out further investigation into the following issues and to update the Committee reports accordingly:</i></p> <ul style="list-style-type: none"> <i>To enable the Officer to deal in more detail with the comments from The Victorian Society, including a written response from the Conservation Officer.</i> <i>To further investigate issues raised in connection with the Enforcement Notice and Untidy Site Notice for Wierton Place.</i> <i>To fully investigate the comments made in the three representations received this week that object to the proposal."</i> <p>Members agreed to the deferral. It was resolved that:</p> <p><i>"RESOLVED: That agreement be given to the withdrawal of applications 11/0511 and 11/0512 from the agenda to enable consideration to be given to a substantive intervention received from a consultee."</i></p>		
WARD Boughton Monchelsea and Chart Sutton	PARISH/TOWN COUNCIL Boughton Monchelsea	APPLICANT Wierton Place Homes Ltd AGENT Guy Holloway Architects LLP
DECISION DUE DATE 03/07/11	PUBLICITY EXPIRY DATE 03/07/11	OFFICER SITE VISIT DATE Various
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

Planning History:

The site has a significant planning and enforcement history. The relevant history is summarised below:

- MA/11/1806 Listed Building Consent for a permanent memorial plaque - APPROVED SUBJECT TO CONDITIONS

- MA/11/1805 Advertisement Consent for a memorial plaque upon internal gateway plaque - APPROVED SUBJECT TO CONDITIONS
- MA/11/0512 An application for Listed Building Consent for internal alterations and extensions to facilitate the change of use of existing nightclub and apartments to 1 dwelling and 6 apartments, including extensions and internal works; conversion and extension of the existing ball room to 2 dwellings; demolition of existing garage block and erection of 4 terraced properties; conversion and extension of existing glasshouses to 4 dwellings; and the erection of 5 detached dwellings to the north and south of the access track, together with associated access and landscape works – CURRENTLY UNDER CONSIDERATION, REPORTED ON PAPERS.
- MA/01/0093 An application for listed building consent for the erection of garden implement store - APPROVED SUBJECT TO CONDITIONS
- MA/01/0092 Erection of garden implement store - APPROVED SUBJECT TO CONDITIONS
- MA/93/0945 Construction of single storey building comprising garaging and store – REFUSED and Enforcement Notice issued. Allowed at appeal.
- MA/93/0364 Single storey garages and storage extension – REFUSED
- MA/89/1390 Extensions to provide ancillary residential accommodation, external WC, laundry and store rooms - APPROVED SUBJECT TO CONDITIONS
- MA/88/0168 Extension to country club to provide gym, lounge bar, snooker room and store - APPROVED SUBJECT TO CONDITIONS
- MA/77/0056 Conversion into 5 residential units of barn, cottage and stable block - APPROVED SUBJECT TO CONDITIONS
- MA/77/0089 Extension and alteration to form club - APPROVED SUBJECT TO CONDITIONS
- MA/77/0180 The change of use of premises from office and residential use to part private residence, part country club - APPROVED SUBJECT TO CONDITIONS
- MA/76/1195 Erection of double garage - APPROVED SUBJECT TO CONDITIONS
- MA/75/0138 Renewal of permission for conversion of stable block and grooms quarters to dwellinghouse; improvements to cottage; conversion of barn to dwellinghouse - APPROVED SUBJECT TO CONDITIONS
- 72/0089/MK3 Extension to form club – APPROVED
- 71/0180/MK3 The change of use of premises from office and residential use to part private residence, part country club - APPROVED SUBJECT TO CONDITIONS
- 70/0333/MK3 The change of use of premises to part private dwelling, part country club – REFUSED

- 70/0185/MK3 (a) the conversion of stable block and grooms quarters to dwelling house; (b) the carrying out of improvements to cottage; and (c) the conversion of barn to dwellinghouse - APPROVED SUBJECT TO CONDITIONS
- 67/0184/MK3 An outline application for change of use to residential hotel and country club - APPROVED SUBJECT TO CONDITIONS
- ENF/414/3599 – Enforcement Notice for unauthorised change of use of the land for the storage of building materials, plant, machinery, equipment and vehicles for land at Wierton Place.
- Untidy Site Notice – (under ref. ENF/414/3599) for land at Wierton Place Greenhouses.

The application was originally reported to Committee as the proposal is contrary to the Development Plan and the recommendation is contrary to the views of Boughton Monchelsea Parish Council. The complex and sensitive nature of the application, the length of discussions and negotiations and various changes in case officers have resulted in this application and the accompanying application for listed building consent (MA/11/0512) being under consideration for a significant period of time. The applications were on the papers for the Planning Committee meeting held on 14th February 2014, however they were withdrawn from the agenda prior to determination.

Since Summer 2015, ecological information requested by the Kent County Council Biodiversity Officer relating to the presence of bats in the main buildings on the site was provided by the applicant in July 2015. A draft S106 Agreement has also been submitted, which is intended to control the phasing of the development and also ensures that the Greenhouse is repaired before the new housing units are occupied.

The applications were reported back to Committee on 25th February 2016, but were withdrawn from the agenda for the reasons set out at the start of this report. This report has been updated to include:

- Updated views from the Victorian Society;
- Detailed views from the Conservation Officer;
- Issues relating to the Enforcement Notice and Untidy Site Notice for Wierton Place;
- Additional representations received in relation to the report prepared for the 25th February Committee.

Councillor Munford has also requested that the Viability Appraisals be provided to Councillors for confidential viewing under Part 2 of the Agenda.

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is located within the open countryside, approximately 1km to the south of the village of Boughton Monchelsea, which is itself approximately 3 miles from the centre of Maidstone (as the crow flies). The site is located in an area with no specific environmental or economic designations within the adopted Maidstone Local Plan 2000 (MBWLP), however it is within the proposed Greensand Ridge Landscape of Local Value in the emerging Maidstone Regulation 19 Local Plan (MLP). The site is accessed from Wierton Road to the east by a sinuous tree lined single track private drive of some length (approximately 200m). The route access passes through land in the ownership of third parties, and is itself owned by persons who have now been

correctly served with Owners Notices (and the correct Certificate provided to the Local Planning Authority).

- 1.02 On entering the main body of the site, which is irregularly shaped, there are two linear areas of hard surfacing to the north and the south of the access, which appear to have previously been utilised as overflow car parks associated with the former use of Wierton Place as a night club. These areas of hard surfacing are separated from the remainder of the site by two banks of trees that run from north to south within the site.
- 1.03 The main house (Wierton Place itself), which has an existing lawful use as a night club (known as the “Polo Club”) and a number of residential apartments, sits centrally within the application site oriented to face southwards over the Kentish Weald. This building, which was Grade II listed in 2002 along with a small detached garden building to the north west, was constructed in approximately 1857 (although a property has been recorded at the site from circa 1760), and comprises a substantial detached property constructed of red brick in Flemish bond with brick headers, and sandstone dressing, with a Kentish ragstone plinth to the rear. The property has a tiled roof, with large ornate chimney stacks, including four tall clustered stacks to the main part of the building. The historical core of the building is two storey, although it has been previously extended through the addition of a three storey extension to its western end. To the eastern end of the main building is a substantial (single storey flat roofed extension) which formerly housed the ballroom associated with the nightclub. Both of these extensions are believed to date from the Victorian or Edwardian era. To the north of the main building is an area of hard surfacing used for car parking ancillary to the use of Wierton Place, together with areas of landscaping. To the west of the main building, approached through a large arch, is a large block of single storey garages dating from the late twentieth century, which are of no architectural or historic merit. Beyond the garages are a small single storey detached garden building believed to be associated with the main property and built in a similar gothic style. The building is believed to have formerly functioned as an ice house; this building was listed in its own right at the same time as the main building.
- 1.04 To the north of the garage block and ice house, and to the north west of Wierton Place, is a walled garden, which contains original and little altered glasshouses which are Grade II listed in their own right in 1987, and as such were recognised for their highly unusual architecture and quality of construction prior to the main building. These glasshouses are in a state of significant disrepair, however, much of the original hardwood main frame remains intact. Although many of the glass panels have been lost as a result of impact from various objects and precipitation as well as the warping of the original metal louvre system, some remain intact. The building also retains Victorian functional details including floor tiling, work benches and heating systems throughout.
- 1.05 The glasshouses take a linear form, with two wings extending out to the east and west from a central atrium. The wings take an asymmetric form in order to gain maximum growing benefit from the south facing aspect of the building, however the central atrium has a symmetrical layout, projecting forward of the wings, and is significantly greater in height and overall prominence. Architectural continuity is provided by the rear elevation of the building which extends the full width of the wings and atrium.
- 1.06 The glasshouses represent a particularly interesting building, considered to be of significant merit, as recognised by the relative listing statuses of it and the main property within the site – irrespective of its current condition.

- 1.07 The land to the rear of the glasshouses is mainly laid to hard surfacing, although there are some containers within the area, as well as some brick/block constructions that do little to respond to the character of the glasshouses. This part of the site is in an unkempt state, seemingly used for the storage of building materials, together with cars in varying states of disrepair. It is entirely enclosed by the glasshouse building to the south (which it may have originally served as a storage area for gardening), and to the north, east and west by a band of woodland protected under TPO 9 of 1982. Vehicular access to this part of the site is gained via a track which runs to the south and west of the walled garden.
- 1.08 Land levels within the site generally fall from north to south. The northern half of the site, on which the existing and proposed buildings are sited, is approximately level falling to the south, which reflects the underlying geology of the Greensand Ridge. As set out above in paragraph 1.03, the main house overlooks this escarpment, which forms parkland falling away beyond the main garden which has been laid out to the immediate south of the property.
- 1.09 The boundaries of the site are largely defined by fencing of conventional rural construction, supported by mature native hedging. Along the northern boundary of the site is a woodland band protected under the scope of TPO 9 of 1982 to the north of which is a public right of way, the KM120, whilst the eastern boundary of the site is marked by a substantial coniferous hedge on land not within the control of the applicant.
- 1.10 To the west of the gardens and to the south west of the main building are the residential properties “The Old Coach House”, ‘Barn House’ and ‘Weald Barn House’. The closest of these, The Old Coach House, is located approximately 35m to the south of the closest of the additional proposed dwellings.

2.0 PROPOSAL

- 2.01 This is a full planning application for the change of use of the existing nightclub to residential use, the conversion of the glasshouses to residential use, the rationalisation of the existing flatted accommodation, and the construction of new dwellings within the grounds of the listed building, together with enhancements to the landscaping within the site, and the rationalisation of car parking arrangements. The current application is accompanied by an application for listed building consent (MA/11/0512) which seeks listed building consent for those elements of the proposal works which require it.

Number of Residential Units

- 2.02 The table below sets out the existing residential development that already exists on the site, the proposed residential development and the net gain of residential units.

EXISTING AND PROPOSED RESIDENTIAL UNITS – WIERTON PLACE						
	Existing Residential Units	Residential Units to be Removed	Residential Units to be Retained	New Residential Units	Overall Final Total of Residential Units on Site	Net Gain of Residential Units
Flats in the existing three storey addition to Main House	12	6 flats	6 flats retained (Units 4 to 9)	0	6	-6
Bungalow and Garage Block	1	1	0	4 (Units 16 to 19)	4	+3
Main House	1		1 (Unit 3)	0	1	0
Glasshouses	0		0	4 (Units 10 to 13)	4	+4
Conversion of Victorian Ballroom	0		0	2 (Units 1 to 2)	2	+2
Enabling development located on car park area	0		0	5 (Units 20 to 24)	5	+5
TOTAL	14	7	7	15	22	+8

2.03 Overall, the table demonstrates that there are currently 14 residential units on the site. As a total of 22 residential units are proposed on the site, this creates a total net gain or increase of 8 residential units. The amended Master Plan (drawing no. 09.79.101 Rev.E), received on 28th July 2015, identifies the location of all proposed development and labels the unit numbers. A brief breakdown of the proposal is set out below with a more detailed description given of the proposal from paragraph 2.04 onwards:

- The first floor apartment in the main house will remain as one residential unit, but it will be restored to its original Victorian layout incorporating the ground floor and basement that currently has a lawful use as a nightclub. This is labelled as Unit 3 on all the plans.
- There are 12 flats in the existing three storey addition to the main house, which comprise a mixture of one bedroom and studio flats. These will be converted into 6 two bedroom flats, resulting in a reduction in the overall number of flats by 6 units. The remodelled flats are labelled as units 4 to 9.
- The existing bungalow and garage block will be demolished and replaced with 4 new terraced units including the retention of the listed garden building/ice house. The new units will not result in an increase in built footprint compared to the existing garage block. These units are labelled as units 16 to 19.
- The existing Victorian ballroom located on the eastern end of the main house will be converted into two semi-detached dwellings with no increase in footprint. These units are labelled as units 1 and 2.

- The existing listed glasshouses will be repaired, restored and converted to conservatories for 4 new residential units. The workshops to the rear will be demolished and replaced with the main living areas of the new dwellings, resulting in only a marginal increase in footprint. These units are labelled as units 10 to 13.
- New building enabling development of 5 houses is located on the hardsurfaced overflow car park area. These units are labelled units 20 to 24.
- It should be noted that there are no units 14 and 15 due to amendments that have been undertaken to the scheme.
- The demolition of outbuildings, the bungalow and garage will remove 345 sq.m of built footprint. The erection of units 16 to 19 on the site of the garage block will create approximately 397 sq.m of footprint, an overall increase of 52 sq.m.
- The demolition of the modern outbuildings around the glasshouses will remove approximately 692 sq.m of footprint. The new conservatory units will have a footprint of 496 sq.m, resulting in a reduction in built footprint of approximately 196 sq.m.
- The new build enabling development (units 20 to 24) will have a total footprint of 624 sq.m.
- In total, over the entire site, there will be an increase in built footprint of 480sq.m from all the new residential dwellings. The enabling development clearly comprises the main increase in built footprints on the site, with the other parts of the proposal resulting in only a marginal increase in footprint due to the demolition of various buildings that are modern and detract from the setting of the listed buildings on the site.

Detailed Description of Proposal

- 2.04 The proposal for the change of use of the original building forming Wierton Place (the existing night club, exclusive of the later eastern addition forming the ballroom and western addition housing the existing apartments) is for the conversion of this element of the building into a single large property (unit 3), which would contain five large bedrooms at first floor, living areas at ground floor and a cinema/gym within the basement. Access and car parking serving this property would be from the front (north) of the building. The conversion would largely retain and restore the historic layout of the original Victorian building, however a new window would be installed within the side elevation of the main house, on its eastern elevation.
- 2.05 The existing flats within the existing addition to the western elevation of the original property, of which there are twelve, would be remodelled, resulting in six apartments (units 4 – 9 inclusive), two on each floor, a loss of six units within this part of the building. However, rather than the existing cramped one bedroom and studio flats as they are currently, the new apartments would all be more generous two bedroom units, with internal floor areas of between 98m² and 122m². These properties would be accessed via a new glazed shared staircase which would be sited between the oldest part of the house and the more recent three storey addition to its western elevation, and would be recessed back from the main elevation by a minimum of 3m (not considering projecting bays).
- 2.06 The existing 'ballroom' extension at the eastern end of the main building is proposed to be altered to facilitate its conversion into a pair of "semi-detached" dwellings (units 1 and 2). The works proposed would see the retention of the existing walls (aside from an element of the existing 'link' to the main building which would be narrowed), with the introduction of a lightweight, glazed, flat roofed first floor area and terrace

above the existing structure. The first floor extension would be set in from the ground floor walls of the existing building by approximately 1-3metres, allowing the creation of a first floor terrace for occupiers. These properties would each provide three bedrooms at ground floor level, and living accommodation at first floor in order to take maximum enjoyment from the views southward. Access to these properties would be from the front (north) for unit 2 and from the eastern side for unit 1.

- 2.07 The key element of the proposal is the conversion of the existing glasshouses within the north western corner of the application site, which, as set out above in paragraph 1.04 to 1.06 inclusive, were listed in their own right as a building of architectural and historic interest prior to Wierton Place itself. The conversion would include the total refurbishment of the existing glass and steel structure, which would form garden rooms to the proposed dwellings (the “wings”) and a shared communal space (the central atrium), as well as the construction of two storey extensions to the rear of the east and west wings of the building, on the hard surfaced area currently used for informal storage. In total, the conversion of these glasshouses would provide four additional dwellings (units 10 – 13 inclusive), a negotiated reduction of two units in comparison to the scheme as originally proposed, together with a communal space within the central atrium opening out onto the (restored) walled garden, the use of which would also be shared by occupiers. The extensions behind the (refurbished) glasshouses would be flat sedum roofed, so as not to ‘compete’ with the form of the glass house, or to compromise views of the host building, whilst allowing the provision of habitable space. These would be single storey, and timber clad to the rear. Private garden areas and parking spaces would be provided to the rear (north) of these properties, with access gained from a new track that would run between the parking area along the northern boundary of the site and the main access point from Wierton Hill in the western side of the application site; pedestrian access only would be allowed to the walled garden to the south of the properties.
- 2.08 The conversion and refurbishment of the glasshouses, and therefore their retention, are a desirable outcome which will cost a considerable sum to achieve to an adequate standard, bearing in mind the heritage sensitivity of the original building, the (in places) dilapidated state of the historic structure, and the extremely specialised techniques which will be required for the glasshouses to have a realistic use for residential purposes. The residential use enables the glasshouses to be used as conservatories for the dwellings so that they can be preserved with as minimal alterations as possible. There are limited other options for re-use, none of which (including the proposed residential use) would be able to cover the prohibitive cost of the glasshouse restoration together with the restoration of the garden and enclosing wall. As such, enabling development to finance the project is proposed, the details of which are set out below.
- 2.09 It is proposed to demolish the existing residential unit known as the bungalow and the unsightly garage block that is sited to the west of the main building together with the flat roofed structure connecting it to the main building, and to replace it with a detached terrace of four contemporary, two storey flat roof dwellings (units 16 – 19 inclusive), which would retain the attractive, single storey ice house that forms part of the listing as an incorporation into the western-most unit of this terrace via a glazed link. This element would be seen in direct relation to the main building, and as such, is to be constructed at ground floor level of matching brickwork, with the first floor set back, and of a more lightweight, glazed construction, mimicking that of the dwellings proposed in the former ballroom (units 1 and 2). Again, a flat (sedum) roof would be provided, with a significant overhang. This building, which would be significantly smaller in height and overall bulk in comparison to the original building, would sit back from the main frontage of the house and project outwards from the rear so as to

appear more subservient in views from the main central point of the northern part of the site.

- 2.10 The second part of the new build element of the scheme (and the main enabling development) would see the erection of five houses within the eastern end of the application site (units 20 – 24 inclusive), on the land previously used as an overflow parking area. Two of these properties would be located to the north of the main access, and three to the south. These dwellings, which would all be detached and of two storeys in height, providing four bedrooms each, would be of contemporary design, being constructed of brick, render, and timber cladding, and provided with a sedum roof, consistent with the other extensions and new builds proposed. The properties to the north of the main access would be arranged around a parking courtyard with gardens to the north of them, whilst the properties to the south of the access would have a more linear arrangement responsive to the extent of the existing area of hard surfacing. These dwellings would be oriented to present their most open aspects to the west or south, and the interior of the site as a whole.
- 2.11 The two northernmost dwellings of this group would have a shared parking area immediately to the north of the main access to the site, whilst the three to the south would have a shared access which would run southwards along the eastern site boundary.
- 2.12 Each of these properties, whilst having clean lines, would incorporate overhanging elements that would project at first floor level to provide visual articulation as well as enhanced internal and external space above garden level. A minimum of two car parking spaces are proposed for each of these properties.
- 2.13 The position and orientation of these new build properties, and that of the access, have been amended from that originally proposed in order to reduce the impact of the adjacent hedge on future occupiers, improve the spatial relationship between the proposed dwellings, and allow occupiers to benefit from the views to the west and south west.
- 2.14 In addition to the above, existing car parking areas to the north of Wierton House and to the south of the walled garden are to be rationalised and existing areas of landscaping within the central part of the site enlarged and enhanced.
- 2.15 The applicants have agreed that the new properties would be constructed to the equivalent of a minimum of level 4 of the Code for Sustainable Homes (although this matter will now be dealt with under Part L of the Building Regulations). In addition, it has been agreed that ecological enhancements will be incorporated within the development, such as the provision of swift bricks and bat boxes within suitable locations throughout the development. Solar panels are proposed on the roofs of the new four bed houses. The scheme includes details for a sewage and water treatment and suitable conditions have also been imposed relating to this issue.
- 2.16 There are elements of demolition of existing structures within the proposal, which are detailed in drawing numbers 09.79.50 and 09.79.51 rev B. The buildings to be demolished are, in general, poorly constructed twentieth century additions of limited architectural or historic interest, and in some cases are actively detrimental to the character and appearance of Wierton Place as a heritage asset.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework 2012

National Planning Practice Guidance 2014

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV49, T13

Maidstone Borough Local Plan Publication (Regulation 19) Feb 2016: Policy SP17, DM1, DM2, DM3, DM7, DM11, DM12, DM34 and DM41.

Supplementary Planning Documents: Affordable Housing Supplementary Planning Document 2006, Maidstone Landscape Character Assessment 2012, Maidstone Landscape Character Assessment Supplement 2012

Other: Historic England (formerly English Heritage) English Heritage Enabling Development and the Conservation of Significant Places, The Setting of Heritage Assets

4.0 LOCAL REPRESENTATIONS

4.01 Local residents were notified and representations were received from approximately 25 households (some objectors writing more than one letter and also one from a planning consultant employed by local residents). The concerns raised within these letters are summarised below:

- The proposal would result in a significant level of traffic which would be to the detriment of the highway network and residential amenity of the neighbouring occupiers;
- The provision of a single access into and out of the site is unsafe;
- The proposal would result in more noise and disturbance, and smells by virtue of the increase in people living at the site;
- The proposal would have an unacceptable impact upon the setting of the listed building and conservation area;
- There are not sufficient car parking spaces;
- There is insufficient outside space for future residents;
- The proposal would result in an over-intensification of the site, and would not fit in with the historic pattern of development;
- There is insufficient water supply;
- What will happen with the sewerage;
- How will gas be supplied to the dwellings?
- The bat survey was not of sufficient standard;
- The proposed dwellings would be unattractive and out of keeping with the surrounding area;
- It is not clear where the alternative access into the site would be;
- Previous permissions have been declined at this site;
- The proposed materials are unacceptable;
- There would be a doubling of residential units within the hamlet of Wierton;
- The impact upon biodiversity has not been fully considered;
- Inspector's decisions elsewhere within the area have seen new dwellings refused;
- The conversion of the greenhouse would in fact be a new build;
- There are a lack of amenities for future occupiers within the area;
- The proposal would have a detrimental impact upon the setting of the Greensand Ridge;
- This would result in a significant precedent;
- The proposal would be contrary not only to ENV38, but also AH1, ENV34, ENV44, T3, T21 and T23 (not all of these remain in force);
- The proposal would undermine the Council's strategic objectives numbered 1, 2, 3, 5 and 6;

- The proposal would be contrary to policies CC1 and NRM5 of the South East Plan (2009);
- The proposal would be contrary to PPS1, PPS5, PPS7 and PPG13;
- The proposal would result in light pollution to existing residents;
- There would be an unacceptable loss of trees within the site;
- There is a lack of storage space within the development;
- The proposal would result in a loss of privacy to neighbouring occupiers;
- The proposal would impact upon the nearby Special Landscape Area;
- The premises has not been operating as a nightclub for a significant period of time, and as such, the application is misleading;
- The plans are not correct;
- There is poor telephone/internet connection within the locality;
- The business model put forward is out of date;
- There would be an unacceptable impact on an existing, and over-subscribed primary school;
- There is no 'planning gain' being offered as a result of this proposal;
- The proposal would result in an increase in crime in what is at present, a very safe area.

4.02 Following the last set of consultations in July 2015, 10 objection letters were received on the proposal (with some objectors writing more than one letter). The concerns raised are listed below:

- Do not believe that the protection of the heritage assets in their curtilage and minimising impact of any changes has been achieved.
- No attention has been paid to rural landscape and to the quiet and dark nature of the hamlet and surrounding area;
- Enabling builds should appear in the listed building consent;
- Previous withdrawn committee report failed to provide a balanced view;
- Reports should detail the different information and viewpoints of all rather than the viewpoint preferred by officers;
- Essential that officers ensure that their reports provide this balance as well as indicating their advice/reasoning/evidence
- Grade 2 listed greenhouse is clearly being demolished and only a very few aspects will be retained;
- Is not a renovation of this heritage asset but of its destruction and replacement with a modern double glazed copy. It is possible only the metal posts in the orangery will be saved.
- If the heritage asset is now beyond saving, it should be delisted and made safe or most likely removed and no further build should be permitted within the walled garden;
- Is an Enabling Plan needed if not possible to resurrect the glasshouses to any extent?
- As is clear in the NPPF, neglect must not be rewarded. We object strongly to this incorrect application of heritage.
- Treatment of foul water not been addressed;
- Grounds of grand house should be remain open and not split into individual garden spaces, yet indications that there are to be gardens for the terraced houses;
- There must be protection for all mature and significant trees across the whole site;
- Increased risk of Light and Noise pollution;

- Loss of trees will further exacerbate light and noise pollution across the site and across the Weald Valley;
 - Local planning authority should establish that there are access, build and title rights;
 - Valuation Report is no longer valid due to relatively stable building costs and rapidly and substantially improved house prices. Add to this the reduced project costs in not renovating the greenhouse, then massive savings are in place which will have an impact on the need for the level of enabling works proposed.
 - Footprint of terraces have increased and they have delineated garden areas;
 - Believe residential use of Wierton Place is most sustainable, but believe that this is the wrong scheme and should be rejected;
 - Are there sufficient rights of access to enable scheme to go ahead?
 - How will internal changes to layout of terraces be safeguarded:
 - No details relating to drainage:
 - Support change of use, but scale wrong;
 - The value paid for the property could be achieved by changing the existing house back to a single unit and providing a conservation package to the listed glasshouses;
 - The longer the applications drag on, the more the preservation of the glasshouses becomes a lost cause. Council failed in its obligations to ensure that the listed building is maintained;
 - Strongly object to 5 new houses which are unsympathetic to their environment;
 - Inconsistent approach to applications for other listed buildings in area;
 - Not appropriate development alongside 2 listed buildings;
 - Will the greenhouse structure and materials be protected?
 - It is an inappropriate design.
 - Overall number of dwellings is inappropriate.
 - The development is not of a high quality design;
 - It does not contribute to conserving and enhancing natural environment;
 - It does not conserve an important heritage asset;
 - Isolated new homes in the countryside should be avoided;
 - Intrusive development;
 - Increase in amount of tarmac, traffic; noise and disturbance.
- 4.03 Petitions (with over 1,200 signatures) were also received, objecting to this proposal (and to two other proposals) on the basis that it is development in the open countryside. The petition was open for signatures online. No petition was received following the last consultation on the application.
- 4.04 The correct notice was not originally served on the owners of the site access, but this matter has now been resolved with the correct certificate of ownership having been provided to the Local Planning Authority and an Owner's Notice served on the relevant party. The driveway access to Wierton Place does not belong to Wierton Place, but to the adjacent land owners of the Buttercup Goat Sanctuary. However, the Land Registry Titles confirm that Wierton Place does have a legal right of way over the driveway with or without vehicles and also for access for maintenance work to fences, water pipes and electricity wires. The applicant has confirmed that this is for the whole extent of the drive and not just the width of the tarmacked area. The concerns of the adjacent land owner regarding the ownership of the access road is noted, however, the ownership of the access drive is not a planning matter, and as the correct procedure has now been complied with, this does not represent a reason for refusal of the application.

4.05 Since February 2015, 3 further objections have been received on the proposal from neighbours. The concerns raised are listed below:

- Proposal is contrary to local plan, developing local plan and does not meet NPPF requirements.
- No mains drainage. Sewerage, drainage and access are not properly addressed.
- Listed Building Status already applies, but MBC have not enforced it.
- Planned development is out of keeping with existing buildings on Wierton Hill and would create sound and light pollution, particularly with the intended upside down design of houses together with an excessive increase in traffic on narrow lanes.
- No objection to restoration and tasteful development of main house but not with number of enabling properties.
- Support the change of use of the nightclub to 1 dwelling in the main house, the proposed 6 apartments in the 3 storey servants extension adjoined to the main house. These main buildings should be conserved, but the amount of enabling is unjustified in the open countryside and contrary to NPPF guidance: 22 dwellings, 15 of them new build, potentially 44+ cars on narrow approach lanes, potentially 44+ children requiring schooling, all over 1½ miles from the nearest shop and further from available schools, with no public transport beyond an inadequate bus service from Marlpit ¾ mile away. This cannot be judged sustainable, it is all just too much.
- In effect over 20 years of MBC's failure to enforce the basic maintenance of the listed greenhouses is being rewarded by conversion to residential. If conversion is the means to ensure the conservation, it needs to be done with due adherence to NPPF guidance, with due sensitivity to the local community, and to the rural environment immediately surrounding the listed buildings.
- Application is grossly over-size for the site and immediate locale, including a length of the public Greensand Way path: too many residential units, with all the ramifications of noise, light, traffic, unsustainability;
- The architectural design is ill conceived and starkly inappropriate for the character of the local area – and far beyond, as the new development will stand out with clear sight lines from the Weald below once the trees are lopped as proposed:
- The upside down design of the units will create undue artificial light in a residential area currently free of such light pollution;
- Light from solar panels are noise pollution remain issues.
- Structures, such as the garage on the western edge of the site, which should be subject to enforcement as an unapproved building, are instead being used as a basis for new build residential units;
- In summary, the scale of the project is too extensive, and the design of conversion, new build and area layout is too out of character, to be justified as enabling the conservation of the listed buildings. They should be conserved more appropriately. I am convinced further transparency in the financial plan would prove that they could be conserved sustainably at significantly less financial cost, causing much less visual harm, environmental damage and disruptive change to the local community.
- Applications have been presented twice before. In June 2011, MBC received 22 letters of objection from local residents; plus 1200 signatures to a petition where this application was core to the matter; a detailed report coordinated by a local group from a professional advisor; and the professional opinion of the CPRE. None of us

who participated in those earlier detailed objections feel that their main content has been given due respect in the revisions. The current application has made some modifications from the original but these indicated change to the worse; more existing trees removed; bitty gardens breaking up the generous space of the grounds of the main house; a tarmac race track of a circular access road around the numerous new houses to be built. The inappropriateness of the overall design and its affront to NPPF guidance remain main reasons why this project should be paired down radically.

- Sentiment remains unchanged to the proposal and due to its size, it will ruin the unique and beautiful character of the small Hamlet of Weirton.
- Many restrictions are being placed on the development, but these will require significant monitoring and enforcement which will not be easy. Satisfying the conditions could drag out timeframe and result in construction work being carried out over several years.

4.06 A further objection letter was received on 24th February 2016 from a planning consultant representing views of local residents. In summary, he made the following comments:

- Scheme in unsustainable rural location well outside any area identified for new development. Local residents are not opposed to some sympathetic, appropriate development at this site, but proposal is extremely harmful to an unacceptable degree and the so-called benefits are not agreed.
- Contrary to the development plan. Significant part of justification put forward is the current state of the Grade II listed buildings including incursion by unauthorised developments and uses. Rather than taking proper enforcement action to protect the buildings and remove the unauthorised developments officers are supporting replacement with new housing and redevelopment of the site. Appears to be a clear case of rewarding the neglect of listed buildings contrary to government advice (NPPF paragraph 130). No time limit on enforcement action in relation to unlawful works to listed buildings.
- What has been left out of the reports are the fundamental objections of the main statutory consultee for buildings of this era, the Victorian Society (VS). The VS wrote in September 2015 objecting on a number of grounds; not least the unacceptable proposals for the listed greenhouse and the locations of the new houses. The VS consider that there should be far more information to explain these unacceptable developments.
- The Council has had this objection for over four months and they appear to have been simply ignored (they were not even included in the website documents in relation to the planning application and were not attributed to the Victorian Society on the listed building application), either negligence or deliberate concealment. Either way it does not inspire confidence in the way the officers are dealing with this application.
- Legitimate objections of local residents have been summarised as bullet points in a random fashion. Significant number including fundamental points relating to both national and local policies. Many of the objections raised are not dealt with despite the length of the officer report. There is no consideration of the impact on rural amenities, for example, and the concerns relating to light pollution and noise travel are glossed over. There is no mention of the loss of rural jobs. We believe the report is both biased and flawed. There is a 'spin' that makes us highly suspicious.
- The main element that drives the officer to support the application AND to recommend no affordable housing or infrastructure payments (again contrary to

normal policy and practice) is valuation information that is being kept secret. That is not natural justice. It is also a curious approach given that, by and large, the figures are estimates of future building costs and values for dwellings that have yet to be created. The report refers to increasing construction costs but makes no mention of significantly rising values of new housing. In the original submission some figures were made available but the so-called updated figures are not being disclosed.

- If this application is refused, as we believe it should be, that report will have to be made public in any appeal. Residents consider that in the interests of openness, transparency and a proper approach to decision taking the figures should be made available now.
- Parts of report that are available refer to a slowdown in the housing market in 2007-2008; some eight years ago. The housing market is now very different. Selling just one of the new properties could now return more than the price paid for the whole site. The report has not been updated to reflect the situation in 2016.
- Officers state that there is a draft s106. This appears to be a material consideration in the determination of this application and again it is not available for public scrutiny.
- Statutory duty to consider the impact on listed Buildings and their settings. Officers should be aware of this yet there is no mention of the impact on the separately listed garden building (referred to as the Ice House) which will be dominated by the four new terraced houses proposed immediately adjacent to it. Again this is a fundamental flaw in the report that leaves any decision wide open to challenge.
- Report draws attention to the number of existing dwellings and compares this to the proposal. In fact what is being proposed is the replacement of small substandard apartments within the existing structure, with substantial new detached dwellings in the open countryside in an unsustainable location. Members will know that this is completely contrary to the development plan.
- The report appears to make light of the amount of new building; citing the amount of demolition. Much of what is being demolished is of 20th century construction built either with or without planning permission. Other demolition includes older parts of listed buildings.
- There is fundamental disagreement that the proposals represent a high quality of design.
- Officers fail to point out that the developers' own Conservation Architect assesses the development and lists the following adverse effects:
 - *The addition to the ballroom and insertion of new window openings;
 - *The installation of en-suite bathrooms within bedrooms; blocking up doorways; and division of the ground floor of the main building;
 - *The removal of an arch and undercroft; and the extension of a stairwell in the three storey element;
 - *The construction of the four new houses adjacent to the greenhouse; the subdivision of the greenhouse; the demolition of outhouses; the insertion of additional doors and the subdivision of the adjacent garden;
 - *The replacement of the garage with four new dwellings; and the subdivision of the garden of the Manor;
 - *The linking of the garden house as an extension to the new build houses; and
 - *The construction of 5 new houses in the grounds of the property.
- The Conservation Architect lists just three beneficial effects (two minor, one moderate). Significantly he does not say that the developments would preserve or enhance the character or appearance of the listed buildings.
- It is pointed out, in relation to the Grade II listed conservatory building, when viewed from the Greensand Way long distance footpath there will be entirely new terraced houses. In both footprint and volume the new building will be both taller (than most parts of the existing) and larger than the conservatory element. Some of the buildings

to be removed are unlawful additions to the listed building now being used as justification for new dwellings. In the 'Visual Impact' section of the report the officers have ignored the view from the Greensand Way and fail to include any assessment.

- The so-called restoration of the greenhouse includes new glazing and joinery. What exactly is retained?
- The very attractive, separately listed, garden house will be totally dominated by the four new terraced houses proposed to be built immediately alongside it, with, as noted above, no assessment of the impact in the officer report whatsoever. No one else would be permitted to knock down a 20th century garage in the countryside and replace it with four houses on an increased footprint; let alone immediately alongside a Grade II listed building. The Victorian Society object to this location.
- The ballroom building (itself a previous extension) will have a glass box added to the roof completely contrary to the character and appearance of the main house destroying the 'garden wall' concept referred to by the Conservation Architect. As noted, even the developers own assessor identifies that as an adverse effect. It is another element specifically objected to by the Victorian Society.
- In paragraph 7.10 of the planning application report, it says the glasshouse element is "supported" by Historic England (HE). However, at paragraphs 5.10 and 5.11 it says that HE merely 'raise no objection'. That is a long way from actual support and a distortion which demonstrates the unsatisfactory approach of the officer report.
- As part of the so-called enabling development, five totally new dwellings will be dumped on the approach to the main house, again in a design that is out of character and will severely detract from the setting of the listed building; again an adverse impact according to the developers' Conservation Architect.
- We can only repeat that there are solid grounds for refusal and the apparent justification for the multiple departures from the policy is being kept secret from the public. These reports do not properly assess the objections to this development.
- There is no obstacle to refusing both the application for planning permission and that for listed building consent at the meeting. The developers will have the right of appeal. On the other hand, if permission and consent are granted on the basis of these reports there are a number of grounds for challenge. Local residents believe such a decision would be unsound.

4.06 CPRE Kent objected to the proposal on the following grounds:

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

5.0 CONSULTATIONS

Environmental Health Officer

- 5.01 The Environmental Health Officer recommended approval for the scheme, subject to the imposition of a contamination condition. This has been imposed, with Phase 1 relating to a preliminary risk assessment and site investigation already submitted as part of this application. The Environmental Health Officer considered that the Phase 1 document could be approved, but with the verification conditions requiring to be discharged as part of the contamination condition.

KCC Development Investment

- 5.02 KCC have commented on the issue of contributions towards school and other service expansions from the development. They state that *“from our assessment of the site, there would appear to be 22 new dwellings being created, however there are 14 existing dwellings on the site. This leaves a net of just 8 new homes”*. They conclude that *“we will not be pursuing any contributions from this site”*.

District Valuer

- 5.03 Maidstone Borough Council Housing and Community Services requested that if the applicants are to make a case for social housing to be excluded from this site, they would need to submit a viability appraisal which demonstrates that the scheme would not be viable with the inclusion of affordable housing. The applicant's submitted a Viability Report and the District Valuer was appointed by Maidstone Borough Council to assess the proposal.
- 5.04 The District Valuer reported that construction costs have increased for the proposal. This results in the scheme being on the margins of viability with the proposed enabling development. It would appear that it needs the proposed development to provide the applicant with an appropriate level of return for their risk, but equally it does not require more enabling development than proposed. As a result, the District Valuer, MBC and KCC all accept that no affordable housing provision or other contribution will be sought in connection with this development. The enabling nature of the development is required due to the significantly high development costs associated with the repair and refurbishment of both the listed main house and the unique and independently listed glasshouses.
- 5.05 The final District Valuer's report on the Assessment of Viability Appraisal for Wierton Place was issued in April 2015. Therefore, this report is still considered to be relevant and up to date.

KCC Biodiversity Officer

- 5.06 The KCC Biodiversity Officer has commented that sufficient information has been submitted to determine the application. It is recommended that the implementation of the precautionary mitigation set out in the bat survey reports are carried out as part of the conditions of the planning permission.

Environment Agency

- 5.07 The Environment Agency commented that they “assessed this application as having a low environmental risk”, therefore, they have no comments to make.

Parish Council

- 5.08 Boughton Monchelsea Parish Council wish to see the application refused and reported to Planning Committee in the event of a recommendation for approval, making the following detailed comments in 2011:

*‘The Boughton Monchelsea Parish Council would like to see the above application(s) **REFUSED** because:*

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

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

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

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

Adverse Effect on Special Landscape Area and the Greensand Way. The development would be inappropriate within the Special Landscape Area of the Greensand Ridge. It would be visible both from the internationally renowned Greensand Way, so as to affect adversely the enjoyment of those using it, and also from the Weald to the south. Inevitably, the development would be lit and would also be visible by night.

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

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

Other Matters:

The development would require the removal of trees with Tree Preservation Orders (ref TPO number 9 of 1982, file reference 406/105/13).

There is no quota of affordable housing within the proposed development. The Borough Council has not acted for many years on enforcement of the Victorian greenhouses. As detailed above, the preservation of the greenhouses does not justify the implementation of the remainder of the development.'

5.09 The following comments were received in response to a reconsultation in 2014:

"The Parish Council would like to comment on the amended applications as follows :

- 1. We recognise that a residential solution for this site is appropriate however we need full visibility of the associated viability reports. We understand that these are now being released however we have yet to receive copies*
- 2. The comprehensive refurbishment of the existing greenhouses is incongruous with the existing listed buildings*
- 3. Although the most recent proposal contains two fewer properties, the total number of bedrooms in the development has only been reduced by two. The overall square meterage of new development appears to have actually increased.*
- 4. The increase in area of hardstanding is excessive and causes concern regarding surface water run off".*

5.10 Most recently, the following comments were received in 2015 following a further reconsultation on amendments to the scheme and additional information:

"The Parish Council's original objections also still stand.

The applications were discussed and the following items were noted, the overall development had been reduced by two bedrooms from the original application. It was also noted that the glass houses are no longer incurring costs as they are gradually being demolished, this forms part of the listed building.

For the enabling work to take place the viability study is now out of date and should be carried out again. The scheme has changed in cost of development as house prices have increased since the original application was submitted and this would be the reason for a new viability study. There seems to be a difference between applications 11/0511 and 11/0512 as they both do not seem to include the 5 bedroom detached dwelling.

It was also noted that this should be taken into consideration when making any decision Wierton Place sits right in the middle of the Greensand Ridge and this is an area of special value.

Members asked the Conservation Department to thoroughly investigate the existing trees on the site as some appear to have been removed. On the west side it seems that ground cover and hedgerows will need to be removed to allow enabling works and housing to take place.

The members stated that this is not a sustainable location to put the number of units in the application. There will also be high level light shining across the Weald. It is not accessible for public transport. The members would also like to see confirmation from the Environment Agency on Sewage, surface water etc.

The member would also like to see a full construction statement carried out on the site and it is a must that all construction traffic should come from the north.

The design is inappropriate for this Grade II Listed Building. The very contemporary design of the 5 new dwelling houses is damaging within a Heritage site.

The Parish Council would like to see the application refused on the above grounds and on their previous comments made which are added below for your information.

RESOLVED: all members present would like to see the application refused".

Historic England

- 5.11 Historic England raise no objection to the proposal subject to the enabling development being suitably scrutinised and controlled, making the following detailed comments (summary only):

“Wierton Place is a small country house dating from 1760, but substantially remodeled in the late nineteenth century. It is now listed at grade II, along with various associated garden buildings, including a kitchen garden wall and large greenhouses. English Heritage does not object in principle to enabling development as a means of securing the future of this group of assets that has fallen into disrepair. However, we are unable to identify from the applicant’s valuation report and appraisal what the conservation deficit is in this case, and therefore what quantum of development is necessary to address that deficit.

English Heritage recommends that planning permission should therefore only be granted if your Council is able to satisfy itself that the quantum of enabling development proposed is the minimum necessary to secure the future of the designated heritage assets in the Wierton Place estate and that the benefits of securing a positive future for those assets outweigh any disbenefits associated with the scheme. In the event of planning permission being granted, those benefits should be legally and enforceably tied to implementation of the enabling development.”

- 5.12 In order to ensure that Historic England still raise no objection to the proposals, the Officer from Historic England was approached for further comments on the scheme. The Officer confirmed in writing on 1st April 2016 that Historic England is:

1. satisfied with the principle of the enabling development, subject to the District Valuer agreeing that the proposed enabling development is the minimum necessary to secure the future of the listed buildings.
2. satisfied with the location of the enabling development and its design.
3. content to defer to your Council’s conservation officer’s advice on the detailed proposals for conversion of the main house and glasshouses.

- 5.13 The District Valuer’s report on the viability of the scheme has confirmed that the proposed enabling development is the minimum necessary and a S106 Legal Agreement is proposed to ensure that the enabling development is tied to the work. The comments from the Conservation Officer below set out a response on the detailed proposals for the conversion of the main house and glasshouses.

Conservation Officer

- 5.14 The Conservation was fully involved by the Case Officers in discussions with English Heritage over the course of the application. Following various amendments to the scheme and submission of joinery details, he raises no objection to the proposed development, subject to the imposition of suitable conditions relating to an appropriate programme of building recording and analysis, a programme of repairs to all the listed structures, large scale details relating to the main house, outbuildings and garden wall and samples of materials required on the listed buildings.
- 5.15 The Conservation Officer was formally re-consulted on the proposals on 10th March 2016 and had the following detailed comments:

“Wierton Place is a large country house whose core dates from the 18th century but which was re-cased and significantly extended in 1857 and 1899 in neo-Jacobean style. From the late 1960s/ early 1970s the house was used as a country club/ nightclub, but this use ceased a few years ago since when the house has been vacant. During the time it was in use as club premises a number of staff flats were created within the service wing with little regard to the historic layout. The house was not listed until 2002.

Within the grounds and attached to the wall of a large walled garden is an impressive conservatory which is listed in its own right (and was listed prior to the main house in 1987). This building has been vacant and deteriorating for the best part of 30 years and is desperately in need of a new use to secure its future.

In terms of the re-use of these listed buildings I am satisfied that there is a significant conservation deficit, not least because of the condition of the conservatory. Detailed costings have now been submitted for repair works and both the District Valuer and Historic England are satisfied that the enabling development proposed is necessary and the minimum required to produce a financially viable scheme.

In terms of the proposed alterations to the main house, the proposal to return the original part of the building to a single dwelling is to be welcomed as being the best possible use for the building. The proposals will result in some beneficial changes and whilst other alterations such as the insertion of en suite facilities to bedrooms will cause some harm by sub-dividing rooms it is intended to mitigate this by stopping partitioning short so that the full height and extent of the original rooms can still be appreciated. Within the service wing the previous conversion works to form staff flats has already compromised the original layout, and the changes now proposed will result in a less intensive use and no further harm in my view. The provision of a new entrance building in the form of a glazed box of frankly modern appearance, inserted between two wings of the service range is, in my view, an appropriate solution which will not compete architecturally with the original buildings.

The “ballroom” is partly formed by a single storey Victorian billiard room to which was added a large flat-roofed extension to form a ballroom for the club. This large extension (unlike the billiard room) is of no significance and indeed it can be said to detract from the setting of the main house (it was added prior to listing). The proposal to convert this wing to 2 dwellings ensures the preservation of the billiard room with its fine neo-Jacobean fittings. The addition of an upper storey will, in my view, have little additional impact on the setting of the listed building and the more domestic appearance will go some way to softening the impact of the presently rather severe building.

The garage block to be demolished is a late 20th Century building of no merit which detracts from the setting of the main house and the conservatory. In my view its replacement with a block of new houses in an interesting modern style is acceptable and will not result in any additional harm to the setting of the listed buildings. I consider that the glazed link to the separately listed ice house is appropriate and will not harm significance.

The conservatory is to be incorporated into 4 new dwellings built to the rear of the garden wall which backs on to it, replacing non-descript and unattractive buildings. Whilst I accept that ideally the conservatory should be kept as a stand-alone building, for it to survive it must have a viable use. In my view the modern style dwellings proposed to the rear are acceptable in their impact and the sub-division of the conservatory is on an architecturally logical basis. The impressive central pavilion is

to be retained as a communal feature (this appears to be the original mid 19th Century building, the wings being of late Victorian/ Edwardian date).

The other new dwellings proposed will be sited to the east of the main house, on areas formerly used as car parks for the nightclub which are fairly well-screened by trees from the main house. Again an interesting modern design is proposed which although entirely different from the listed building I consider to be appropriate in the context.

In conclusion, I consider that the proposals in totality will cause some harm to significance; the level of harm would be less than substantial and this needs therefore to be weighed against any public benefit in accordance with the advice in the NPPF. Apart from the provision of new housing, I consider that substantial weight should be given to the re-use/ restoration of the listed buildings which have been problematic for a considerable period.

Recommendation

- *I RAISE NO OBJECTION to this application on heritage grounds subject to conditions re samples of materials, joinery details, the submission for approval of a detailed schedule of repairs for the main house and the conservatory, removal of all PD rights, landscaping, archaeological watching brief (to cover both works to the existing buildings and groundworks in connection with the new-build units) and the provision of large scale details of the new glazed entrance building and its interface with the existing service wing. We also need to ensure that the restoration/ conversion works to the listed buildings preferably take place at an early stage and before first occupation of the new units”.*

KCC Senior Archaeological Officer

- 5.16 KCC's Senior Archaeological Officer recommends the following conditions to be imposed on any forthcoming consent:

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

Reason: To ensure that features of historic landscape and garden history interest are properly examined and recorded”.

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

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

“No development shall take place until details of foundations designs and any other proposals involving below ground excavation have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure due regard is had to the preservation in situ of important archaeological (including garden history) remains”.

Highway Officer

- 5.17 The Highway Officer stated that “having considered the development proposals and the effect on the highway network, raise no objection on behalf of the Highway Authority”

MBC Arboricultural Officer

- 5.18 The Arboricultural Officer has raised no objection to the proposal subject to the imposition of conditions. The conditions imposed include a landscaping scheme, which should include a long term management plan, safeguarding of trees during construction in accordance with the Lloyd Bore Tree Protection Plan and the Arboricultural Impact Assessment received on 24th July 2015.

The Victorian Society

- 5.19 The Victorian Society first commented on the proposal in November 2015. This response was originally missed, but is now set out below:

“We object to the application in its current form, which is lacking important information and would be harmful to the significance of the heritage assets. An options appraisal and conservation management plan should have been submitted with the proposals, considering the scale of the site and number of designated buildings involved. We accept the need for the reuse and redevelopment of this site and welcome efforts to retain historic fabric. However, it is considered that there are changes which should be made to the enabling developments so that they better serve the listed buildings and historic landscape. Information is somewhat lacking on the latter, which might have been used to better inform the scheme. The application correctly identifies the greenhouse as being remarkable for its type – there are indeed very few remaining of this size and in the presence of their associated country house. The proposed conversion is therefore unacceptable; a greenhouse could never sensitively accommodate residential use and such an exceptional building ought to be conserved. Placing mews houses inside the greenhouse would destroy it, turning it into a caricature of what it once was. Subdividing the space so intensely would result in not only a considerable loss of historic fabric, but also a sense of the building’s purpose. Glasshouses, particularly one of this size, are supposed to be large, open spaces – this characteristic would be entirely lost. We urge that this magnificent example of a dwindling building type is restored to its external and internal formal grandeur. The principle of demolishing outbuildings to the rear of the greenhouse is acceptable; the six dwellings could be located on the site of these buildings, not inside the greenhouse. This might be used as a communal conservatory in its entirety, which the new buildings would face onto. There should not be other enabling development around the main house – surely this would be better located elsewhere. A clear options appraisal would have been particularly informative in this respect. If the principle element of the house is to revert it to a single, five bedroom dwelling, the desirability of the property will be somewhat diminished by the density of the other residential properties. A better solution may be to relocate the mews properties (units 16-19) which are proposed on the site of the garages. By demolishing the garages and not putting new buildings in their place, the house (and listed garden building) would be better revealed. The mews should be located closer to the site boundary, or, the enabling development in the strip (units 20-24) should be increased in density, where it is well shielded by trees. The same principle applied to the ballroom conversion – rather than enlarging this already considerable an unsightly addition, the loss of the proposed dwellings could be made up elsewhere. The large part of the ballroom dating from 1972 would be

better demolished, again allowing the architecturally impressive and nationally important house to stand unimpeded by later additions.

We therefore recommend that consent for this application is refused.”

- 5.20 The Victorian Society comments appeared to contain a number of inaccuracies and misunderstanding about the proposal. The comments refer to the scheme for 6 dwellings adjacent to the glasshouses rather than the amended 4 dwellings. The amended scheme reduces the number of dwellings and provides for the main central area of the glasshouses to be communal. The Victorian Society was consulted on 5th August 2014, after the scheme was amended to 4 dwellings on 2nd July 2014. They were re-consulted again in March 2016 to enable them to comment further on the scheme. They made the following comments:

“We maintain our objection to the scheme and urge you to consider the points raised in our previous letter.

The conversion of the glass house is the most contentious element of the application and we are not at all convinced that the proposals present an acceptable solution. Given that is such a striking example of a dwindling building type, there really needs to be more justification and more detailed contextual information about the glasshouse and other comparable examples, in order to understand its rarity and whether this is indeed the building’s optimum viable use. Paragraph 131 of the NPPF refers to ‘the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation’ – clearly the harm caused by the conversion of the glasshouse to residential use does not make it consistent with its conservation, which should be given ‘great weight’. Finding a commercial use for the building is likely to result in a far less harmful intervention as the space is unlikely to need much subdivision, if any.

One such comparable example might be the nearby Walled Nursery at Tongswood, Kent (Grade II, Mid to late C19) which is also of a similar date, on the Heritage at Risk Register and also the subject of a current planning application (16/501397/LBC with Tunbridge Wells Borough Council). The works concern a complete restoration of a large glass house and the applicant notes that they are likely to have the site upgraded to Grade II - this illustrates an appropriate treatment of a Listed Building and also just how important the glasshouse at Wierton potentially is (it is already considered nationally important)”.*

6.0 BACKGROUND PAPERS AND PLANS

- 6.01 The proposal is shown on drawing numbers D132799/1 rev 2, D132799/2, D132799/3, D132799/8 rev 1, D132799/9 rev 1, D132799/10, D132799/11 and D132799/12 received 31st March 2011; drawing numbers 09.79.50, 09.79.51 rev B, 09.79.104 Rev B, 09.79.105 Rev A, 09.79.106 Rev B, 09.79.107 Rev B, 09.79.108 Rev B, 09.79.109 Rev A, 09.79.111 rev A, 09.79.112 rev A, 09.79.113 Rev B, 09.79.114 Rev B, 09.79.115 Rev B, 09.79.125, 2082_DR_001-A, 2082_DR_002-A, received 25th June 2014; drawing numbers WM/Joinery/01, WM/Joinery/02, WM/Joinery/03, WM/Joinery/04, WM/Joinery/05, WM/Joinery/06, WM/Joinery/07, WM/Joinery/08, WM/Joinery/09 and WM/Joinery/10 all received 7th July 2015; drawing numbers 09.79.110 Rev B and 09.79.116 rev B received 8th September 2014; drawing number 09.79.101 rev E received 23rd July 2015; drawing numbers

2082_DR_001 rev B and 2082_DR_002 rev B received 24th July 2015; drawing numbers 09.79.117 rev A, 09.79.118 rev A, 09.79.119 rev A, 09.79.120 rev A, 09.79.121 rev A, 09.79.122 and 09.79.123 received 28th July 2015.

Supported by a Bat Survey Report (ref 6037/SBTG dated 5th September 2011) received 7th October 2011; Conservation Statement (dated June 2014), Design and Access Statement, Draft S106 agreement; Supplementary Arboricultural Impact Assessment (ref 2082_RP_002 dated 29th April 2014), Update Bat Survey Report (ref 6037/4687/SBTG dated 11th June 2014) received 25th June 2014; and Bat Activity Survey Report (dated 20th July 2015) received 20th July 2015; and an Arboricultural Impact Assessment (ref 2082_RP_001 date 24th July 2015) received 24th July 2015.

- 6.02 In addition, details relating to the viability of the scheme have been provided, and commented on by the District Valuer. These documents are confidential as they contain commercially sensitive financial information. Since then, a more detailed breakdown of the figures has been provided so as to leave no doubt as to the costings for the proposal. A Unilateral Undertaking is proposed to control the phasing of the works on the site and to ensure that the Listed Greenhouse is repaired to the satisfaction of the Local Planning Authority prior to the occupation of any of the new residential units.

7.0 APPRAISAL

Principle of Development

- 7.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The application site is located within the open countryside where there is a presumption against allowing new residential development, in the interests of sustainability, and impact upon the character and appearance of the countryside.
- 7.02 To this effect, Maidstone Borough Wide Local Plan (2000) Policy ENV28 restricts development within the countryside to a small number of criteria. Residential development – without links to agriculture - does not constitute one of these uses.
- 7.03 Advice set out within the National Planning Policy Framework (herein referred to as the NPPF) states (Para. 47) that Councils should:
- ‘identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.’*
- 7.04 The NPPF provides a clear definition of ‘deliverable’. This states that:
- ‘To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable.’*
- 7.05 The NPPF also refers to a Council’s position when there is a lack of a 5 year supply:
- ‘Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should*

not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.'

- 7.06 Maidstone Borough Council is currently not in the position of being able to demonstrate a five year housing land supply. The Maidstone Borough Local Plan – Publication (Regulation 19) was out for consultation from 5th February to 18th March 2016. The submission to the Inspectorate is now being prepared and is expected to be on 20th May 2016. Although not an adopted Local Plan document, it does now carry some limited weight as a material consideration in determining planning applications. However, its draft housing supply figures do not begin to count until May 2016 when the Plan is submitted to the Secretary of State. Until that date, the Council is still unable to demonstrate a five year housing supply and any decisions should be made on that basis.
- 7.07 Policy SP17 of the emerging Regulation 19 Local Plan is the Countryside policy that will largely replace ENV28. It is still a restraint policy with regard to development in the countryside, restricting development to agriculture, forestry, winning of minerals, open air recreation and such other exceptions. It also states in paragraph 8 of Policy SP17 that natural and historic assets will protected from damage. In this instance, it is put forward that the proposal will assist in protecting and preserving the listed buildings in the long term. Policy DM3 of the emerging Local Plan requires new development to protect and enhance the historic environment and to provide for the long term maintenance and management of all heritage assets, which this application is also considered to do. Paragraph 131 of the NPPF requires authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Paragraph 132 of the NPPF advises that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. Substantial harm to or loss of a grade II listed building should be exceptional. Paragraph 134 goes onto state that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 7.08 Clearly, whilst the Council has a shortfall in housing provision, this does not make any site within the Borough acceptable for housing. Whether applying the adopted or emerging Local Plan policies, matters such as visual harm, sustainability and highway safety (amongst others) continue to be an important consideration for any proposal. As such, the Council still has to weigh up the harm caused against the need demonstrated. In this instance the main issue is whether the overall benefits of bringing back the listed structures into use, and the housing need, outweigh the relatively remote location of the application site, i.e. its sustainability.
- 7.09 The site is located within the open countryside, and positioned off a narrow country lane (Wierton Road) which is not provided with footpaths on either side. The site is not located upon a bus route (although these do run along Heath Road) and is not in close proximity to any railway station. I am aware of a previous recommendation which found this location to be sustainable on the basis that it is “within a short drive of the local primary [and secondary] school, and shop”, however I disagree with this conclusion; to my mind, occupiers would inevitably be reliant on private vehicles for transport to basic services and facilities by virtue of the distances involved and the fact that the walk to the nearest village of Boughton Monchelsea would prove difficult at any time but particularly of an evening, by virtue of the lack of lighting and pedestrian footpaths.
- 7.10 However, the unsustainable location of the site for residential development is outweighed by the heritage benefits that would accrue from the development, and in

particular the change of use and associated restoration of glasshouses which might otherwise be lost. Historic England are satisfied with the location and design of the enabling development. The new build elements of the proposal have been put forward as enabling development to finance the considerable costs of the works to restore and convert the existing buildings, which in the case of the glasshouses are extremely likely to continue to deteriorate if not converted to residential use. Viability documentation has been provided in support of the application, which has been scrutinised by the District Valuer. This evidence is not based on figures in 2007 and 2008 as referred to in third party representations. House prices were based on figures for both 2013 and 2014 and the District Valuer's final report on the Valuations was produced in April 2015. It confirmed that the development would not exceed that what would be required to undertake the required works to an appropriate standard. The margins, however, are such that no contributions will be being sought in respect of affordable housing or social/transport infrastructure, in accordance with the finding of the District Valuer. Documentation relating to financial viability is attached to Part 2 of this Report. This information is confidential as it contains sensitive financial information.

- 7.11 It is important to note that the site already has a mixed lawful use for fourteen residential units and a nightclub, uses which themselves would generate significant vehicle movements and associated activities.

Visual Impact/Architectural Quality

- 7.12 As the site lies within the open countryside, the grounds of a listed building, and with land to the south being identified as being of Special Landscape Importance (SLA) – although the application site falls completely outside of this designation (Members will be aware that the emerging Regulation 19 Local Plan proposes to extend this designation to include the proposal site within the Landscape of Local Value. The site is served by a private drive, which has substantial tree planting on either side, restricting views into and out of it. Likewise, to the north of the site is a significant level of tree planting, which restricts views in. The existing building is prominent, being of two and three storey in height, and of a substantial scale. As such, it can be seen from the wider area, in particular from the south, where land levels fall.
- 7.13 The existing Grade II property and glasshouses are of significant historical and architectural interest, and their setting must therefore be protected, and where possible enhanced through any development being proposed. This proposal does see the erection of a significant level of development around the main building, including some alterations to it, as well as substantial extensions to the glasshouses and the introduction of new dwellings on the approach to the listed buildings. A key consideration is therefore whether the proposal is sympathetic to the listed buildings and their setting.
- 7.14 In terms of the alterations to the main building itself, I consider that the proposal would ensure a high quality of design. As stated by the Conservation Officer, the proposal to return the original part of the building to a single dwelling is to be welcomed as being the best possible use for the building. The proposals will result in some beneficial changes and whilst other alterations such as the insertion of en suite facilities to bedrooms will cause some harm by sub-dividing rooms. However, it is intended to mitigate this by stopping partitioning short so that the full height and extent of the original rooms can still be appreciated. Within the service wing the previous conversion works to form staff flats has already compromised the original layout, and the changes now proposed will result in a less intensive use and no further harm in the Conservation's Officers view. The glazed section that would sit centrally would provide a contemporary and lightweight appearance to the structure. At present, it is my opinion that the relationship between the original structure and the

existing modern extensions to the east jars, with the materials and proportions of the addition being at odds with those of the original building. The proposal would provide a division between these two elements that would enhance the appearance of the building through the introduction of a visual separation between them, providing a cleaner 'break'. The Conservation Officer has commented that this is an appropriate solution that would not compete architecturally with the original buildings. Therefore, I consider that this is to the benefit of the existing building. Overall, the proposal enables the conservation of many heritage assets within the main building and the less intensive use of the service wing. Some alterations are considered to cause limited harm to the listed building, but the limited harm or loss will enable the conversion of the listed building to its original use and will secure its long term future.

- 7.15 The proposal includes alterations to the existing 'ball room' which would include a more substantial link to the main house. It is partly formed by a single storey Victorian billiard room to which was added a large flat-roofed extension to form a ballroom for the club. A significant level of discussion has taken place with regards to this element, as there was concern that this would prove overbearing on the main house. However, the plans as submitted are now shown to utilise much of the existing structure, whilst creating a new point of access into the building, with demolition of a small element. Furthermore, the Conservation Officer comments that it ensures the preservation of the original billiard room with its fine neo-Jacobean fittings. The upper storey will have little additional impact on the setting of the listed building and the more domestic appearance will go some way to softening the impact of the presently rather severe building. The Victorian Society commented that the ballroom is a 1972 addition, which would be better demolished. However, as the structure includes the original billiard room and part of the ballroom incorporates the original stables, the retention and conversion of this building is considered to be the preferred option. It also avoids erecting additional enabling development elsewhere on the site and increasing the footprint of new development on the site as a whole. Subject to suitable materials being used, and a bond that matches the existing structures, this is part of the proposal is now considered to be satisfactory and acceptable.
- 7.16 The demolition of the existing garage block and bungalow, and the erection of a row of terraced properties to the west of the main house (opposite the entrance to the greenhouses) would, I consider, enhance the setting of the main building. The garage block that is to be demolished for units 16-19 is a lawful building that was approved with conditions at appeal on 3rd August 1994. The existing garage is of a significant scale, with a high and dominant roof form and poor quality design and appearance, and is to my mind harmful in relation to the main house. Its loss, and replacement with a well designed row of residential properties, lighter in appearance and of an articulated design, less dominant in bulk, would create more visual interest that would respond positively to the appearance of the remainder of the development. The proposals would be low slung, and would be provided with a sedum roof which would provide an overhang of the first floor. This would provide a delicate feature that would provide a suitable 'top' to the structure. The design would respond to that of the dwellings proposed to the former ballroom to the eastern end of the building and provide balance. It is considered that the proposed new dwellings will be much less dominant over the listed ice house than the existing, bulky garage. The attractive, single storey ice house is to be incorporated into the western-most unit of this terrace via a glazed link. This will ensure that one side elevation and then both the front and rear elevations remain unaltered, with only minor alterations to one

flank wall and the roof where the glazed link connects. It will bring the building back into active use ensuring a viable future, with its original form and design still retained. The applicant is seeking to retain the hardstanding to the front, albeit, in a more formalised manner, which again I consider to respond to the setting of the building (front gardens etc. would appear as overly domestic in this setting, and it is important that these buildings remain subordinate in both appearance and function).

- 7.17 The Victorian Society commented in November 2015 that the principal element of the proposal is to revert the house back to a single five bedroom dwelling and that the desirability of this proposal is somewhat diminished by the density of the other residential properties, such as units 16-19. However, this fails to acknowledge the existing three storey staff accommodation attached to the house, located between the main house and units 16-19. This staff accommodation already contains 12 flats and is proposed to be reduced to six flats. The main original house is not detached, being enclosed by the flats to the west and the ballroom to the east. The position of the mews buildings (units 16-19) have been carefully designed to be located on the position of the existing modern garage block and are considered to be a more sympathetic replacement. To move these units nearer to the enabling development, as suggested by the Victorian Society, would increase the density of the development on this part of the site when it has been carefully designed to reflect the rural character of the area. Historic England and the Conservation Officer are satisfied with the location and the design of the mews buildings. Therefore, for the reasons set out above, the replacement of the garage block and bungalow with a row of terraced properties is considered to be acceptable in terms of design, scale, appearance, siting and density.
- 7.18 With regard to the proposed new build dwellings to the eastern side of the application site, these would be relatively detached from the main house, however they would form part of the context and would be visible in the approach to the main buildings. Careful consideration has been given to the design of these properties, to ensure that they appear as subordinate to the main building, and to not appear overbearing as one enters the application site. The properties to the north of the access are designed in such a way as to create a small courtyard, albeit of a contemporary form. The provision of a brick wall, with overhanging elements, and contemporary glazing would result in a well proportioned, and subtle building at this point of access. It is considered that neither of these buildings would have a negative impact upon the setting of the listed buildings, by virtue of their location, scale and design. Also external finish material will be of high quality.
- 7.19 This would also be the case with the properties located to the south of the access, at the eastern end of the application site. The buildings would have a similar 'low slung' design that would provide a horizontal emphasis, and which would also respond to the small change in land levels at this point – the land falls gently to the south. Views of these properties would be limited from outside of the application site due to the level of vegetation that is both within, and adjacent to the properties' boundaries. Again, I consider the architecture of these properties to be of a high standard, with the relatively simple form, punctuated by projecting and recessed elements, and high standard finished materials.
- 7.20 With regard to the refurbishment of the glasshouses, I strongly consider that this is one of the major benefits of this planning application. The glasshouses are a particularly attractive, and relatively unusual, feature within the grounds of this property, and are independently listed in their own right. However, in recent years

there has been serious neglect of this building, and as a result, they are now in a state of disrepair, and without a viable commercial use, would be likely to be lost should works not be undertaken within the short to medium term. That said; they remain listed, and as such, any works proposed should ensure that their form and elements of architectural interest are protected and retained. In addition, as stated by paragraph 130 of the NPPF, the deteriorated state of a heritage asset should not be taken into account in any decision. However, the NPPF goes on to state in paragraph 131 that LPA's should take into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Only a viable re-use of the glasshouses can ensure the long term survival of this historic building, regardless of their current condition.

- 7.21 As stated by the Conservation Officer, the retention of the Glasshouses in their original form would be the ideal, but the building must have a viable use to survive. The building is too large to be used as a communal facility in its entirety and no alternative uses would provide the necessary funding for its long term preservation. The impressive central pavilion is to be retained as a communal feature (this appears to be the original mid 19th Century buildings, the wings being of late Victorian/Edwardian date). This proposal would see the form of the front elevations of the buildings retained, and the unsightly rear elevations removed, and replaced with a more subordinate, and simple form. The sub-division of the glasshouses is on an architecturally logical basis. The proposed additions to the rear would be low set and despite the "punching through" of openings in the original rear brick wall to the glasshouses to allow movement between the existing and proposed structures, would not be prominent in key views from the south. Whilst the character of the buildings would undoubtedly change, by virtue of the domestic paraphernalia both within and outside of the buildings, I do not consider that this would be so substantial as to be to the detriment of their fabric, nor overall form. It should be noted that the number of dwellings proposed to be created from the glasshouses has been reduced from six to four, which would allow a lesser extent of built form to be added, better proportions to the dwellings, and increased separation between this element of the scheme and the trees protected under TPO 9 of 1982. The access to this part of the scheme has also been redesigned to go to the north of the site in order to provide distance between it and the occupiers of existing residential properties to the south west.
- 7.22 I would emphasise that the proposal is securing the repair and restoration of the glasshouses. They are not to be demolished or rebuilt as a new structure, which is a comment that has been raised in many objection letters. The repair and restoration will be a detailed and costly process, but it will result in the long term preservation of the building for future generations. This is a major benefit and gain that will result from this application. It will provide a viable use for the glasshouses, which will ensure their long term survival. To just repair them and not provide an alternative use would not provide suitable protection for them in the long term.
- 7.23 The Victorian Society's original comments in November 2015 were based on the misunderstanding that there would be 6 mews houses and that they were to be placed inside the greenhouse and that this would destroy it. Indeed, placing houses inside the glasshouses would not be acceptable. It should be noted that this is **not** the case, the proposed units are adjacent to the glasshouses on the position of the demolished outbuildings, which the Victorian Society actually states to be acceptable in their first comments: "the six dwellings could be located on the site of these buildings, not inside the greenhouse". The Victorian Society commented that the

glasshouses would be better retained as a communal conservatory in its entirety, possibly with the mews houses facing them. However, it is important to note that the glasshouses are not one large open structure that would readily accommodate such a 'communal' use. They are already subdivided and this has been utilised within the design of the scheme to provide conservatories to the 4 mews houses with one central communal area. This design has received the support of Historic England and the Conservation Officer.

- 7.24 The Victorian's Society latest comments in March 2016 are based on the conversion of the glasshouses to 4 dwellings. They still maintain many of their original objections to the scheme and comment that the conversion of the glasshouses is the most contentious element of the application. The Society is not convinced that their conversion to residential is consistent with its conservation and that finding a commercial use for the building would be likely to result in a far less harmful intervention as the space is unlikely to need much subdivision, if any. It has been stated in the previous paragraph that as you walk through the glasshouses, they are actually not one large open area, they are already sub-divided. By maintaining the main, domed central area as communal, it is considered that the main feature of the glasshouse is retained at the same time as protecting its long term future with a viable use.
- 7.25 An options appraisal was submitted with the proposals as part of the viability reports. The proposals were found to be the only viable re-use of the buildings and that the scheme was on the margins of viability with the proposed enabling development (see paragraph 7.49 of the Committee report). As a result, it is considered that the development is the minimum necessary to ensure that all the existing listed buildings are repaired and restored to an appropriate standard and to a use that will ensure their long term protection. Not many commercial uses would be able to make use of glasshouses and no commercial use would be able to provide the necessary finance to repair and maintain the glasshouses to the required standard.
- 7.26 The Victorian Society refers to Walled Nursery at Tongwood, near Hawkhurst (Grade II, Mid to late C19) as a comparable example. The works concern a complete restoration of a large glasshouse under reference 16/501397/LBC. Having researched the application, its description is for Listed Building Consent to provide a temporary polycarbonate covering over Vinery for a period of 5 years and deconstruction of Carnation House pending reconstruction. This was approved in February 2016. Therefore, there is no change of use involved in this proposal, it is continuing an existing horticultural use and involves the actual removal (albeit temporary) of the Carnation House.
- 7.27 Upon investigation, the Walled Nursery site (which until more recently was known as Tongwood Gardens) is a very large nursery site containing 13 large glasshouses, extensive cold frames, walled gardens and large grounds. As an example, the Melon House is 100 foot long and there are also similar sized Carnation House, Cucumber House, Peach House and Fruit House. There is also a Vinery and large gardens, all with an extensive horticultural history. Clearly the Walled Nursery is on a substantially greater scale than Wierton Place and is capable of actually operating as

a nursery with its associated walled gardens and land. It originally provided for the whole of the Tongswood Estate. Wierton Place glasshouses are much smaller, are subdivided, have only a small walled garden area and have never been used for such intensive horticultural purposes and nor could they support such a use. They were built only to serve Wierton Place, not a large estate or a horticultural business. As a result, it is difficult to provide a direct comparison between the current applications for Wierton and those at Tongswood. It is interesting to note that at Tongswood there are cottages and storehouses attached to the rear of the garden walls with glasshouses on the opposite side of the wall. It is considered that the design utilised by the 4 proposed mews houses for Wierton Place actually replicates this historic feature of utilitarian buildings being sited immediately adjacent to the gardeners cottage. As a result, the example of Tongswood provides some useful examples of how cottages and brick stores have historically been attached to glasshouses and walled gardens in the past. Therefore, this current application for Wierton Place is a unique and interesting use of design that has some historical associations, whilst also ensuring a new use that will preserve the glasshouses and require minimal internal alterations. The glasshouses will only be used as conservatories and will not be used as habitable rooms of the dwellings, such as kitchen, lounge etc.

- 7.28 The design of the proposals for the new residential units at the glasshouses and also the enabling development are all low slung to minimise their visual impact, not only in connection with the listed buildings on the site, but also on the surrounding landscape. The new development has been located within areas surrounded by tree cover, which it is proposed to be retained. The use of sedum roofs also reduces visual impact and blends the buildings into the landscape. The most dominant feature on the site will remain the listed main house and its adjacent three storey servant wing. Overall, it is considered that the site is well screened and this combined with the design of the new buildings would limit any long distance views on the adjacent SLA and the proposed Landscape of Local Value.
- 7.29 The Conservation Officer concluded his comments by stating *"I consider that the proposals in totality will cause some harm to significance; the level of harm would be less than substantial and this needs therefore to be weighed against any public benefit in accordance with the advice in the NPPF. Apart from the provision of new housing, I consider that substantial weight should be given to the re-use/ restoration of the listed buildings which have been problematic for a considerable period"*. Historic England were consulted on all the revised plans for the scheme and have been consulted again in March 2016 to confirm their views. They have stated that they are satisfied with the location of the enabling development and its design and are also content to defer to the Council's conservation officer's advice on the detailed proposals for conversion of the main house and glasshouses. Overall, therefore, I consider the conversion works proposed to be of a very high quality of design. The works that are proposed to the listed buildings would, to my mind, enhance their appearance – particularly the glasshouses. In addition, the new build elements, whilst contemporary in design, would very much complement the existing buildings, whilst not competing with them. The site is well screened from long distance views, with much of the new development proposed within areas surrounded by tree cover which it is proposed to be retained. For these reasons, I do not consider that the proposal would cause any harm to the longer distance views into the application site and the development to be of an appropriately high quality of design. It is considered that the proposal is also in accordance with paragraph 131 of the NPPF, which refers to 'the desirability of sustaining and enhancing the significance of heritage assets and

putting them to viable uses consistent with their conservation'. I therefore raise no objections on these grounds.

Residential Amenity

- 7.30 The application site is a significant distance away from any existing residential properties, and there is existing substantial boundary treatment, and landscape buffers. As such, I do not consider that the proposal would result in any significant overlooking or overshadowing of these properties.
- 7.31 The new properties that would be erected closest to the nearest existing property would not have any windows that would overlook this property, nor would there be any new boundary enclosures erected. As such, I do not consider that there would be any significant impact upon these residents in terms of overlooking, or the creation of a sense of enclosure. It has been raised that the proposal would result in an over-intensification of the site and that it would result in a doubling of residential units within the hamlet of Wierton. This is misleading as there are approximately 47 existing properties within Wierton and the proposal is for an increase of 8, which relates to 17%. Overall, the site is 3.77 hectares and on average there would be 0.42 acres per residential unit. The communal grounds will create a sense of space and I consider that the development will not feel cramped, intensive or overdeveloped.
- 7.32 The nightclub has full planning permission and a premises licence for a maximum of 350 people. As such, the proposal would not generate a significantly greater level of traffic movements beyond the level generated by the current lawful use. Within the site, there will be more activity on the northern side of the application site, but this would be bound by the buildings to the south and is some considerable distance away from the nearest residents. Furthermore, any vehicle movements are also more likely to be within 'normal' times associated with residential use, rather than the late night hours associated with the nightclub use that are far more likely to cause noise disturbance to local residents, not just on the access road and adjacent to the site, but also along the roads leading to the main road. Any other general noise and disturbance generated by an additional 8 residential properties is also considered to be minimal and also needs to be compared to the use of the site as a nightclub for 350 patrons. As such, I do not consider that there would be an unacceptable level of noise and disturbance generated by these proposals.
- 7.33 The Environmental Health Officer has raised no objection to the proposal on the grounds of noise or light pollution. The upside down design of Units 16 to 19 (in the position of the existing and lawful garage block that is to be demolished) will not be out of keeping with the adjacent flats, which already contain main kitchen and living areas on the upper floors of Wierton Place. There would be an increase in lighting within the site, due to the additional new properties, and increased fenestration within the existing buildings. However, with the existing buildings already being of a substantial scale – and provided with large amounts of glazing, together with the existing lawful use of the site – that of nightclub which will cease as part of this proposal – I do not consider that this proposal would result in an unacceptable level of light pollution, or disturbance to the existing neighbouring occupiers. A condition is recommended seeking details of any external lighting to be submitted for approval by LPA.
- 7.34 For these reasons it is considered that the application is acceptable in terms of impact on residential amenity.

Highways

- 7.35 Kent County Council Highways Services have raised no objection to this proposal. The site is served by an existing access which would not be altered as a result of this proposal. This access road is relatively narrow, and speeds are restricted by the nature of its width, and also the speed bumps already in place. The access into and out of the site, on to Wierton Road has a low ragstone wall on either side, which provides for suitable visibility splays.
- 7.36 The existing lawful use of this site is for residential (with 14 existing units) as well as a lawful nightclub use with a Premises Licence for 350 patrons. As such, it is not considered that the proposed only residential use would generate a significantly greater level of traffic movements beyond the present level generated by the current lawful use.
- 7.37 In terms of the level of parking within the site, this is considered to be sufficient for a development of this scale. In any event, should parking take place upon the internal access roads, as this is a no-through road, I do not consider that this would give rise to any highway safety concerns.
- 7.38 For these reasons it is considered that the application is acceptable in terms of highway safety.

Landscaping

- 7.39 The proposal would not result in significant alterations to the landscaping within the application site. The majority of the existing trees are to be retained, in accordance with the submitted Lloyd Bore tree report. Of the trees that would be removed, it is proposed that replacement planting be provided. The landscaping masterplan proposes new tree planting, hedgerows, and herb gardens within the application site, which also takes into account the historic landscape of Wierton Place.
- 7.40 Within the area for the 'new development' the trees on each flank of the area are to be retained, maintaining a sense of enclosure. Any additional planting here would be restricted to individual garden areas. It is noted, that these areas are currently covered in hardstanding, and as such, the provision of such gardens would be an overall gain to the site.
- 7.41 A number of the new build properties would also be provided with sedum roofs, which would again benefit the scheme in terms of ecology, as well as benefiting visual impact.
- 7.42 Overall, it is considered that the loss of some of the trees on the site is outweighed by the new proposed landscaping and also the enabling development that will assist in the restoration and repair of the listed buildings on the site and also the restoration and maintenance of the historic gardens. The Landscape Officer has raised no objection to the proposal, subject to the imposition of suitable conditions.
- 7.43 For these reasons it is considered that the application is acceptable in terms of impact upon the landscape of the locality, subject to the imposition of suitable conditions.

Enforcement Matters

- 7.44 An Enforcement Notice and Untidy Site Notice were issued by the Council on 9th December 1999 (ref. ENF/414/3599). The applicant was contacted by the Enforcement Officer in September 2011 regarding these issues. The Enforcement Notice required that the change of use of the land to use for the storage of building materials, plant, machinery, equipment and vehicles and all buildings materials,

plant, machinery and equipment be removed. From examination of photographs taken at the time, the open area in front of the greenhouses was used for extensive storage of vehicles, tractors and building materials. The agent confirmed on 21st October 2011 that this part of the Enforcement Notice had been complied with and the use of the land for this purpose appears to have ceased. Indeed, most of this area is now clear and the only building materials that remain are those that are being used in connection with the repair and maintenance of Wierton Place.

- 7.45 The Enforcement Notice also referred to the demolition of four structures within the walled garden area of the glasshouses. Two of the buildings referred to do not now exist and the two buildings on the western boundary of the walled garden had evidence of bats and therefore no further works were carried out on these buildings so as not to contravene the legislation relating to the protection of Bats. As the current applications had already been submitted, the agent confirmed that the Ecology Report prepared by Betts Ecology as part of the proposals would address this issue. Indeed, the report has confirmed that the buildings are not used or occupied by bats and so their demolition can proceed. It was intended that they be demolished as part of the Phase 1 works for the glasshouses. It is important to note that no unlawful buildings are proposed to be converted as part of this scheme.
- 7.46 The Untidy Site Notice required works to be undertaken on land at and surrounding modern outbuildings, the glasshouses and the walled garden area. The following steps were required:
1. Remove all vegetation that is escaping from within the greenhouses.
 2. Clean up all woodwork.
 3. Repair all defective timber, matching detail of existing timber.
 4. Replace all glass panes that are missing.
 5. Paint all wood work in white paint.
 6. Brush down and repaint all guttering and downpipes.
 7. Replace all sections of missing guttering and downpipes.
 8. Repair all flashing.
 9. Remove corrugated tin sheeting from the roof and walls of the rear of the central pavilion, as shown on the attached photograph, and replace with original roof and window panes.
 10. Remove all rubbish, rubble, dumped and derelict items from the land; including pipes, metal boxes, kerb stones, pallets, derelict cars, vans, items of plant, plastic sheeting, white goods.
- 7.47 Step 10 was mostly been complied with due to the walled garden area being almost entirely clear of building materials, plant, equipment, machinery and vehicles. There is some maintenance plant, equipment and materials stacked up against the inside of the front wall, but this is being used in connection with ongoing repair and maintenance. It is noted that a derelict, rusty vehicle remains to the rear of the modern outbuildings. This is contrary to the Untidy Site Notice, but once again the applicant had been intending to clear this area when the outbuildings were demolished as part of the current proposals as the vehicle is not fit to be driven. If planning permission is not granted, then action can be taken to ensure that the vehicle is removed as part of Step 10.
- 7.48 When the current Case Officer visited the site in November 2015, all vegetation had been cleared from the inside of the glasshouses in accordance with step 1 of the

Untidy Site Notice. However, the Greenhouse is still in disrepair contrary to the Untidy Site Notice, however, research through the old Enforcement files has revealed that even in May 2000, a letter from the then Director of Development Services confirmed that *"the cost of the necessary works is considerable"*. This is why the applicant investigated an alternative, viable use for the site that would provide sufficient funds for the repair and restoration of the Glasshouses and the long term maintenance.

- 7.49 Once the applications for the change of use of the glasshouses were submitted, any Enforcement was not actively pursued as the proposals addressed many of the remaining issues of the Untidy Site Notice. The repair of the glasshouses set out under steps 2 to 9 are all proposed to be included as part of the phase 1 work for the proposals. Even just the repair of the glasshouses will involve significant costs due to the size of the structure, hence the need for enabling development set out in the applications. Some comments have been made that the granting of any permission would be a 'reward' for neglect of the glasshouses. However, only clearance works and basic repairs and maintenance can be undertaken without a viable use to provide funding. A viable, long term use needs to be found for the glasshouses to ensure their preservation into the future. The enabling development is important to providing for the conversion, repair, restoration and long term maintenance of all the listed buildings on the site, including the glasshouses that are listed in their own right. Up until now, no previous use of the site has ever provided a viable use for the glasshouses and it is considered that this scheme will ensure the repair, restoration and long term maintenance of the listed glasshouses.

Other Matters

- 7.50 The applicants have submitted viability appraisals that demonstrate that the cost of this development would result in no contributions being made available for affordable housing provision, or for contributions towards other infrastructure. These assessments have been independently verified. Whilst the provision of infrastructure is a strong material consideration for developments of this scale, to my mind, the overriding benefits of this development towards the protection and preservation of the listed building, and in particular the greenhouses, are considered justification for departing from this requirement. It has been accepted by the District Valuer that with increasing construction costs, the scheme is on the margins of viability with the proposed enabling development. It is the minimum necessary to ensure that the existing listed buildings are repaired and restored to an appropriate standard and to a use that will ensure their long term protection. Please refer to Part 2 of the Agenda for the confidential Valuation Reports.
- 7.51 A breakdown of the number of existing and proposed housing units on the site is set out in paragraphs 2.02 and 2.03 of this report. It is noted that the overall increase in residential units would be 8. Much of the residential development is provided through the conversion of the existing buildings and will not result in any increase in footprint. For example, units 1 to 9 relating to the conversion of the main house and ballroom, and new build units 16-19 located on the position of the existing garage block will result in an increase of just 52 sq.m in built footprint. Units 10 to 13 relate to the conversion of the glasshouses and the new build element of these dwellings are mostly located in the position of the existing workshop and storage buildings and actually results in a reduction of 196 sq.m. in built footprint. Units 20 to 22 will have a built footprint of approximately 624 sq.m. In total, however, over the entire site, there will be a net increase in built footprint of 480sq.m from the all the new residential dwellings.

- 7.52 The enabling development clearly comprises the main increase in built footprint on the site, with the other parts of the proposal resulting in a reduction due to the demolition of various modern buildings that detract from the setting of the listed buildings on the site. It is considered that this on balance the proposed increase in built form is acceptable to ensure that the scheme deliver long term protection of these heritage assets. Any reduction in the amount of enabling development would result in the scheme not being viable and thus prejudice long term preservation and protection of these listed buildings.
- 7.53 A Section 106 will be required to be completed prior to the grant of planning permission. The main Heads of Terms has been set out in the officer recommendation below. The legal agreement will split the development into phases with the occupation of the respective dwellings only being permitted once the works on that phase have been completed. In particular, the document focuses on ensuring that all restoration and repair of the main house, the glasshouses and the garden wall have been completed to the satisfaction of the local planning authority prior to the occupation of any of the converted or new residential units (units 1-2, 10-13 and 16-24). As there are existing dwellings within the main house, the proposed residential units within Wierton House itself, units 3 – 9, will be able to be occupied once the works to the main house are complete. This will then assist in the funding of the remaining works on the site. It should be particularly highlighted that no new residential units can be occupied until the glasshouses have been repaired and restored to the satisfaction of the Local Planning Authority as this was an issue of concern raised by local residents. It is also proposed that the legal agreement includes a Management Plan to identify how the long term maintenance of communal areas of the listed buildings and the gardens will be provided for.
- 7.54 Concern has been raised over the loss of rural jobs. However, although the nightclub use is lawful and can be restarted at any time, it has been struggling over the years due to its location away from the town centre. It has now not been operating for some considerable period of time and so is not contributing towards rural jobs. The original viability appraisals submitted with the scheme set out the different uses that the site could be used for. However, none on them, including the existing nightclub, would provide sufficient funds to provide for the long term maintenance and repair of all of the listed buildings on the site and this is the crux of the issue: the importance of providing a long term, viable use for the listed buildings.
- 7.55 It is considered that the provision of new dwellings on the site would be likely to have some positive impact on the rural economy through an increase in demand for services and facilities associated with residential use. As there are only 8 new units this contribution will be limited. Due to the marginal viability of the scheme, no contributions have been requested towards schools or other services. New residents will be likely to drive to local services and facilities. It has previously been discussed in this report that the site is not in a sustainable location. However, the unsustainable location of the site for residential development needs to be balanced against the existing nightclub use. It is considered the unsustainable location is outweighed by the removal of the nightclub use and by the existing heritage benefits that would accrue from the development, and in particular the change of use and associated restoration of glasshouses.
- 7.56 In terms of the impact upon ecology, a bat assessment has been submitted with the application, that concludes that whilst the proposal would result in the loss of potential habitat, being an existing garage, suitable mitigation could be provided on site. Should this be built prior to the loss of the existing garage, the proposal would not result in the loss of any significant habitat, although, it is requested that some additional enhancements be made to the landscaping that would enhance the habitat within the grounds of the building. For these reasons it is considered that the

application is acceptable in terms of impact upon biodiversity, subject to the imposition of suitable conditions.

Conclusion

- 8.01 Whilst the application site lies within the open countryside, where new residential development is ordinarily resisted, due to the fact that the Council does not have a five year land supply and, more importantly, because the proposal would have significant benefits in terms of enhancing both the setting of the listed house and bringing the listed greenhouses back into good condition, I consider that there is justification for departing from the Development Plan in accordance with national planning policy and guidance. The application has been advertised as a departure to the Local Plan.
- 8.02 In conjunction with the Conservation Officer, I consider that the proposals in toto will cause some harm to significance; the level of harm would be less than substantial and this needs therefore to be weighed against any public benefit in accordance with the advice in the NPPF. Apart from the provision of new housing, I consider that substantial weight should be given to the re-use/ restoration of the listed buildings which have been problematic for a considerable period. The applicants have submitted a thorough application, that demonstrates that a very high standard of design would be achieved within the site, and this is, in part the justification for allowing such a development. This is not a site where 'standard' house types would be acceptable as 'enabling' development. The enabling development is important to provide for the conversion, repair, restoration and long term maintenance of all the listed buildings on the site, including the glasshouses that are listed in their own right. Up until now, no previous use of the site has ever provided a viable use for the glasshouses and this scheme will ensure the repair, restoration and long term maintenance of the listed glasshouses.
- 8.03 Careful consideration has been given to the quality of the architecture proposed. It is considered that these proposals would not result in any significant visual harm to the locality. Indeed, I consider that the proposal would result in an enhancement of the setting of the buildings due to the works to take place to the listed structures. This is a key consideration in the determination of the applications.
- 8.04 There are no highway objections to this proposal, and I do not consider that there would be any significant impact upon the amenity of the existing residents close to the application site. It is considered that the unsustainable location of the site for residential development is outweighed by the removal of the nightclub use from the centre of this residential hamlet.
- 8.05 The viability work that has been carried out demonstrates that there is no scope for the provision affordable housing, or other developer contributions to be made as part of this development. It is essential that a long term, viable use be found for the glasshouses to ensure their future preservation.
- 8.06 The terms of a s106 legal agreement will ensure that the new residential units cannot be occupied until the restoration and repair of the main house, the glasshouses and the garden wall have been completed to the satisfaction of the local planning authority.
- 8.07 It is for this reason that I recommend that delegated powers be granted to the Head of Planning and Development to approve these applications, subject to the signing of S106 Legal Agreement and subject to the conditions set out below.

9.0 RECOMMENDATION – Grant Subject to a section 106 legal agreement and the following conditions:

The Head of Planning be given DELEGATED POWERS TO GRANT permission subject to the conditions and informatives set out below and subject to the prior completion of a Section 106 legal agreement in such terms as the Head of Legal Services may advise to secure the following:

- 1) The development is to be dealt with in phases and the Owner agrees that occupation of the respective dwellings can only take place once the works on that phase have been completed in accordance with the planning permission and the works carried out in accordance with the schedules of works set out in respect of the greenhouse/glasshouses and the main House to the satisfaction of the Council.
- 2) Phase 1 must be completed before any occupation of the new dwellings.
- 3) Phase 3 must be completed before any occupation of any dwellings included in Phases 4 or 5.
- 4) For the avoidance of doubt all phases can be developed contemporaneously but occupation of the respective dwellings may only occur in accordance with the above.
- 5) The Phases are as follows:

Phase 1

Demolition of out buildings currently used for industrial works and construction of the new greenhouse homes to the north of the greenhouse. Restoration of the greenhouse and garden wall. No occupation of units 10-13 inclusive until such time as the repair works have been completed.

Phase 2

Demolition of the garage and bungalow, and replacement with new-build terraced block consisting of four houses. No occupation of units 16-19 inclusive until such time as the works in Phase 1 have been completed.

Phase 3

Restoration and repair of the main house and adjoining additions. Units 3-9 inclusive. No occupation of the house and adjoining additions until these repair works have been completed.

For clarification until the works on Phase 3 are completed none of these obligations will prevent the occupation of the existing main house and flats in the extension to the house.

Phase 4

Conversion of the ballroom to two houses. Units 1-2 inclusive. No occupation until Phase 1 and Phase 3 works have been completed.

Phase 5

The enabling development of five houses Units 20-24 inclusive. No occupation until Phases 1, 2, 3 and 4 have been completed.

- 6) The Second Schedule shall set out a full method statement for the repair and restoration for the glasshouses.

- 7) The Third Schedule shall set out a full method statement for the repair and restoration of the main House.
- 8) A management plan should be set out to ensure the long term maintenance and repair of the communal areas of the listed buildings and gardens at Wierton Place.

CONDITIONS

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

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

- (2) The development shall not commence until details of foul water drainage have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall be carried out and maintained thereafter in strict accordance with the approved details;

Reason: In the interest of pollution and flood prevention.

- (3) The development hereby permitted shall not commence until a detailed sustainable surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to the Local Planning Authority and approved in writing in consultation with the Lead Local Flood Authority.

The drainage details submitted to the Local Planning Authority shall:

- Include details of all sustainable drainage features; and
- Specify a timetable for implementation; and
- Provide a long term management and maintenance plan for the lifetime of the development which shall specify the responsibilities of each party for the implementation of the SUDS scheme and any other arrangements to secure the operation of the scheme throughout its lifetime; and
- Provide relevant manufacturers details on all SUDS features.

The development shall be carried out in accordance with the approved details and maintained thereafter unless with the agreement in writing of the Local Planning Authority;

Reason: To reduce the impact of flooding on the proposed development and prevent any impact from the development on surface water storage and flood, and future occupiers.

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

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

- (5) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic landscape survey and assessment in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of historic landscape and garden history interest are properly examined and recorded.

- (6) No development shall take place until details of foundations designs and any other proposals involving below ground excavation have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure due regard is had to the preservation in situ of important archaeological (including garden history) remains.

- (7) No development, including demolition of existing structures, shall take place until a programme of building recording and analysis (the "Programme") of the main building, the glasshouses and the garden building/ice house has been submitted to and approved in writing by the Local Planning Authority. The Programme shall include a written scheme of investigation, which shall be implemented in full in the implementation of the planning permission. The resulting report shall be submitted to the Local Planning Authority, the Historic Environment Record held by Kent County Council and the Maidstone Museum before first occupation of the development hereby permitted;

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

- (8) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a high quality appearance to the development and safeguard the fabric, appearance, character and setting of listed buildings.

- (9) No development shall take place until details (in the form of large scale drawings and samples as appropriate) have been submitted to and approved in writing by the Local Planning Authority in respect of the following:

Main House

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

Outbuildings and works to the garden walls

- (i) Samples of materials, including sample panels of brickwork, stonework and re pointing; and
- (ii) Internal and external joinery details at an appropriate scale (all windows to be timber) except for joinery to existing glasshouse building which shall be undertaken in

accordance with drawings WM/Joinery/01,WM/Joinery/02, WM/Joinery/03, WM/Joinery/04, WM/Joinery/05, WM/Joinery/06, WM/Joinery/07, WM/Joinery/08, WM/Joinery/09 and WM/Joinery/10 all received 7th July 2015 ; and; and

(iii) Window details at an appropriate scale; and

(iv) Repair schedules for the walls; and

(v) Details of windows, eaves, ridges, doors and door surrounds, bands, plinth mouldings and quoins; and

(vi) The details and design of any gates proposed.

The development shall thereafter be undertaken in accordance with the subsequently approved details except as agreed in writing by the Local Planning Authority;

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

- (10) No development shall take place until samples and details of the surface treatment of all hardstandings, courtyards, pathways driveways and access ways of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a high quality appearance to the development and safeguard the fabric, appearance, character and setting of listed buildings and the historic gardens.

- (11) The development hereby permitted shall not commence until a programme of repairs to the main house, glasshouses, garden building/ice house and garden wall have been submitted to and approved in writing by the Local Planning Authority in consultation with Historic England and the development shall thereafter be undertaken in full accordance with the approved details;

Reason: To ensure that the fabric, appearance, character and setting of the heritage assets is preserved.

- (12) No dwelling units within the grounds of Wierton Place hereby permitted (excluding the 7 approved units within the main house) shall be occupied until such time as the restoration works to the glasshouses have been completed to the satisfaction of the Local Planning Authority and that such approval has been given in writing;

Reason: To ensure that the fabric, appearance, character and setting of the heritage assets is preserved and to safeguard against the introduction of new residential development in an unsustainable rural location for which the justification is that it represents enabling development to ensure the survival of heritage assets which may otherwise be lost.

- (13) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of those to be removed and retained, together with a programme for the approved scheme's implementation and long term management.

The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment (Linton Greensand Ridge landscape type) 2012 and Landscape Character Assessment Supplement 2012. The landscape scheme shall include the following, inter alia:

The retention of all trees and hedges identified as such in the Arboricultural Impact Assessment (ref 2082_RP_001 date 24th July 2015) received 24th July 2015; and
The provision of cordwood greater than 150mm in diameter arising from tree clearance retained and stacked safely within landscaped areas and other appropriate features of biodiversity enhancement; and
The retention and where appropriate enhancement of existing tree lines; and
The use of a range of native flowering and berry bearing species of trees; and
Areas of grassland to be managed as rough grassland;

The implementation and long term management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned, domestic gardens.

The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details over the period specified;

Reason: To safeguard existing trees and hedges to be retained, ensure a satisfactory appearance to the development and a high quality of design, safeguard and enhance the character, appearance and setting of heritage assets, and enhance biodiversity assets.

- (14) The development hereby permitted shall be undertaken in full accordance with the Loyd Bore Tree Protection Plan shown on drawing numbers 2082_DR_001 rev B and 2082_DR_002 rev B received 24th July 2015 and detailed in Arboricultural Impact Assessment (ref 2082_RP_001 date 24th July 2015) received 24th July 2015;

Reason: To safeguard existing trees and hedges to be retained, ensure a satisfactory appearance to the development and a high quality of design, and safeguard and enhance the character, appearance and setting of heritage assets.

- (15) The planting, seeding and turfing specified in the approved landscape details shall be carried out during the first planting season (October to February) following first occupation of the development hereby permitted. Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of the development, die or become so seriously damaged or diseased that their long term health 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: To safeguard existing trees and hedges to be retained, ensure a satisfactory appearance to the development and a high quality of design, and safeguard and enhance the character, appearance and setting of heritage assets.

- (16) No tree identified as being retained as identified in drawing numbers 2082_DR_001 rev B and 2082_DR_002 rev B or the Arboricultural Impact Assessment (ref 2082_RP_001 date 24th July 2015) received 24th July 2015 shall be cut down, uprooted or destroyed, or topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. If any retained tree is removed, uprooted or destroyed or dies, a replacement tree shall be planted and that tree shall be of such size and species, and shall be planted at such time and in a position to be agreed with the Local Planning Authority, as may be specified in writing by the Local Planning Authority;

Reason: To safeguard existing trees and hedges to be retained, ensure a satisfactory appearance to the development and a high quality of design, and safeguard and enhance the character, appearance and setting of heritage assets.

- (17) 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 highway and pedestrian safety.

- (18) Prior to the commencement of the development, details of all fencing, walling and other boundary treatments including gates, together with any vehicle barriers to be erected within the site shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the development and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and a high quality of design, safeguard and enhance the character, appearance and setting of heritage assets and to safeguard the enjoyment of their properties by existing and prospective occupiers.

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

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

- (20) The development shall not commence until, details of the colour of the external finish of the new build dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The approved colour scheme shall be fully implemented before the first occupation of the buildings and thereafter maintained;

Reason: To ensure a satisfactory appearance to the development and a high quality of design, and safeguard and enhance the character, appearance and setting of heritage assets and to safeguard the enjoyment of their properties by existing and prospective occupiers.

- (21) No external lighting shall be placed or erected within the site without the prior written approval of the Local Planning Authority. Any submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and minimise effects on fauna including bats. The development shall thereafter be carried out and retained in accordance with the subsequently approved details;

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

- (22) The development shall be carried out in strict accordance with the Bat Survey Report (ref 6037/SBTG dated 5th September 2011) received 7th October 2011; Update Bat Survey Report (ref 6037/4687/SBTG dated 11th June 2014) received 25th June 2014; and Bat Activity Survey Report (dated 20th July 2015) received 20th July 2015 with the mitigation proposed (which shall include the provision of a bat roost within the main building, bat tubes incorporated in to the fabric of new buildings and bat boxes within the grounds attached to suitable trees) provided prior to occupation of the development hereby permitted and thereafter maintained;

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

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

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

- (24) No external meter cupboards, vents, or flues shall be installed on any external elevation without the prior agreement in writing of the Local Planning Authority;

Reason: To secure a high standard of design.

- (25) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Class(es) A, B, C, D, E, F, G and H, Part 2 Class A and Part 16 to that Order shall be carried out without the permission of the Local Planning Authority;

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

- (26) The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority;

(a) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment set out in the approved Phase 1 Land Contamination Assessment by Ecologica, received on 16th October 2015. This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency actions.

(b) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in (a). This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Any changes to these components, including the approved Phase 1 Land Contamination Assessment, require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Prior to the commencement of the development a Code of Construction Practice shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003), unless previously agreed in writing by the Local Planning Authority.

The code shall include:

- An indicative programme for the carrying out the works
- Measures to minimise the production of dust on the site
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site
- Design and provision of site hoardings
- Management of traffic visiting the site, including temporary parking or holding areas
- Provision of off road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to minimise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site during the construction works
- The arrangements for public consultation and liaison during the construction works

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

- (27) The development hereby permitted shall be undertaken in strict accordance with the following plans and supporting documentation:

Drawing numbers D132799/1 rev 2, D132799/2, D132799/3, D132799/8 rev 1, D132799/9 rev 1, D132799/10, D132799/11 and D132799/12 received 31st March 2011; drawing numbers 09.79.50, 09.79.51 rev B, 09.79.104 Rev B, 09.79.105 Rev A, 09.79.106 Rev B, 09.79.107 Rev B, 09.79.108 Rev B, 09.79.109 Rev A, 09.79.111 rev A, 09.79.112 rev A, 09.79.113 Rev B, 09.79.114 Rev B, 09.79.115 Rev B, 09.79.125, 2082_DR_001-A, 2082_DR_002-A, received 25th June 2014; drawing numbers WM/Joinery/01, WM/Joinery/02, WM/Joinery/03, WM/Joinery/04, WM/Joinery/05, WM/Joinery/06, WM/Joinery/07, WM/Joinery/08, WM/Joinery/09 and WM/Joinery/10 all received 7th July 2015; drawing numbers 09.79.110 Rev B and 09.79.116 rev B received 8th September 2014; drawing number 09.79.101 rev E received 23rd July 2015; drawing numbers 2082_DR_001 rev B and 2082_DR_002 rev B received 24th July 2015; drawing numbers 09.79.117 rev A, 09.79.118 rev A,

09.79.119 rev A, 09.79.120 rev A, 09.79.121 rev A, 09.79.122 and 09.79.123 received 28th July 2015.

Supported by a Bat Survey Report (ref 6037/SBTG dated 5th September 2011) received 7th October 2011; Conservation Statement (dated June 2014), Design and Access Statement, Draft S106 agreement; Supplementary Arboricultural Impact Assessment (ref 2082_RP_002 dated 29th April 2014), Update Bat Survey Report (ref 6037/4687/SBTG dated 11th June 2014) received 25th June 2014; and Bat Activity Survey Report (dated 20th July 2015) received 20th July 2015; and an Arboricultural Impact Assessment (ref 2082_RP_001 date 24th July 2015) received 24th July 2015; Phase 1 Land Contamination Assessment by Ecologica received 16th October 2015;

Reason: To ensure a satisfactory appearance to the development and a high quality of design, safeguard and enhance the character, appearance and setting of heritage assets, secure biodiversity assets and to safeguard the enjoyment of their properties by existing and prospective occupiers.

INFORMATIVES

- (1) The developer shall implement a scheme for the use of wheel cleaning, dust laying and road sweeping, to ensure that vehicles do not deposit mud and other materials on the public highway in the vicinity of the site or create a dust nuisance.
- (2) You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at www.considerateconstructorsscheme.org.uk
- (3) No construction vehicles may arrive, depart, be loaded or unloaded within the general site, and plant and machinery shall not be operated, that would generate noise beyond the boundary of the site, except between the hours of 0800 hours and 1800 Mondays to Fridays and 0800 and 1300 hours on Saturdays (and at no time on Sundays or Bank or Public Holidays).
- (4) Within any submitted landscape plan, full details of the retention of cordwood within the site shall be submitted.
- (5) Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.
- (6) The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside of the normal working hours is advisable.
- (7) As the development involves demolition and/or construction, broad compliance with the Mid Kent Environmental Code of Development Practice is expected.
- (8) 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.

Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

- (9) The installation of any communications equipment on the site which is normally permitted development under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 has been restricted by condition 25 of the planning permission. This is in order to protect and enhance the setting of the listed building. It is advised that a single installation of one telecommunications device or structure within the application site, that can be suitably sited and well screened from the listed building, would be more favourably received than multiple applications for individual satellite dishes or other equipment for each residential unit.

Case Officer: Diane Chaplin

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 14



REPORT SUMMARY

REFERENCE NO - 11/0512		
APPLICATION PROPOSAL An application for Listed Building Consent for internal alterations and extensions to facilitate the change of use of existing nightclub and apartments to 1 dwelling and 6 apartments, including extensions and internal works; conversion, extension and demolition of the existing ball room to 2 dwellings; demolition of existing garage block and erection of 4 terraced properties, including glazed link to ice house; conversion and extension of existing glasshouses to 4 dwellings (PLEASE SEE MA/11/0511 FOR FULL PLANNING APPLICATION).		
ADDRESS Wierton Place, Wierton Road, Boughton Monchelsea, Maidstone, Kent, ME17 4JW		
RECOMMENDATION: GRANT LISTED BUILDING CONSENT subject to signing of S106 Agreement and subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATIONS: As set out in the report.		
REASON FOR REFERRAL TO COMMITTEE: The Development Manager requested that Members defer consideration of the application at Committee on 25 th February 2016 for the following reason: <i>"It is requested that the above items be withdrawn in order to carry out further investigation into the following issues and to update the Committee reports accordingly:</i> <ul style="list-style-type: none"> <i>To enable the Officer to deal in more detail with the comments from The Victorian Society, including a written response from the Conservation Officer.</i> <i>To further investigate issues raised in connection with the Enforcement Notice and Untidy Site Notice for Wierton Place.</i> <i>To fully investigate the comments made in the three representations received this week that object to the proposal."</i> Members agreed to the deferral. It was resolved that: <i>"RESOLVED: That agreement be given to the withdrawal of applications 11/0511 and 11/0512 from the agenda to enable consideration to be given to a substantive intervention received from a consultee."</i>		
WARD Boughton Monchelsea And Chart Sutton	PARISH/TOWN COUNCIL Boughton Monchelsea	APPLICANT Wierton Place Homes Ltd AGENT Guy Holloway Architects LLP
DECISION DUE DATE 29/05/11	PUBLICITY EXPIRY DATE 29/05/11	OFFICER SITE VISIT DATE Various
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

Planning History:

The site has a significant planning and enforcement history. The relevant history is summarised below:

- MA/11/1806 Listed Building Consent for a permanent memorial plaque - APPROVED SUBJECT TO CONDITIONS

- MA/11/1805 Advertisement Consent for a memorial plaque upon internal gateway plaque - APPROVED SUBJECT TO CONDITIONS
- MA/11/0512 An application for Listed Building Consent for internal alterations and extensions to facilitate the change of use of existing nightclub and apartments to 1 dwelling and 6 apartments, including extensions and internal works; conversion and extension of the existing ball room to 2 dwellings; demolition of existing garage block and erection of 4 terraced properties; conversion and extension of existing glasshouses to 4 dwellings; and the erection of 5 detached dwellings to the north and south of the access track, together with associated access and landscape works – CURRENTLY UNDER CONSIDERATION, REPORTED ON PAPERS.
- MA/01/0093 An application for listed building consent for the erection of garden implement store - APPROVED SUBJECT TO CONDITIONS
- MA/01/0092 Erection of garden implement store - APPROVED SUBJECT TO CONDITIONS
- MA/93/0945 Construction of single storey building comprising garaging and store – REFUSED and Enforcement Notice issued. Allowed at appeal.
- MA/93/0364 Single storey garages and storage extension – REFUSED
- MA/89/1390 Extensions to provide ancillary residential accommodation, external WC, laundry and store rooms - APPROVED SUBJECT TO CONDITIONS
- MA/88/0168 Extension to country club to provide gym, lounge bar, snooker room and store - APPROVED SUBJECT TO CONDITIONS
- MA/77/0056 Conversion into 5 residential units of barn, cottage and stable block - APPROVED SUBJECT TO CONDITIONS
- MA/77/0089 Extension and alteration to form club - APPROVED SUBJECT TO CONDITIONS
- MA/77/0180 The change of use of premises from office and residential use to part private residence, part country club - APPROVED SUBJECT TO CONDITIONS
- MA/76/1195 Erection of double garage - APPROVED SUBJECT TO CONDITIONS
- MA/75/0138 Renewal of permission for conversion of stable block and grooms quarters to dwellinghouse; improvements to cottage; conversion of barn to dwellinghouse - APPROVED SUBJECT TO CONDITIONS
- 72/0089/MK3 Extension to form club – APPROVED
- 71/0180/MK3 The change of use of premises from office and residential use to part private residence, part country club - APPROVED SUBJECT TO CONDITIONS
- 70/0333/MK3 The change of use of premises to part private dwelling, part country club – REFUSED

- 70/0185/MK3 (a) the conversion of stable block and grooms quarters to dwelling house; (b) the carrying out of improvements to cottage; and (c) the conversion of barn to dwellinghouse - APPROVED SUBJECT TO CONDITIONS
- 67/0184/MK3 An outline application for change of use to residential hotel and country club - APPROVED SUBJECT TO CONDITIONS
- ENF/414/3599 – Enforcement Notice for unauthorised change of use of the land for the storage of building materials, plant, machinery, equipment and vehicles for land at Wierton Place.
- Untidy Site Notice – (under ref. ENF/414/3599) for land at Wierton Place Greenhouses.

The application was originally reported to Committee as the proposal is contrary to the Development Plan and the recommendation is contrary to the views of Boughton Monchelsea Parish Council. The complex and sensitive nature of the application, the length of discussions and negotiations and various changes in case officers have resulted in this application being under consideration for a significant period of time. The applications were on the papers for the Planning Committee meeting held on 14th February 2014, however they were withdrawn from the agenda prior to determination.

Since Summer 2015, ecological information requested by the Kent County Council Biodiversity Officer relating to the presence of bats in the main buildings on the site was provided by the applicant in July 2015. A draft S106 Agreement has also been submitted, which is intended to control the phasing of the development and also ensures that the Greenhouse is repaired before the new housing units are occupied.

The applications were reported back to Committee on 25th February 2016, but were withdrawn from the agenda for the reasons set out at the start of this report. This report has been updated to include:

- Updated views from the Victorian Society;
- Detailed views from the Conservation Officer;
- Issues relating to the Enforcement Notice and Untidy Site Notice for Wierton Place;
- Additional representations received in relation to the report prepared for the 25th February Committee.

Councillor Munford has also requested that the Viability Appraisals be provided to Councillors for confidential viewing under Part 2 of the Agenda. These have been provided with the committee report for the planning application.

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is located within the open countryside, approximately 1km to the south of the village of Boughton Monchelsea, which is itself approximately 3 miles from the centre of Maidstone (as the crow flies). The site is located in an area with no specific environmental or economic designations within the adopted Maidstone Local Plan 2000 (MBWLP), however it is within a proposed Landscape of Local Value in the emerging Maidstone Regulation 19 Local Plan (MLP). The site is accessed from Wierton Road to the east by a sinuous tree lined single track private drive of some length (approximately 200m). The route access passes through land in the ownership of third parties, and is itself owned by persons who have now been correctly served

with Owners Notices (and the correct Certificate provided to the Local Planning Authority).

- 1.02 On entering the main body of the site, which is irregularly shaped, there are two linear areas of hard surfacing to the north and the south of the access, which appear to have previously been utilised as overflow car parks associated with the former use of Wierton Place as a night club. These areas of hard surfacing are separated from the remainder of the site by two banks of trees that run from north to south within the site.
- 1.03 The main house (Wierton Place itself), which has an existing lawful use as a night club (known as the “Polo Club”) and a number of residential apartments, sits centrally within the application site oriented to face southwards over the Kentish Weald. This building, which was Grade II listed in 2002 along with a small detached garden building to the north west, was constructed in approximately 1857 (although a property has been recorded at the site from circa 1760), and comprises a substantial detached property constructed of red brick in Flemish bond with brick headers, and sandstone dressing, with a Kentish ragstone plinth to the rear. The property has a tiled roof, with large ornate chimney stacks, including four tall clustered stacks to the main part of the building. The historical core of the building is two storey, although it has been previously extended through the addition of a three storey extension to its western end. To the eastern end of the main building is a substantial (single storey flat roofed extension) which formerly housed the ballroom associated with the nightclub. Both of these extensions are believed to date from the Victorian or Edwardian era. To the north of the main building is an area of hard surfacing used for car parking ancillary to the use of Wierton Place, together with areas of landscaping. To the west of the main building, approached through a large arch, is a large block of single storey garages dating from the late twentieth century, which are of no architectural or historic merit. Beyond the garages are a small single storey detached garden building believed to be associated with the main property and built in a similar gothic style. The building is believed to have formerly functioned as an ice house; this building was listed in its own right at the same time as the main building.
- 1.04 To the north of the garage block and ice house, and to the north west of Wierton Place, is a walled garden, which contains original and little altered glasshouses which are Grade II listed in their own right in 1987, and as such were recognised for their highly unusual architecture and quality of construction prior to the main building. These glasshouses are in a state of significant disrepair, however, much of the original hardwood main frame remains intact. Although many of the glass panels have been lost as a result of impact from various objects and precipitation as well as the warping of the original metal louvre system, some remain intact. The building also retains Victorian functional details including floor tiling, work benches and heating systems throughout.
- 1.05 The glasshouses take a linear form, with two wings extending out to the east and west from a central atrium. The wings take an asymmetric form in order to gain maximum growing benefit from the south facing aspect of the building, however the central atrium has a symmetrical layout, projecting forward of the wings, and is significantly greater in height and overall prominence. Architectural continuity is provided by the rear elevation of the building which extends the full width of the wings and atrium.
- 1.06 The glasshouses represent a particularly interesting building, considered to be of significant merit, as recognised by the relative listing statuses of it and the main property within the site – irrespective of its current condition

- 1.07 The land to the rear of the glasshouses is mainly laid to hard surfacing, although there are some containers within the area, as well as some brick/block constructions that do little to respond to the character of the glasshouses. This part of the site is in an unkempt state, seemingly used for the storage of building materials, together with cars in varying states of disrepair. It is entirely enclosed by the glasshouse building to the south (which it may have originally served as a storage area for gardening), and to the north, east and west by a band of woodland protected under TPO 9 of 1982. Vehicular access to this part of the site is gained via a track which runs to the south and west of the walled garden.
- 1.08 Land levels within the site generally fall from north to south. The northern half of the site, on which the existing and proposed buildings are sited, is approximately level falling to the south, which reflects the underlying geology of the Greensand Ridge. As set out above in paragraph 1.03, the main house overlooks this escarpment, which forms parkland falling away beyond the main garden which has been laid out to the immediate south of the property.
- 1.09 The boundaries of the site are largely defined by fencing of conventional rural construction, supported by mature native hedging. Along the northern boundary of the site is a woodland band protected under the scope of TPO 9 of 1982 to the north of which is a public right of way, the KM120, whilst the eastern boundary of the site is marked by a substantial coniferous hedge on land not within the control of the applicant.
- 1.10 To the west of the gardens and to the south west of the main building are the residential properties "The Old Coach House", 'Barn House' and 'Weald Barn House'. The closest of these, The Old Coach House, is located approximately 35m to the south of the closest of the additional proposed dwellings.

2.0 PROPOSAL

- 2.01 This is the listed building application that accompanies the full application also on the papers this evening. It relates to internal and external works to facilitate the change of use of existing nightclub and apartments to 1 dwelling and 6 apartments, including extensions; the conversion, extension and demolition of the existing ball room to 2 dwellings; the demolition of existing garage block and erection of 4 terraced properties, including glazed link to ice house; and the conversion and extension of existing glasshouses to 4 dwellings. Additional enabling development relating to the erection of 5 dwellings is proposed, but this does not require Listed Building Consent.

Number of Residential Units

- 2.02 The tables below sets out the existing residential development that already exists on the site and also the proposed residential development.

Existing Residential Units:	
Flats in the existing three storey addition to Main House	12
Bungalow	1
Main House	1
TOTAL	14

Proposed Residential Units:	
Flats in the existing three storey addition to Main House	6 (units 4-9)

Demolished Bungalow and Garage Block, including restoration of listed ice house	4	(units 16-19)
Restoration and conversion of Main House and nightclub	1	(unit 3)
Conversion of Victorian Ballroom	2	(units 1-2)
Restoration and conversion of glasshouses	4	(units 10-13)
Enabling development located on hard surfaced car parks	5	(units 20-24)
TOTAL	22	

2.03 Overall, the tables demonstrate that there are currently 14 residential units on the site. As a total of 22 residential units are proposed on the site, this creates a total increase of 8 residential units. The amended Master Plan (drawing no. 09.79.101 Rev.E), received on 28th July 2015, identifies the location of all proposed development and labels the unit numbers. A brief breakdown of the proposal is set out below with a more detailed description given of the proposal from paragraph 2.04 onwards:

- The first floor apartment in the main house will remain as one residential unit, but it will be restored to its original Victorian layout incorporating the ground floor and basement that currently has a lawful use as a nightclub. This is labelled as Unit 3 on all the plans.
- There are 12 flats in the existing three storey addition to the main house, which comprise a mixture of one bedroom and studio flats. These will be converted into 6 two bedroom flats, resulting in a reduction in the overall number of flats by 6 units. The remodelled flats are labelled as units 4 to 9.
- The existing bungalow and garage block will be demolished and replaced with 4 new terraced units including the retention of the listed garden building/ice house. The new units will not result in an increase in built footprint compared to the existing garage block. These units are labelled as units 16 to 19.
- The existing Victorian ballroom located on the eastern end of the main house will be converted into two semi-detached dwellings with no increase in footprint. These units are labelled as units 1 and 2.
- The existing listed glasshouses will be repaired, restored and converted to conservatories for 4 new residential units. The workshops to the rear will be demolished and replaced with the main living areas of the new dwellings, resulting in only a marginal increase in footprint. These units are labelled as units 10 to 13.
- New building enabling development of 5 houses is located on the hardsurfaced overflow car park area. These units are labelled units 20 to 24, but do not require listed building consent.
- It should be noted that there are no units 14 and 15 due to amendments that been undertaken to the scheme.
- The demolition of outbuildings, the bungalow and garage will remove 345 sq.m of built footprint. The erection of units 16 to 19 on the site of the garage block will create approximately 397 sq.m of footprint, an overall increase of 52 sq.m.
- The demolition of the modern outbuildings around the glasshouses will remove approximately 692 sq.m of footprint. The new conservatory units will have a footprint of 496 sq.m, resulting in a reduction in built footprint of approximately 196 sq.m.
- The new build enabling development (units 20 to 24) will have a total footprint of 624 sq.m.

- In total, over the entire site, there will be an increase in built footprint of 480sq.m from all the new residential dwellings. The enabling development clearly comprises the main increase in built footprints on the site, with the other parts of the proposal resulting in only a marginal increase in footprint due to the demolition of various buildings that are modern and detract from the setting of the listed buildings on the site.

Detailed Description of Proposal

- 2.04 The proposal for the change of use of the original building forming Wierton Place (the existing night club, exclusive of the later eastern addition forming the ballroom and western addition housing the existing apartments) is for the conversion of this element of the building into a single large property (unit 3), which would contain five large bedrooms at first floor, living areas at ground floor and a cinema/gym within the basement. Access and car parking serving this property would be from the front (north) of the building. The conversion would largely retain and restore the historic layout of the original Victorian building, however a new window would be installed within the side elevation of the main house, on its eastern elevation.
- 2.05 The existing flats within the existing addition to the western elevation of the original property, of which there are twelve, would be remodelled, resulting in six apartments (units 4 – 9 inclusive), two on each floor, a loss of six units within this part of the building. However, rather than the existing cramped one bedroom and studio flats as they are currently, the new apartments would all be more generous two bedroom units, with internal floor areas of between 98m² and 122m². These properties would be accessed via a new glazed shared staircase which would be sited between the oldest part of the house and the more recent three storey addition to its western elevation, and would be recessed back from the main elevation by a minimum of 3m (not considering projecting bays).
- 2.06 The existing 'ballroom' extension at the eastern end of the main building is proposed to be altered to facilitate its conversion into a pair of "semi-detached" dwellings (units 1 and 2). The works proposed would see the retention of the existing walls (aside from an element of the existing 'link' to the main building which would be narrowed), with the introduction of a lightweight, glazed, flat roofed first floor area and terrace above the existing structure. The first floor extension would be set in from the ground floor walls of the existing building by approximately 1-3metres, allowing the creation of a first floor terrace for occupiers. These properties would each provide three bedrooms at ground floor level, and living accommodation at first floor in order to take maximum enjoyment from the views southward. Access to these properties would be from the front (north) for unit 2 and from the eastern side for unit 1.
- 2.07 The key element of the proposal is the conversion of the existing glasshouses within the north western corner of the application site, which, as set out above in paragraph 1.04 to 1.06 inclusive, were listed in their own right as a building of architectural and historic interest prior to Wierton Place itself. The conversion would include the total refurbishment of the existing glass and steel structure, which would form garden rooms to the proposed dwellings (the "wings") and a shared communal space (the central atrium), as well as the construction of two storey extensions to the rear of the east and west wings of the building, on the hard surfaced area currently used for informal storage. In total, the conversion of these glasshouses would provide four additional dwellings (units 10 – 13 inclusive), a negotiated reduction of two units in comparison to the scheme as originally proposed, together with a communal space within the central atrium opening out onto the (restored) walled garden, the use of which would also be shared by occupiers. The extensions behind the (refurbished)

glasshouses would be flat sedum roofed, so as not to 'compete' with the form of the glass house, or to compromise views of the host building, whilst allowing the provision of habitable space. These would be single storey, and timber clad to the rear. Private garden areas and parking spaces would be provided to the rear (north) of these properties, with access gained from a new track that would run between the parking area along the northern boundary of the site and the main access point from Wierton Hill in the western side of the application site; pedestrian access only would be allowed to the walled garden to the south of the properties.

- 2.08 The conversion and refurbishment of the glasshouses, and therefore their retention, are a desirable outcome which will cost a considerable sum to achieve to an adequate standard, bearing in mind the heritage sensitivity of the original building, the (in places) dilapidated state of the historic structure, and the extremely specialised techniques which will be required for the glasshouses to have a realistic use for residential purposes. The residential use enables the glasshouses to be used as conservatories for the dwellings so that they can be preserved with as minimal alterations as possible. There are limited other options for re-use, none of which (including the proposed residential use) would be able to cover the prohibitive cost of the glasshouse restoration together with the restoration of the garden and enclosing wall. As such, enabling development to finance the project is proposed, the details of which are set out below.
- 2.09 It is proposed to demolish the existing residential unit known as the bungalow and the unsightly garage block that is sited to the west of the main building together with the flat roofed structure connecting it to the main building, and to replace it with a detached terrace of four contemporary, two storey flat roof dwellings (units 16 – 19 inclusive), which would retain the attractive, single storey ice house that forms part of the listing as an incorporation into the western-most unit of this terrace via a glazed link. This element would be seen in direct relation to the main building, and as such, is to be constructed at ground floor level of matching brickwork, with the first floor set back, and of a more lightweight, glazed construction, mimicking that of the dwellings proposed in the former ballroom (units 1 and 2). Again, a flat (sedum) roof would be provided, with a significant overhang. This building, which would be significantly smaller in height and overall bulk in comparison to the original building, would sit back from the main frontage of the house and project outwards from the rear so as to appear more subservient in views from the main central point of the northern part of the site.
- 2.10 The second part of the new build element of the scheme (and the main enabling development) would see the erection of five houses within the eastern end of the application site (units 20 – 24 inclusive), on the land previously used as an overflow parking area. Two of these properties would be located to the north of the main access, and three to the south. These dwellings, which would all be detached and of two storeys in height, providing four bedrooms each, would be of contemporary design, being constructed of brick, render, and timber cladding, and provided with a sedum roof, consistent with the other extensions and new builds proposed. The properties to the north of the main access would be arranged around a parking courtyard with gardens to the north of them, whilst the properties to the south of the access would have a more linear arrangement responsive to the extent of the existing area of hard surfacing. These dwellings would be oriented to present their most open aspects to the west or south, and the interior of the site as a whole. This element of the scheme does not require Listed Building Consent and so is dealt with in more detail in the committee report for planning application MA/11/0511.

- 2.11 There are elements of demolition of existing structures within the proposal, which are detailed in drawing numbers 09.79.50 and 09.79.51 rev B. The buildings to be demolished are, in general, poorly constructed twentieth century additions of limited architectural or historic interest, and in some cases are actively detrimental to the character and appearance of Wierton Place as a heritage asset.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework 2012

National Planning Practice Guidance 2014

Planning (Listed Buildings and Conservation Areas) Act 1990

Maidstone Borough-Wide Local Plan 2000:

Maidstone Borough Local Plan Publication (Regulation 19) Feb 2016: Policy SP17, DM1, DM3 and DM34.

Supplementary Planning Documents: Other: Historic England (formerly English Heritage) English Heritage Enabling Development and the Conservation of Significant Places, The Setting of Heritage Assets

4.0 LOCAL REPRESENTATIONS

- 4.01 Local residents were notified and representations were received from approximately 25 households (some objectors writing more than one letter and also one from a planning consultant employed by local residents). The concerns raised within these letters are summarised below:

- The proposal would result in a significant level of traffic which would be to the detriment of the highway network and residential amenity of the neighbouring occupiers;
- The provision of a single access into and out of the site is unsafe;
- The proposal would result in more noise and disturbance, and smells by virtue of the increase in people living at the site;
- The proposal would have an unacceptable impact upon the setting of the listed building and conservation area;
- There are not sufficient car parking spaces;
- There is insufficient outside space for future residents;
- The proposal would result in an over-intensification of the site, and would not fit in with the historic pattern of development;
- There is insufficient water supply;
- What will happen with the sewerage;
- How will gas be supplied to the dwellings?
- The bat survey was not of sufficient standard;
- The proposed dwellings would be unattractive and out of keeping with the surrounding area;
- It is not clear where the alternative access into the site would be;
- Previous permissions have been declined at this site;
- The proposed materials are unacceptable;
- There would be a doubling of residential units within the hamlet of Wierton;
- The impact upon biodiversity has not been fully considered;
- Inspector's decisions elsewhere within the area have seen new dwellings refused;
- The conversion of the greenhouse would in fact be a new build;
- There are a lack of amenities for future occupiers within the area;

- The proposal would have a detrimental impact upon the setting of the Greensand Ridge;
- This would result in a significant precedent;
- The proposal would be contrary not only to ENV38, but also AH1, ENV34, ENV44, T3, T21 and T23 (not all of these remain in force);
- The proposal would undermine the Council's strategic objectives numbered 1, 2, 3, 5 and 6;
- The proposal would be contrary to policies CC1 and NRM5 of the South East Plan (2009);
- The proposal would be contrary to PPS1, PPS5, PPS7 and PPG13;
- The proposal would result in light pollution to existing residents;
- There would be an unacceptable loss of trees within the site;
- There is a lack of storage space within the development;
- The proposal would result in a loss of privacy to neighbouring occupiers;
- The proposal would impact upon the nearby Special Landscape Area;
- The premises has not been operating as a nightclub for a significant period of time, and as such, the application is misleading;
- The plans are not correct;
- There is poor telephone/internet connection within the locality;
- The business model put forward is out of date;
- There would be an unacceptable impact on an existing, and over-subscribed primary school;
- There is no 'planning gain' being offered as a result of this proposal;
- The proposal would result in an increase in crime in what is at present, a very safe area.

4.02 Following the last set of consultations in July 2015, approximately 10 objection letters were received on the proposal (with some objectors writing more than one letter). The concerns raised are listed below:

- Do not believe that the protection of the heritage assets in their curtilage and minimising impact of any changes has been achieved.
- No attention has been paid to rural landscape and to the quiet and dark nature of the hamlet and surrounding area;
- Enabling builds should appear in the listed building consent;
- Previous withdrawn committee report failed to provide a balanced view;
- Reports should detail the different information and viewpoints of all rather than the viewpoint preferred by officers;
- Essential that officers ensure that their reports provide this balance as well as indicating their advice/reasoning/evidence
- Grade 2 listed greenhouse is clearly being demolished and only a very few aspects will be retained;
- Is not a renovation of this heritage asset but of its destruction and replacement with a modern double glazed copy. It is possible only the metal posts in the orangery will be saved.
- If the heritage asset is now beyond saving, it should be delisted and made safe or most likely removed and no further build should be permitted within the walled garden;
- Is an Enabling Plan needed if not possible to resurrect the glasshouses to any extent?
- As is clear in the NPPF, neglect must not be rewarded. We object strongly to this incorrect application of heritage.
- Treatment of foul water not been addressed;

- Grounds of grand house should be remain open and not split into individual garden spaces, yet indications that there are to be gardens for the terraced houses;
 - There must be protection for all mature and significant trees across the whole site;
 - Increased risk of Light and Noise pollution;
 - Loss of trees will further exacerbate light and noise pollution across the site and across the Weald Valley;
 - Local planning authority should establish that there are access, build and title rights;
 - Valuation Report is no longer valid due to relatively stable building costs and rapidly and substantially improved house prices. Add to this the reduced project costs in not renovating the greenhouse, then massive savings are in place which will have an impact on the need for the level of enabling works proposed.
 - Footprint of terraces have increased and they have delineated garden areas;
 - Believe residential use of Wierton Place is most sustainable, but believe that this is the wrong scheme and should be rejected;
 - Are there sufficient rights of access to enable scheme to go ahead?
 - How will internal changes to layout of terraces be safeguarded:
 - No details relating to drainage:
 - Support change of use, but scale wrong;
 - The value paid for the property could be achieved by changing the existing house back to a single unit and providing a conservation package to the listed glasshouses;
 - The longer the applications drag on, the more the preservation of the glasshouses becomes a lost cause. Council failed in its obligations to ensure that the listed building is maintained;
 - Strongly object to 5 new houses which are unsympathetic to their environment;
 - Inconsistent approach to applications for other listed buildings in area;
 - Not appropriate development alongside 2 listed buildings;
 - Will the greenhouse structure and materials be protected?
 - It is an inappropriate design.
 - Overall number of dwellings is inappropriate.
 - The development is not of a high quality design;
 - It does not contribute to conserving and enhancing natural environment;
 - It does not conserve an important heritage asset;
 - Isolated new homes in the countryside should be avoided;
 - Intrusive development;
 - Increase in amount of tarmac, traffic; noise and disturbance.
- 4.03 Petitions (with over 1,200 signatures) were also received, objecting to this proposal (and to two other proposals) on the basis that it is development in the open countryside. The petition was open for signatures online. No petition was received following the last consultation on the application.
- 4.04 The correct notice was not originally served on the owners of the site access, but this matter has now been resolved with the correct certificate of ownership having been provided to the Local Planning Authority and an Owner's Notice served on the relevant party. The driveway access to Wierton Place does not belong to Wierton Place, but to the adjacent land owners of the Buttercup Goat Sanctuary. However, the Land Registry Titles confirm that Wierton Place does have a legal right of way over the driveway with or without vehicles and also for access for maintenance work to fences, water pipes and electricity wires. The applicant has confirmed that this is

for the whole extent of the drive and not just the width of the tarmacked area. The concerns of the adjacent land owner regarding the ownership of the access road is noted, however, the ownership of the access drive is not a planning matter, and as the correct procedure has now been complied with, this does not represent a reason for refusal of the application.

4.05 Since February 2015, 3 further objections have been received on the proposal from neighbours. The concerns raised are listed below:

- Proposal is contrary to local plan, developing local plan and does not meet NPPF requirements.
- No mains drainage. Sewerage, drainage and access are not properly addressed.
- Listed Building Status already applies, but MBC have not enforced it.
- Planned development is out of keeping with existing buildings on Wierton Hill and would create sound and light pollution, particularly with the intended upside down design of houses together with an excessive increase in traffic on narrow lanes.
- No objection to restoration and tasteful development of main house but not with number of enabling properties.
- Support the change of use of the nightclub to 1 dwelling in the main house, the proposed 6 apartments in the 3 storey servants extension adjoined to the main house. These main buildings should be conserved, but the amount of enabling is unjustified in the open countryside and contrary to NPPF guidance: 22 dwellings, 15 of them new build, potentially 44+ cars on narrow approach lanes, potentially 44+ children requiring schooling, all over 1½ miles from the nearest shop and further from available schools, with no public transport beyond an inadequate bus service from Marpit ¾ mile away. This cannot be judged sustainable, it is all just too much.
- In effect over 20 years of MBC's failure to enforce the basic maintenance of the listed greenhouses is being rewarded by conversion to residential. If conversion is the means to ensure the conservation, it needs to be done with due adherence to NPPF guidance, with due sensitivity to the local community, and to the rural environment immediately surrounding the listed buildings.
- Application is grossly over-size for the site and immediate locale, including a length of the public Greensand Way path: too many residential units, with all the ramifications of noise, light, traffic, unsustainability;
- The architectural design is ill conceived and starkly inappropriate for the character of the local area – and far beyond, as the new development will stand out with clear sight lines from the Weald below once the trees are lopped as proposed:
- The upside down design of the units will create undue artificial light in a residential area currently free of such light pollution;
- Light from solar panels are noise pollution remain issues.
- Structures, such as the garage on the western edge of the site, which should be subject to enforcement as an unapproved building, are instead being used as a basis for new build residential units;
- In summary, the scale of the project is too extensive, and the design of conversion, new build and area layout is too out of character, to be justified as enabling the conservation of the listed buildings. They should be conserved more appropriately. I am convinced further transparency in the financial plan would prove that they could

be conserved sustainably at significantly less financial cost, causing much less visual harm, environmental damage and disruptive change to the local community.

- Applications have been presented twice before. In June 2011, MBC received 22 letters of objection from local residents; plus 1200 signatures to a petition where this application was core to the matter; a detailed report coordinated by a local group from a professional advisor; and the professional opinion of the CPRE. None of us who participated in those earlier detailed objections feel that their main content has been given due respect in the revisions. The current application has made some modifications from the original but these indicated change to the worse; more existing trees removed; bitty gardens breaking up the generous space of the grounds of the main house; a tarmac race track of a circular access road around the numerous new houses to be built. The inappropriateness of the overall design and its affront to NPPF guidance remain main reasons why this project should be paired down radically.
- Sentiment remains unchanged to the proposal and due to its size, it will ruin the unique and beautiful character of the small Hamlet of Weirton.
- Many restrictions are being paced on the development, but these will require significant monitoring and enforcement which will not be easy. Satisfying the conditions could drag out timeframe and result in construction work being carried out over several years.

4.06 A further objection letter was received on 24th February 2016 from a planning consultant representing views of local residents. In summary, he made the following comments:

- Scheme in unsustainable rural location well outside any area identified for new development. Local residents are not opposed to some sympathetic, appropriate development at this site, but proposal is extremely harmful to an unacceptable degree and the so-called benefits are not agreed.
- Contrary to the development plan. Significant part of justification put forward is the current state of the Grade II listed buildings including incursion by unauthorised developments and uses. Rather than taking proper enforcement action to protect the buildings and remove the unauthorised developments officers are supporting replacement with new housing and redevelopment of the site. Appears to be a clear case of rewarding the neglect of listed buildings contrary to government advice (NPPF paragraph 130). No time limit on enforcement action in relation to unlawful works to listed buildings.
- What has been left out of the reports are the fundamental objections of the main statutory consultee for buildings of this era, the Victorian Society (VS). The VS wrote in September 2015 objecting on a number of grounds; not least the unacceptable proposals for the listed greenhouse and the locations of the new houses. The VS consider that there should be far more information to explain these unacceptable developments.
- The Council has had this objection for over four months and they appear to have been simply ignored (they were not even included in the website documents in relation to the planning application and were not attributed to the Victorian Society on the listed building application), either negligence or deliberate concealment. Either way it does not inspire confidence in the way the officers are dealing with this application.
- Legitimate objections of local residents have been summarised as bullet points in a random fashion. Significant number including fundamental points relating to both

national and local policies. Many of the objections raised are not dealt with despite the length of the officer report. There is no consideration of the impact on rural amenities, for example, and the concerns relating to light pollution and noise travel are glossed over. There is no mention of the loss of rural jobs. We believe the report is both biased and flawed. There is a 'spin' that makes us highly suspicious.

- The main element that drives the officer to support the application AND to recommend no affordable housing or infrastructure payments (again contrary to normal policy and practice) is valuation information that is being kept secret. That is not natural justice. It is also a curious approach given that, by and large, the figures are estimates of future building costs and values for dwellings that have yet to be created. The report refers to increasing construction costs but makes no mention of significantly rising values of new housing. In the original submission some figures were made available but the so-called updated figures are not being disclosed.
- If this application is refused, as we believe it should be, that report will have to be made public in any appeal. Residents consider that in the interests of openness, transparency and a proper approach to decision taking the figures should be made available now.
- Parts of report that are available refer to a slowdown in the housing market in 2007-2008; some eight years ago. The housing market is now very different. Selling just one of the new properties could now return more than the price paid for the whole site. The report has not been updated to reflect the situation in 2016.
- Officers state that there is a draft s106. This appears to be a material consideration in the determination of this application and again it is not available for public scrutiny.
- Statutory duty to consider the impact on listed Buildings and their settings. Officers should be aware of this yet there is no mention of the impact on the separately listed garden building (referred to as the Ice House) which will be dominated by the four new terraced houses proposed immediately adjacent to it. Again this is a fundamental flaw in the report that leaves any decision wide open to challenge.
- Report draws attention to the number of existing dwellings and compares this to the proposal. In fact what is being proposed is the replacement of small substandard apartments within the existing structure, with substantial new detached dwellings in the open countryside in an unsustainable location. Members will know that this is completely contrary to the development plan.
- The report appears to make light of the amount of new building; citing the amount of demolition. Much of what is being demolished is of 20th century construction built either with or without planning permission. Other demolition includes older parts of listed buildings.
- There is fundamental disagreement that the proposals represent a high quality of design.
- Officers fail to point out that the developers' own Conservation Architect assesses the development and lists the following adverse effects:
 - *The addition to the ballroom and insertion of new window openings;
 - *The installation of en-suite bathrooms within bedrooms; blocking up doorways; and division of the ground floor of the main building;
 - *The removal of an arch and undercroft; and the extension of a stairwell in the three storey element;
 - *The construction of the four new houses adjacent to the greenhouse; the subdivision of the greenhouse; the demolition of outhouses; the insertion of additional doors and the subdivision of the adjacent garden;
 - *The replacement of the garage with four new dwellings; and the subdivision of the garden of the Manor;
 - *The linking of the garden house as an extension to the new build houses; and
 - *The construction of 5 new houses in the grounds of the property.

- The Conservation Architect lists just three beneficial effects (two minor, one moderate). Significantly he does not say that the developments would preserve or enhance the character or appearance of the listed buildings.
- It is pointed out, in relation to the Grade II listed conservatory building, when viewed from the Greensand Way long distance footpath there will be entirely new terraced houses. In both footprint and volume the new building will be both taller (than most parts of the existing) and larger than the conservatory element. Some of the buildings to be removed are unlawful additions to the listed building now being used as justification for new dwellings. In the 'Visual Impact' section of the report the officers have ignored the view from the Greensand Way and fail to include any assessment.
- The so-called restoration of the greenhouse includes new glazing and joinery. What exactly is retained?
- The very attractive, separately listed, garden house will be totally dominated by the four new terraced houses proposed to be built immediately alongside it, with, as noted above, no assessment of the impact in the officer report whatsoever. No one else would be permitted to knock down a 20th century garage in the countryside and replace it with four houses on an increased footprint; let alone immediately alongside a Grade II listed building. The Victorian Society object to this location.
- The ballroom building (itself a previous extension) will have a glass box added to the roof completely contrary to the character and appearance of the main house destroying the 'garden wall' concept referred to by the Conservation Architect. As noted, even the developers own assessor identifies that as an adverse effect. It is another element specifically objected to by the Victorian Society.
- In paragraph 7.10 of the planning application report, it says the glasshouse element is "supported" by Historic England (HE). However, at paragraphs 5.10 and 5.11 it says that HE merely 'raise no objection'. That is a long way from actual support and a distortion which demonstrates the unsatisfactory approach of the officer report.
- As part of the so-called enabling development, five totally new dwellings will be dumped on the approach to the main house, again in a design that is out of character and will severely detract from the setting of the listed building; again an adverse impact according to the developers' Conservation Architect.
- We can only repeat that there are solid grounds for refusal and the apparent justification for the multiple departures from the policy is being kept secret from the public. These reports do not properly assess the objections to this development.
- There is no obstacle to refusing both the application for planning permission and that for listed building consent at the meeting. The developers will have the right of appeal. On the other hand, if permission and consent are granted on the basis of these reports there are a number of grounds for challenge. Local residents believe such a decision would be unsound.

4.06 CPRE Kent objected to the proposal on the following grounds:

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

5.0 CONSULTATIONS

District Valuer

- 5.01 Maidstone Borough Council Housing and Community Services requested that if the applicants are to make a case for social housing to be excluded from this site, they would need to submit a viability appraisal which demonstrates that the scheme would not be viable with the inclusion of affordable housing. The applicant's submitted a Viability Report and the District Valuer was appointed by Maidstone Borough Council to assess the proposal.
- 5.02 The District Valuer reported that construction costs have increased for the proposal. This results in the scheme being on the margins of viability with the proposed enabling development. It would appear that it needs the proposed development to provide the applicant with an appropriate level of return for their risk, but equally it does not require more enabling development than proposed. As a result, the District Valuer, MBC and KCC all accept that no affordable housing provision or other contribution will be sought in connection with this development. The enabling nature of the development is required due to the significantly high development costs associated with the repair and refurbishment of both the listed main house and the unique and independently listed glasshouses.
- 5.03 The final District Valuer's report on the Assessment of Viability Appraisal for Wierton Place was issued in April 2015. Therefore, this report is still considered to be relevant and up to date.

Parish Council

- 5.04 Boughton Monchelsea Parish Council wish to see the application refused and reported to Planning Committee in the event of a recommendation for approval, making the following detailed comments in 2011:

*'The Boughton Monchelsea Parish Council would like to see the above application(s) **REFUSED** because:*

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

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

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

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

Adverse Effect on Special Landscape Area and the Greensand Way. The development would be inappropriate within the Special Landscape Area of the Greensand Ridge. It would be visible both from the internationally renowned Greensand Way, so as to affect adversely the enjoyment of those using it, and also from the Weald to the south. Inevitably, the development would be lit and would also be visible by night.

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

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

Other Matters:

The development would require the removal of trees with Tree Preservation Orders (ref TPO number 9 of 1982, file reference 406/105/13).

There is no quota of affordable housing within the proposed development.

The Borough Council has not acted for many years on enforcement of the Victorian greenhouses. As detailed above, the preservation of the greenhouses does not justify the implementation of the remainder of the development.'

5.05 The following comments were received in response to a reconsultation in 2014:

"The Parish Council would like to comment on the amended applications as follows :

- 1. We recognise that a residential solution for this site is appropriate however we need full visibility of the associated viability reports. We understand that these are now being released however we have yet to receive copies*
- 2. The comprehensive refurbishment of the existing greenhouses is incongruous with the existing listed buildings*
- 3. Although the most recent proposal contains two fewer properties, the total number of bedrooms in the development has only been reduced by two. The overall square meterage of new development appears to have actually increased.*
- 4. The increase in area of hardstanding is excessive and causes concern regarding surface water run off".*

- 5.06 Most recently, the following comments were received in 2015 following a further reconsultation on amendments to the scheme and additional information:

"The Parish Council's original objections also still stand.

The applications were discussed and the following items were noted, the overall development had been reduced by two bedrooms from the original application. It was also noted that the glass houses are no longer incurring costs as they are gradually being demolished, this forms part of the listed building.

For the enabling work to take place the viability study is now out of date and should be carried out again. The scheme has changed in cost of development as house prices have increased since the original application was submitted and this would be the reason for a new viability study. There seems to be a difference between applications 11/0511 and 11/0512 as they both do not seem to include the 5 bedroom detached dwelling.

It was also noted that this should be taken into consideration when making any decision Wierton Place sits right in the middle of the Greensand Ridge and this is an area of special value.

Members asked the Conservation Department to thoroughly investigate the existing trees on the site as some appear to have been removed. On the west side it seems that ground cover and hedgerows will need to be removed to allow enabling works and housing to take place.

The members stated that this is not a sustainable location to put the number of units in the application. There will also be high level light shining across the Weald. It is not accessible for public transport. The members would also like to see confirmation from the Environment Agency on Sewage, surface water etc.

The member would also like to see a full construction statement carried out on the site and it is a must that all construction traffic should come from the north.

The design is inappropriate for this Grade II Listed Building. The very contemporary design of the 5 new dwelling houses is damaging within a Heritage site.

The Parish Council would like to see the application refused on the above grounds and on their previous comments made which are added below for your information.

RESOLVED: all members present would like to see the application refused".

Historic England

- 5.07 Historic England raise no objection to the proposal subject to the enabling development being suitably scrutinised and controlled, making the following detailed comments (summary only):

"Wierton Place is a small country house dating from 1760, but substantially remodeled in the late nineteenth century. It is now listed at grade II, along with various associated garden buildings, including a kitchen garden wall and large greenhouses. English Heritage does not object in principle to enabling development as a means of securing the future of this group of assets that has fallen into disrepair. However, we are unable to identify from the applicant's valuation report and appraisal what the conservation deficit is in this case, and therefore what quantum of development is necessary to address that deficit.

English Heritage recommends that planning permission should therefore only be granted if your Council is able to satisfy itself that the quantum of enabling development proposed is the minimum necessary to secure the future of the designated heritage assets in the Wierton Place estate and that the benefits of securing a positive future for those assets outweigh any disbenefits associated with

the scheme. In the event of planning permission being granted, those benefits should be legally and enforceably tied to implementation of the enabling development."

- 5.08 In order to ensure that Historic England still raise no objection to the proposals, the Officer from Historic England was approached for further comments on the scheme. The Officer confirmed in writing on 1st April 2016 that Historic England is:

1. satisfied with the principle of the enabling development, subject to the District Valuer agreeing that the proposed enabling development is the minimum necessary to secure the future of the listed buildings.
2. satisfied with the location of the enabling development and its design.
3. content to defer to your Council's conservation officer's advice on the detailed proposals for conversion of the main house and glasshouses.

- 5.09 The District Valuer's report on the viability of the scheme has confirmed that the proposed enabling development is the minimum necessary and a S106 Legal Agreement is proposed to ensure that the enabling development is tied to the work. The comments from the Conservation Officer below set out a response on the detailed proposals for the conversion of the main house and glasshouses.

Conservation Officer

- 5.10 The Conservation was fully involved by the Case Officers in discussions with English Heritage over the course of the application. Following various amendments to the scheme and submission of joinery details, he raises no objection to the proposed development, subject to the imposition of suitable conditions relating to an appropriate programme of building recording and analysis, a programme of repairs to all the listed structures, large scale details relating to the main house, outbuildings and garden wall and samples of materials required on the listed buildings.
- 5.11 The Conservation Officer was formally re-consulted on the proposals on 10th March 2016 and had the following detailed comments:

"Wierton Place is a large country house whose core dates from the 18th century but which was re-cased and significantly extended in 1857 and 1899 in neo-Jacobean style. From the late 1960s/ early 1970s the house was used as a country club/ nightclub, but this use ceased a few years ago since when the house has been vacant. During the time it was in use as club premises a number of staff flats were created within the service wing with little regard to the historic layout. The house was not listed until 2002.

Within the grounds and attached to the wall of a large walled garden is an impressive conservatory which is listed in its own right (and was listed prior to the main house in 1987). This building has been vacant and deteriorating for the best part of 30 years and is desperately in need of a new use to secure its future.

In terms of the re-use of these listed buildings I am satisfied that there is a significant conservation deficit, not least because of the condition of the conservatory. Detailed costings have now been submitted for repair works and both the District Valuer and Historic England are satisfied that the enabling development proposed is necessary and the minimum required to produce a financially viable scheme.

In terms of the proposed alterations to the main house, the proposal to return the original part of the building to a single dwelling is to be welcomed as being the best possible use for the building. The proposals will result in some beneficial changes

and whilst other alterations such as the insertion of en suite facilities to bedrooms will cause some harm by sub-dividing rooms it is intended to mitigate this by stopping partitioning short so that the full height and extent of the original rooms can still be appreciated. Within the service wing the previous conversion works to form staff flats has already compromised the original layout, and the changes now proposed will result in a less intensive use and no further harm in my view. The provision of a new entrance building in the form of a glazed box of frankly modern appearance, inserted between two wings of the service range is, in my view, an appropriate solution which will not compete architecturally with the original buildings.

The “ballroom” is partly formed by a single storey Victorian billiard room to which was added a large flat-roofed extension to form a ballroom for the club. This large extension (unlike the billiard room) is of no significance and indeed it can be said to detract from the setting of the main house (it was added prior to listing). The proposal to convert this wing to 2 dwellings ensures the preservation of the billiard room with its fine neo-Jacobean fittings. The addition of an upper storey will, in my view, have little additional impact on the setting of the listed building and the more domestic appearance will go some way to softening the impact of the presently rather severe building.

The garage block to be demolished is a late 20th Century building of no merit which detracts from the setting of the main house and the conservatory. In my view its replacement with a block of new houses in an interesting modern style is acceptable and will not result in any additional harm to the setting of the listed buildings. I consider that the glazed link to the separately listed ice house is appropriate and will not harm significance.

The conservatory is to be incorporated into 4 new dwellings built to the rear of the garden wall which backs on to it, replacing non-descript and unattractive buildings. Whilst I accept that ideally the conservatory should be kept as a stand-alone building, for it to survive it must have a viable use. In my view the modern style dwellings proposed to the rear are acceptable in their impact and the sub-division of the conservatory is on an architecturally logical basis. The impressive central pavilion is to be retained as a communal feature (this appears to be the original mid 19th Century building, the wings being of late Victorian/ Edwardian date).

In conclusion, I consider that the proposals in toto will cause some harm to significance; the level of harm would be less than substantial and this needs therefore to be weighed against any public benefit in accordance with the advice in the NPPF. Apart from the provision of new housing, I consider that substantial weight should be given to the re-use/ restoration of the listed buildings which have been problematic for a considerable period.

Recommendation

- ***I RAISE NO OBJECTION*** to this application on heritage grounds subject to conditions re samples of materials, joinery details, the submission for approval of a detailed schedule of repairs for the main house and the conservatory, archaeological watching brief (to cover works to the existing buildings) and the provision of large scale details of the new glazed entrance building and its interface with the existing service wing. We also need to ensure that the restoration/ conversion works to the listed buildings preferably take place at an early stage and before first occupation of the new units”.

The Victorian Society

- 5.12 The Victorian Society first commented on the proposal in November 2015. This response was originally missed, but is now set out below:

"We object to the application in its current form, which is lacking important information and would be harmful to the significance of the heritage assets. An options appraisal and conservation management plan should have been submitted with the proposals, considering the scale of the site and number of designated buildings involved. We accept the need for the reuse and redevelopment of this site and welcome efforts to retain historic fabric. However, it is considered that there are changes which should be made to the enabling developments so that they better serve the listed buildings and historic landscape. Information is somewhat lacking on the latter, which might have been used to better inform the scheme.

The application correctly identifies the greenhouse as being remarkable for its type – there are indeed very few remaining of this size and in the presence of their associated country house. The proposed conversion is therefore unacceptable; a greenhouse could never sensitively accommodate residential use and such an exceptional building ought to be conserved. Placing mews houses inside the greenhouse would destroy it, turning it into a caricature of what it once was. Subdividing the space so intensely would result in not only a considerable loss of historic fabric, but also a sense of the building's purpose. Glasshouses, particularly one of this size, are supposed to be large, open spaces – this characteristic would be entirely lost. We urge that this magnificent example of a dwindling building type is restored to its external and internal formal grandeur. The principle of demolishing outbuildings to the rear of the greenhouse is acceptable; the six dwellings could be located on the site of these buildings, not inside the greenhouse. This might be used as a communal conservatory in its entirety, which the new buildings would face onto.

There should not be other enabling development around the main house – surely this would be better located elsewhere. A clear options appraisal would have been particularly informative in this respect. If the principle element of the house is to revert it to a single, five bedroom dwelling, the desirability of the property will be somewhat diminished by the density of the other residential properties. A better solution may be to relocate the mews properties (units 16-19) which are proposed on the site of the garages. By demolishing the garages and not putting new buildings in their place, the house (and listed garden building) would be better revealed. The mews should be located closer to the site boundary, or, the enabling development in the strip (units 20-24) should be increased in density, where it is well shielded by trees.

The same principle applied to the ballroom conversion – rather than enlarging this already considerable an unsightly addition, the loss of the proposed dwellings could be made up elsewhere. The large part of the ballroom dating from 1972 would be better demolished, again allowing the architecturally impressive and nationally important house to stand unimpeded by later additions.

We therefore recommend that consent for this application is refused."

- 5.13 The Victorian Society comments appeared to contain a number of inaccuracies and misunderstanding about the proposal. The comments refer to the scheme for 6 dwellings adjacent to the glasshouses rather than the amended 4 dwellings. The amended scheme reduces the number of dwellings and provides for the main central area of the glasshouses to be communal. The Victorian Society was consulted on 5th August 2014, after the scheme was amended to 4 dwellings on 2nd July 2014. They were re-consulted again in March 2016 to enable them to comment further on the scheme. They made the following comments:

"We maintain our objection to the scheme and urge you to consider the points raised in our previous letter.

The conversion of the glass house is the most contentious element of the application and we are not at all convinced that the proposals present an acceptable solution. Given that is such a striking example of a dwindling building type, there really needs to be more justification and more detailed contextual information about the glasshouse and other comparable examples, in order to understand its rarity and whether this is indeed the building's optimum viable use. Paragraph 131 of the NPPF refers to 'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation' – clearly the harm caused by the conversion of the glasshouse to residential use does not make it consistent with its conservation, which should be given 'great weight'. Finding a commercial use for the building is likely to result in a far less harmful intervention as the space is unlikely to need much subdivision, if any.

One such comparable example might be the nearby Walled Nursery at Tongswood, Kent (Grade II, Mid to late C19) which is also of a similar date, on the Heritage at Risk Register and also the subject of a current planning application (16/501397/LBC with Tunbridge Wells Borough Council). The works concern a complete restoration of a large glass house and the applicant notes that they are likely to have the site upgraded to Grade II - this illustrates an appropriate treatment of a Listed Building and also just how important the glasshouse at Wierton potentially is (it is already considered nationally important)".*

6.0 BACKGROUND PAPERS AND PLANS

- 6.01 The proposal is shown on drawing numbers D132799/1 rev 2, D132799/2, D132799/3, D132799/8 rev 1, D132799/9 rev 1, D132799/10, D132799/11 and D132799/12 received 31st March 2011; drawing numbers 09.79.50, 09.79.51 rev B, 09.79.104 Rev B, 09.79.105 Rev A, 09.79.106 Rev B, 09.79.107 Rev B, 09.79.108 Rev B, 09.79.109 Rev A, 09.79.111 rev A, 09.79.112 rev A, 09.79.113 Rev B, 09.79.114 Rev B, 09.79.115 Rev B, 09.79.125, 2082_DR_001-A, 2082_DR_002-A, received 25th June 2014; drawing numbers WM/Joinery/01, WM/Joinery/02, WM/Joinery/03, WM/Joinery/04, WM/Joinery/05, WM/Joinery/06, WM/Joinery/07, WM/Joinery/08, WM/Joinery/09 and WM/Joinery/10 all received 7th July 2015; drawing numbers 09.79.110 Rev B and 09.79.116 rev B received 8th September 2014; drawing number 09.79.101 rev E received 23rd July 2015; drawing numbers 2082_DR_001 rev B and 2082_DR_002 rev B received 24th July 2015; drawing numbers 09.79.117 rev A, 09.79.118 rev A, 09.79.119 rev A, 09.79.120 rev A, 09.79.121 rev A, 09.79.122 and 09.79.123 received 28th July 2015.

Supported by a Bat Survey Report (ref 6037/SBTG dated 5th September 2011) received 7th October 2011; Conservation Statement (dated June 2014), Design and Access Statement, Draft S106 agreement; Supplementary Arboricultural Impact Assessment (ref 2082_RP_002 dated 29th April 2014), Update Bat Survey Report (ref 6037/4687/SBTG dated 11th June 2014) received 25th June 2014; and Bat Activity Survey Report (dated 20th July 2015) received 20th July 2015; and an Arboricultural Impact Assessment (ref 2082_RP_001 date 24th July 2015) received 24th July 2015.

- 6.02 In addition, details relating to the viability of the scheme have been provided, and commented on by the District Valuer. These documents are confidential as they contain commercially sensitive financial information. Since then, a more detailed breakdown of the figures has been provided so as to leave no doubt as to the costings for the proposal. A Section 106 Agreement is proposed to control the phasing of the works on the site and to ensure that the Listed Greenhouse is repaired to the satisfaction of the Local Planning Authority prior to the occupation of any of the new residential units.

7.0 APPRAISAL

- 7.01 It is specifically set out in s.16 and s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that the Council must have special regard to the desirability of preserving the listed structures, their settings or any features of special architectural or historic interest which they possess. The main issues for consideration are the impact of the proposal on the fabric, character, appearance and setting of the listed building.
- 7.02 Policy DM3 of the emerging Local Plan requires new development to protect and enhance the historic environment and to provide for the long term maintenance and management of all heritage assets. It is important to assess whether the proposal protects and enhances the listed buildings and structures within the site.
- 7.03 The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, 'great weight should be given to the asset's conservation'. Clear justification needs to be given if an asset is to be degraded as once lost the harm cannot be undone. Substantial harm to a Grade II listed building is considered in paragraphs 132 and 133 of the NPPF and indeed, were the proposal to be considered to cause substantial harm then, without an exceptional reason, then consent should be refused. However, in this instance, as concluded by the Conservation Officer, the level of harm is not considered to be substantial and therefore Paragraph 134 should be applied.
- 7.04 The NPPF at paragraph 134 requires that the harm be balanced against any public benefit accruing from the proposals. *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'* In this instance it is therefore considered that the significant public benefits arising from the long term re-use and preservation of the listed buildings outweigh the less than substantial harm. Furthermore, the provision of additional homes on the site also adds further public benefits and outweighs harm, especially in light of the significant shortfall with regard to the 5 year supply. In my mind, this is a clear case of balancing the benefits of the development versus the harm to the Listed building. The Conservation Officer comments in his report that the proposals will result in some beneficial changes, whilst other alterations will cause some harm. Overall, it is my view and that of the conservation officer, that the level of harm would be less than substantial, for the reasons discussed below.
- 7.05 The existing Grade II Listed property, icehouse and glasshouses are of significant historical and architectural interest, and their setting must therefore be protected, and where possible enhanced through any development being proposed. This proposal does see the erection of a significant level of development around the main building, including some alterations to it, as well as substantial extensions to the glasshouses and the introduction of new dwellings on the approach to the listed buildings. A key

consideration is therefore whether the proposal is sympathetic to the listed buildings and their setting.

- 7.06 In terms of the alterations to the main building itself, I consider that the proposal would ensure a high quality of design. As stated by the Conservation Officer, the proposal to return the original part of the building to a single dwelling is to be welcomed as being the best possible use for the building. The proposals will result in some beneficial changes and whilst other alterations such as the insertion of en suite facilities to bedrooms will cause some harm by sub-dividing rooms. However, it is intended to mitigate this by stopping partitioning short so that the full height and extent of the original rooms can still be appreciated. Within the service wing the previous conversion works to form staff flats has already compromised the original layout, and the changes now proposed will result in a less intensive use and no further harm in the Conservation's Officers view. The glazed section that would sit centrally would provide a contemporary and lightweight appearance to the structure. At present, it is my opinion that the relationship between the original structure and the existing modern extensions to the east jars, with the materials and proportions of the addition being at odds with those of the original building. The proposal would provide a division between these two elements that would enhance the appearance of the building through the introduction of a visual separation between them, providing a cleaner 'break'. The Conservation Officer has commented that this is an appropriate solution that would not compete architecturally with the originally buildings. Therefore, I consider that this is to the benefit of the existing building. Overall, the proposal enables the conservation of many heritage assets within the main building and the less intensive use of the service wing. Some alterations are considered to cause limited harm to the listed building, but the limited harm or loss will enable the conversion of the listed building to its original use and will secure its long term future.
- 7.07 The proposal includes alterations to the existing 'ball room' which would include a more substantial link to the main house. It is partly formed by a single storey Victorian billiard room to which was added a large flat-roofed extension to form a ballroom for the club. A significant level of discussion has taken place with regards to this element, as there was concern that this would prove overbearing on the main house. However, the plans as submitted are now shown to utilise much of the existing structure, whilst creating a new point of access into the building, with demolition of a small element. Furthermore, the Conservation Officer comments that it ensures the preservation of the original billiard room with its fine neo-Jacobean fittings. The upper storey will have little additional impact on the setting of the listed building and the more domestic appearance will go some way to softening the impact of the presently rather severe building. The Victorian Society commented that the ballroom is a 1972 addition, which would be better demolished. However, as the structure includes the original billiard room and part of the ballroom incorporates the original stables, the retention and conversion of this building is considered to be the preferred option. It also avoids erecting additional enabling development elsewhere on the site and increasing the footprint of new development on the site as a whole. Subject to suitable materials being used, and a bond that matches the existing structures, this is part of the proposal is now considered to be satisfactory and acceptable.
- 7.08 The demolition of the existing garage block and bungalow, and the erection of a row of terraced properties to the west of the main house (opposite the entrance to the greenhouses) would, I consider, enhance the setting of the main building. The garage block that is to be demolished for units 16-19 is a lawful building that was

approved with conditions at appeal on 3rd August 1994. The existing garage is of a significant scale, with a high and dominant roof form and poor quality design and appearance, and is to my mind harmful in relation to the main house. Its loss, and replacement with a well designed row of residential properties, lighter in appearance and of an articulated design, less dominant in bulk, would create more visual interest that would respond positively to the appearance of the remainder of the development. The proposals would be low slung, and would be provided with a sedum roof which would provide an overhang of the first floor. This would provide a delicate feature that would provide a suitable 'top' to the structure. The design would respond to that of the dwellings proposed to the former ballroom to the eastern end of the building and provide balance. It is considered that the proposed new dwellings will be much less dominant over the listed ice house than the existing, bulky garage. The attractive, single storey ice house is to be incorporated into the western-most unit of this terrace via a glazed link. This will ensure that one side elevation and then both the front and rear elevations remain unaltered, with only minor alterations to one flank wall and the roof where the glazed link connects. It will bring the building back into active use ensuring a viable future, with its original form and design still retained. The applicant is seeking to retain the hardstanding to the front, albeit, in a more formalised manner, which again I consider to respond to the setting of the building (front gardens etc. would appear as overly domestic in this setting, and it is important that these buildings remain subordinate in both appearance and function).

- 7.09 The Victorian Society commented in November 2015 that the principal element of the proposal is to revert the house back to a single five bedroom dwelling and that the desirability of this proposal is somewhat diminished by the density of the other residential properties, such as units 16-19. However, this fails to acknowledge the existing three storey staff accommodation attached to the house, located between the main house and units 16-19. This staff accommodation already contains 12 flats and is proposed to be reduced to six flats. The main original house is not detached, being enclosed by the flats to the west and the ballroom to the east. The position of the mews buildings (units 16-19) have been carefully designed to be located on the position of the existing modern garage block and are considered to be a more sympathetic replacement. To move these units nearer to the enabling development, as suggested by the Victorian Society, would increase the density of the development on this part of the site when it has been carefully designed to reflect the rural character of the area. Historic England and the Conservation Officer are satisfied with the location and the design of the mews buildings. Therefore, for the reasons set out above, the replacement of the garage block and bungalow with a row of terraced properties is considered to be acceptable in terms of design, scale, appearance, siting and density.
- 7.10 With regard to the proposed new 5 enabling dwellings, these would be relatively detached from the main house, however they would form part of the context and would be visible in the approach to the main buildings. Careful consideration has been given to the design of these properties, to ensure that they appear as subordinate to the main building, and to not appear overbearing as one enters the application site. This part of the scheme is dealt with in more detail within the committee report for planning application MA/11/0511, as Listed Building Consent is not required.

- 7.11 With regard to the refurbishment of the glasshouses, I strongly consider that this is one of the major benefits of this planning application. The glasshouses are a particularly attractive, and relatively unusual, feature within the grounds of this property, and are independently listed in their own right. However, in recent years there has been serious neglect of this building, and as a result, they are now in a state of disrepair, and without a viable commercial use, would be likely to be lost should works not be undertaken within the short to medium term. That said; they remain listed, and as such, any works proposed should ensure that their form and elements of architectural interest are protected and retained. In addition, as stated by paragraph 130 of the NPPF, the deteriorated state of a heritage asset should not be taken into account in any decision. However, the NPPF goes on to state in paragraph 131 that LPA's should take into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Only a viable re-use of the glasshouses can ensure the long term survival of this historic building, regardless of their current condition.
- 7.12 As stated by the Conservation Officer, the retention of the Glasshouses in their original form would be the ideal, but the building must have a viable use to survive. The building is too large to be used as communal facility in its entirety and no alternative uses would provide the necessary funding its long term preservation. The impressive central pavilion is to be retained as a communal feature (this appears to be the original mid 19th Century buildings, the wings being of late Victorian/Edwardian date). This proposal would see the form of the front elevations of the buildings retained, and the unsightly rear elevations removed, and replaced with a more subordinate, and simple form. The sub-division of the glasshouses is on an architecturally logical basis. The proposed additions to the rear would be low set and despite the "punching through" of openings in the original rear brick wall to the glasshouses to allow movement between the existing and proposed structures, would not be prominent in key views from the south. Whilst the character of the buildings would undoubtedly change, by virtue of the domestic paraphernalia both within and outside of the buildings, I do not consider that this would be so substantial as to be to the detriment of their fabric, nor overall form. It should be noted that the number of dwellings proposed to be created from the glasshouses has been reduced from six to four, which would allow a lesser extent of built form to be added, better proportions to the dwellings, and increased separation between this element of the scheme and the trees protected under TPO 9 of 1982. The access to this part of the scheme has also been redesigned to go to the north of the site in order to provide distance between it and the occupiers of existing residential properties to the south west.
- 7.13 I would emphasise that the proposal is securing the repair and restoration of the glasshouses. They are not to be demolished or rebuilt as a new structure, which is a comment that has been raised in many objection letters. The repair and restoration will be a detailed and costly process, but it will result in the long term preservation of the building for future generations. This is a major benefit and gain that will result from this application. It will provide a viable use for the glasshouses, which will ensure their long term survival. To just repair them and not provide an alternative use would not provide suitable protection for them in the long term.
- 7.14 The Victorian Society's original comments in November 2015 were based on the misunderstanding that there would be 6 mews houses and that they were to be placed inside the greenhouse and that this would destroy it. Indeed, placing houses inside the glasshouses would not be acceptable. It should be noted that this is **not** the case, the proposed units are adjacent to the glasshouses on the position of the

demolished outbuildings, which the Victorian Society actually states to be acceptable in their first comments: “the six dwellings could be located on the site of these buildings, not inside the greenhouse”. The Victorian Society commented that the glasshouses would be better retained as a communal conservatory in its entirety, possibly with the mews houses facing them. However, it is important to note that the glasshouses are not one large open structure that would readily accommodate such a ‘communal’ use. They are already subdivided and this has been utilised within the design of the scheme to provide conservatories to the 4 mews houses with one central communal area. This design has received the support of Historic England and the Conservation Officer.

- 7.15 The Victorian’s Society latest comments in March 2016 are based on the conversion of the glasshouses to 4 dwellings. They still maintain many of their original objections to the scheme and comment that the conversion of the glasshouses is the most contentious element of the application. The Society is not convinced that their conversion to residential is consistent with its conservation and that finding a commercial use for the building would be likely to result in a far less harmful intervention as the space is unlikely to need much subdivision, if any. It has been stated in the previous paragraph that as you walk through the glasshouses, they are actually not one large open area, they are already sub-divided. By maintaining the main, domed central area as communal, it is considered that the main feature of the glasshouse is retained at the same time as protecting its long term future with a viable use.
- 7.16 An options appraisal was submitted with the proposals as part of the viability reports. The proposals were found to be the only viable re-use of the buildings and that the scheme was on the margins of viability with the proposed enabling development (see paragraph 7.49 of the Committee report). As a result, it is considered that the development is the minimum necessary to ensure that all the existing listed buildings are repaired and restored to an appropriate standard and to a use that will ensure their long term protection. Not many commercial uses would be able to make use of glasshouses and no commercial use would be able to provide the necessary finance to repair and maintain the glasshouses to the required standard.
- 7.17 The Victorian Society refers to Walled Nursery at Tongwood, near Hawkhurst (Grade II, Mid to late C19) as a comparable example. The works concern a complete restoration of a large glasshouse under reference 16/501397/LBC. Having researched the application, its description is for Listed Building Consent to provide a temporary polycarbonate covering over Vinery for a period of 5 years and deconstruction of Carnation House pending reconstruction. This was approved in February 2016. Therefore, there is no change of use involved in this proposal, it is continuing an existing horticultural use and involves the actual removal (albeit temporary) of the Carnation House.
- 7.18 Upon investigation, the Walled Nursery site (which until more recently was known as Tongwood Gardens) is a very large nursery site containing 13 large glasshouses, extensive cold frames, walled gardens and large grounds. As an example, the Melon House is 100 foot long and there are also similar sized Carnation House,

Cucumber House, Peach House and Fruit House. There is also a Vinery and large gardens, all with an extensive horticultural history. Clearly the Walled Nursery is on a substantially greater scale than Wierton Place and is capable of actually operating as a nursery with its associated walled gardens and land. It originally provided for the whole of the Tongswood Estate. Wierton Place glasshouses are much smaller, are subdivided, have only a small walled garden area and have never been used for such intensive horticultural purposes and nor could they support such a use. They were built only to serve Wierton Place, not a large estate or a horticultural business. As a result, it is difficult to provide a direct comparison between the current applications for Wierton and those at Tongswood. It is interesting to note that at Tongswood there are cottages and storehouses attached to the rear of the garden walls with glasshouses on the opposite side of the wall. It is considered that the design utilised by the 4 proposed mews houses for Wierton Place actually replicates this historic feature of utilitarian buildings being sited immediately adjacent to the gardeners cottage. As a result, the example of Tongswood provides some useful examples of how cottages and brick stores have historically been attached to glasshouses and walled gardens in the past. Therefore, this current application for Wierton Place is a unique and interesting use of design that has some historical associations, whilst also ensuring a new use that will preserve the glasshouses and require minimal internal alterations. The glasshouses will only be used as conservatories and will not be used as habitable rooms of the dwellings, such as kitchen, lounge etc.

- 7.19 The design of the proposals for the new residential units at the glasshouses and also the enabling development are all low slung to minimise their visual impact, not only in connection with the listed buildings on the site, but also on the surrounding landscape. The new development has been located within areas surrounded by tree cover, which it is proposed to be retained. The use of sedum roofs also reduces visual impact and blends the buildings into the landscape. The most dominant feature on the site will remain the listed main house and its adjacent three storey servant wing. Overall, it is considered that the site is well screened and this combined with the design of the new buildings would limit any long distance views on the adjacent SLA and the proposed Landscape of Local Value.
- 7.20 The Conservation Officer concluded his comments by stating *“I consider that the proposals in toto will cause some harm to significance; the level of harm would be less than substantial and this needs therefore to be weighed against any public benefit in accordance with the advice in the NPPF. Apart from the provision of new housing, I consider that substantial weight should be given to the re-use/ restoration of the listed buildings which have been problematic for a considerable period”*. Historic England were consulted on all the revised plans for the scheme and have been consulted again in March 2016 to confirm their views. They have stated that they are satisfied with the location of the enabling development and its design and are also content to defer to the Council’s conservation officer’s advice on the detailed proposals for conversion of the main house and glasshouses. Overall, therefore, I consider the conversion works proposed to be of a very high quality of design. The works that are proposed to the listed buildings would, to my mind, enhance their appearance – particularly the glasshouses. In addition, the new build elements, whilst contemporary in design, would very much complement the existing buildings, whilst not competing with them. The site is well screened from long distance views, with much of the new development proposed within areas surrounded by tree cover which it is proposed to be retained. For these reasons, I do not consider that the proposal

would cause any harm to the longer distance views into the application site and the development to be of an appropriately high quality of design. It is considered that the proposal is also in accordance with paragraph 131 of the NPPF, which refers to 'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'. I therefore raise no objections on these grounds.

Other Matters

- 7.21 The applicants have submitted viability appraisals that demonstrate that the cost of this development would result in no contributions being made available for affordable housing provision, or for contributions towards other infrastructure. These assessments have been independently verified. Whilst the provision of infrastructure is a strong material consideration for developments of this scale, to my mind, the overriding benefits of this development towards the protection and preservation of the listed building, and in particular the greenhouses, are considered justification for departing from this requirement. It has been accepted by the District Valuer that with increasing construction costs, the scheme is on the margins of viability with the proposed enabling development. It is the minimum necessary to ensure that the existing listed buildings are repaired and restored to an appropriate standard and to a use that will ensure their long term protection. Please refer to Part 2 of the Agenda for the confidential Valuation Reports supplied in connection with planning application 11/0511.
- 7.22 A breakdown of the number of existing and proposed housing units on the site is set out in paragraphs 2.02 and 2.03 of this report. It is noted that the overall increase in residential units would be 8. Much of the residential development is provided through the conversion of the existing buildings and will not result in any increase in footprint. For example, units 1 to 9 relating to the conversion of the main house and ballroom, and new build units 16-19 located on the position of the existing garage block will result in an increase of just 52 sq.m in built footprint. Units 10 to 13 relate to the conversion of the glasshouses and the new build element of these dwellings are mostly located in the position of the existing workshop and storage buildings and actually results in a reduction of 196 sq.m. in built footprint. Units 20 to 22 will have a built footprint of approximately 624 sq.m. In total, however, over the entire site, there will be a net increase in built footprint of 480sq.m from the all the new residential dwellings.
- 7.23 The enabling development clearly comprises the main increase in built footprint on the site, with the other parts of the proposal resulting in a reduction due to the demolition of various modern buildings that detract from the setting of the listed buildings on the site. It is considered that this on balance the proposed increase in built form is acceptable to ensure that the scheme deliver long term protection of these heritage assets. Any reduction in the amount of enabling development would result in the scheme not being viable and thus prejudice long term preservation and protection of these listed buildings.
- 7.24 A Section 106 will be required to be completed prior to the grant of planning permission. The main Heads of Terms has been set out in the officer recommendation below. The legal agreement will split the development into phases with the occupation of the respective dwellings only being permitted once the works on that phase have been completed. In particular, the document focuses on ensuring that all restoration and repair of the main house, the glasshouses and the garden wall have been completed to the satisfaction of the local planning authority prior to the occupation of any of the converted or new residential units (units 1-2, 10-13 and 16-24). As there are existing dwellings within the main house, the proposed residential units within Wierton House itself, units 3 – 9, will be able to be

occupied once the works to the main house are complete. This will then assist in the funding of the remaining works on the site. It should be particularly highlighted that no new residential units can be occupied until the glasshouses have been repaired and restored to the satisfaction of the Local Planning Authority as this was an issue of concern raised by local residents. It is also proposed that the legal agreement includes a Management Plan to identify how the long term maintenance of communal areas of the listed buildings and the gardens will be provided for.

Conclusion

- 8.01 The proposal would have significant benefits in terms of enhancing both the setting of the listed house and bringing Wierton Place and the greenhouses back into good condition, I consider that there is justification for departing from the Development Plan in accordance with national planning policy and guidance. The application has been re-advertised as a departure to the Local Plan.
- 8.02 Whilst some of the proposed works are considered to be beneficial, others are considered to cause some harm to the setting and fabric of the listed building (Section 16 and 66(1) of the LBA.) In conjunction with the Conservation Officer, whilst I consider that the proposals in totality will cause some harm to significance; the level of harm would be less than substantial and this needs therefore to be weighed against any public benefit in accordance with the advice in paragraph 134 of the NPPF. Paragraph 134 of the NPPF indicates that if the harm caused brings about sufficient benefits to the wider public then permission can be granted.
- 8.03 Apart from the provision of new housing, I consider that substantial weight should be given to the re-use/ restoration of the listed buildings which have been problematic for a considerable period. The applicants have submitted a thorough application, that demonstrates that a very high standard of design would be achieved within the site, and this is, in part the justification for allowing such a development. This is not a site where 'standard' house types would be acceptable as 'enabling' development. The enabling development is important to provide for the conversion, repair, restoration and long term maintenance of all the listed buildings on the site, including the glasshouses that are listed in their own right. Up until now, no previous use of the site has ever provided a viable use for the glasshouses and this scheme will ensure the repair, restoration and long term maintenance of the listed glasshouses.
- 8.04 Careful consideration has been given to the quality of the architecture proposed. It is considered that these proposals would not result in any significant visual harm to the locality. Indeed, I consider that the proposal would result in an enhancement of the setting of the buildings due to the works to take place to the listed structures. This is a key consideration in the determination of the applications.
- 8.05 The terms of a S106 Legal Agreement will ensure that the new residential units cannot be occupied until the restoration and repair of the main house, the glasshouses and the garden wall have been completed to the satisfaction of the local planning authority.
- 8.06 It is for this reason that I recommend that delegated powers be granted to Officers to approve these applications, subject to the signing of a S106 Legal Agreement and subject to the conditions set out below.
- 9.0 RECOMMENDATION** – Grant Subject to a Section 106 Legal Agreement and the following conditions:

The head of Planning be given DELEGATED POWERS TO GRANT listed building consent subject to the conditions and informatives set out in the report and to the prior completion of a Section 106 Legal Agreement in such terms as the Head of Legal Services may advise to secure the following:

- 1) The development is to be dealt with in phases and the Owner agrees that occupation of the respective dwellings can only take place once the works on that phase have been completed in accordance with the planning permission and the works carried out in accordance with the schedules of works set out in respect of the greenhouse/glasshouses and the main House to the satisfaction of the Council.
- 2) Phase 1 must be completed before any occupation of the new dwellings.
- 3) Phase 3 must be completed before any occupation of any dwellings included in Phases 4 or 5.
- 4) For the avoidance of doubt all phases can be developed contemporaneously but occupation of the respective dwellings may only occur in accordance with the above.
- 5) The Phases are as follows:

Phase 1

Demolition of out buildings currently used for industrial works and construction of the new greenhouse homes to the north of the greenhouse. Restoration of the greenhouse and garden wall. No occupation of units 10-13 inclusive until such time as the repair works have been completed.

Phase 2

Demolition of the garage and bungalow, and replacement with new-build terraced block consisting of four houses. No occupation of units 16-19 inclusive until such time as the works in Phase 1 have been completed.

Phase 3

Restoration and repair of the main house and adjoining additions. Units 3-9 inclusive. No occupation of the house and adjoining additions until these repair works have been completed.

For clarification until the works on Phase 3 are completed none of these obligations will prevent the occupation of the existing main house and flats in the extension to the house.

Phase 4

Conversion of the ballroom to two houses. Units 1-2 inclusive. No occupation until Phase 1 and Phase 3 works have been completed.

Phase 5

The enabling development of five houses Units 20-24 inclusive. No occupation until Phases 1, 2, 3 and 4 have been completed.

- 6) The Second Schedule shall set out a full method statement for the repair and restoration for the glasshouses.
- 7) The Third Schedule shall set out a full method statement for the repair and restoration of the main House.

- 8) A management plan should be set out to ensure the long term maintenance and repair of the communal areas of the listed buildings and gardens at Wierton Place.

CONDITIONS to include

- (1) The works 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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) No works shall take place until details of foundations designs and any other proposals involving below ground excavation have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure due regard is had to the preservation in situ of important archaeological (including garden history) remains.

- (3) No works, including demolition of existing structures, shall take place until a programme of building recording and analysis (the "Programme") of the main building, the glasshouses and the garden building/ice house has been submitted to and approved in writing by the Local Planning Authority. The Programme shall include a written scheme of investigation, which shall be implemented in full in the implementation of the planning permission. The resulting report shall be submitted to the Local Planning Authority, the Historic Environment Record held by Kent County Council and the Maidstone Museum before first occupation of the development hereby permitted ;

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

- (4) No works shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a high quality appearance to the development and safeguard the fabric, appearance, character and setting of listed buildings.

- (5) No works shall take place until details (in the form of large scale drawings and samples as appropriate) have been submitted to and approved in writing by the Local Planning Authority in respect of the following:

Main House

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

Outbuildings and works to the garden walls

- (i) Samples of materials, including sample panels of brickwork, stonework, mortar mix and re pointing; and
- (ii) Internal and external joinery details at an appropriate scale (all windows to be timber) except for joinery to existing glasshouse building which shall be undertaken in accordance with drawings WM/Joinery/01, WM/Joinery/02, WM/Joinery/03, WM/Joinery/04, WM/Joinery/05, WM/Joinery/06, WM/Joinery/07, WM/Joinery/08, WM/Joinery/09 and WM/Joinery/10 all received 7th July 2015 ; and; and
- (iii) Window details at an appropriate scale; and
- (iv) Repair schedules for the walls; and
- (v) Details of windows, eaves, ridges, doors and door surrounds, bands, plinth mouldings and quoins; and
- (vi) The details and design of any gates proposed.

The development shall thereafter be undertaken in accordance with the subsequently approved details except as agreed in writing by the Local Planning Authority;

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

- (6) No works shall take place until samples and details of the surface treatment of all hardstandings, courtyards, pathways driveways and access ways of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a high quality appearance to the development and safeguard the fabric, appearance, character and setting of listed buildings and the historic gardens.

- (7) The works hereby permitted shall not commence until a programme of repairs to the main house, glasshouses, garden building/ice house and garden wall have been submitted to and approved in writing by the Local Planning Authority in consultation with Historic England and the development, insofar as it relates to the glasshouses, shall thereafter be undertaken in full accordance with the approved details;

Reason: To ensure that the fabric, appearance, character and setting of the heritage assets is preserved.

- (8) No dwelling units within the grounds of Wierton Place hereby permitted (excluding the 7 approved units within the main house) shall be occupied until such time as the restoration works to the glasshouses have been completed to the satisfaction of the Local Planning Authority and that such approval has been given in writing;

Reason: To ensure that the fabric, appearance, character and setting of the heritage assets is preserved and to safeguard against the introduction of new residential development in an unsustainable rural location for which the justification is that it represents enabling development to ensure the survival of heritage assets which may otherwise be lost.

- (9) Prior to the commencement of the works, details of all fencing, walling and other boundary treatments including gates, together with any vehicle barriers to be erected within the site shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details before the first occupation of the development and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and a high quality of design, safeguard and enhance the character, appearance and setting of heritage assets and to safeguard the enjoyment of their properties by existing and prospective occupiers.

- (10) The works shall not commence until, details of the colour of the external finish of the new build dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The approved colour scheme shall be fully implemented before the first occupation of the buildings and thereafter maintained;

Reason: To ensure a satisfactory appearance to the development and a high quality of design, and safeguard and enhance the character, appearance and setting of heritage assets and to safeguard the enjoyment of their properties by existing and prospective occupiers.

- (11) The works hereby permitted shall be undertaken in strict accordance with the following plans and supporting documentation:

Drawing numbers D132799/1 rev 2, D132799/2, D132799/3, D132799/8 rev 1, D132799/9 rev 1, D132799/10, D132799/11 and D132799/12 received 31st March 2011; drawing numbers 09.79.50, 09.79.51 rev B, 09.79.104 Rev B, 09.79.105 Rev A, 09.79.106 Rev B, 09.79.107 Rev B, 09.79.108 Rev B, 09.79.109 Rev A, 09.79.111 rev A, 09.79.112 rev A, 09.79.113 Rev B, 09.79.114 Rev B, 09.79.115 Rev B, 09.79.125, 2082_DR_001-A, 2082_DR_002-A, received 25th June 2014; drawing numbers WM/Joinery/01, WM/Joinery/02, WM/Joinery/03, WM/Joinery/04, WM/Joinery/05, WM/Joinery/06, WM/Joinery/07, WM/Joinery/08, WM/Joinery/09 and WM/Joinery/10 all received 7th July 2015; drawing numbers 09.79.110 Rev B and 09.79.116 rev B received 8th September 2014; drawing number 09.79.101 rev E received 23rd July 2015; drawing numbers 2082_DR_001 rev B and 2082_DR_002 rev B received 24th July 2015; drawing numbers 09.79.117 rev A, 09.79.118 rev A, 09.79.119 rev A, 09.79.120 rev A, 09.79.121 rev A, 09.79.122 and 09.79.123 received 28th July 2015.

Supported by a Bat Survey Report (ref 6037/SBTG dated 5th September 2011) received 7th October 2011; Conservation Statement (dated June 2014), Design and Access Statement, Draft S106 agreement; Supplementary Arboricultural Impact Assessment (ref 2082_RP_002 dated 29th April 2014), Update Bat Survey Report (ref 6037/4687/SBTG dated 11th June 2014) received 25th June 2014; and Bat Activity Survey Report (dated 20th July 2015) received 20th July 2015; and an Arboricultural Impact Assessment (ref 2082_RP_001 date 24th July 2015) received 24th July 2015; Phase 1 Land Contamination Assessment by Ecologica received 16th October 2015;

Reason: To ensure a satisfactory appearance to the development and a high quality of design, safeguard and enhance the character, appearance and setting of heritage assets, secure biodiversity assets and to safeguard the enjoyment of their properties by existing and prospective occupiers.

INFORMATIVES

- (1) The proposal, whilst a departure from the local plan, is considered to represent a well designed development that would provide housing within a reasonably sustainable location, and that would prevent the loss and result in the significant preservation and enhancement of the existing listed buildings. This, together with the Council's current

lack of a five year supply of housing, results in this departure from the Development Plan being considered acceptable.

Case Officer: Diane Chaplin

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



REPORT SUMMARY

REFERENCE NO - 14/505125/FULL		
APPLICATION PROPOSAL Proposed new detached building to accommodate refrigeration condenser unit		
ADDRESS Lenham Ironmongers Ltd 8 Faversham Road Lenham Kent ME17 2PN		
RECOMMENDATION – Approval subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION Proposed development to satisfy noise issues related to the condenser unit		
REASON FOR REFERRAL TO COMMITTEE Lenham Parish Council has objected to the proposal		
WARD Harrietsham And Lenham Ward	PARISH/TOWN COUNCIL Lenham	APPLICANT Mr Gary Taylor AGENT Mrs Rebecca Blundell
DECISION DUE DATE 24/12/14	PUBLICITY EXPIRY DATE 24/12/14	OFFICER SITE VISIT DATE 21/11/2014
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): 14/502375/SUB – Condition 2 Archeological works – Granted 14/503491/SUB- Condition 3 foundation Design – Granted 13/1570- Demolition of existing building new Class A1 retail and B1 office use- Granted – 10/4/2014 13/1571- Conservation area consent for the demolition of building- Granted – 10/9/2013		

1.0 BACKGROUND INFORMATION

1.1.1 This item was deferred by Members at Planning Committee on 7th April 2016. Members deferred the item due to noise concerns arising from external mechanical equipment. Members also requested that a representative from Environmental Health be present when the application is reconsidered at Planning Committee.

1.1.2 This report acts as an addendum to the original report (attached as appendix 1) and provides additional information related to the proposed development.

1.13 URGENT UPDATE

- Members attention is drawn to the urgent update report which included representations from Cllr Jannetta Sams. Phone calls were made by Cllr Sams for

the application to be called into the committee in December 2014, September 2015 and March 2016

- Objection from Imogen King stating that the condenser will not function properly within the proposed screen and that the calculations are incorrect.

2.0 DESCRIPTION OF SITE

- 2.1 The application site comprises a two storey building to the front with a large single storey addition to the rear. The two storey part is of red brick under a tiled roof with modern windows. There is an existing shop front on the south side from the previous retail use, which features stone cladding. The rear single storey part is of different design and has white painted breeze block walls with a corrugated iron roof.
- 2.2 The main Co-operative building is at ground floor level primarily for A1 retail of (260m²) with an element of B1 offices (155m²) of the first floor. The site is on the east side of Faversham Road just north of the village Square. There are accesses on the south and a north side of the building and to the rear is a detached single storey building, which is used as a dance studio. The Conservation Area boundary runs along the south edge of the front building and then heads north over part of the rear of the building. There are Grade II* and II listed buildings to the south which front 'The Square' and there is an Ancient Scheduled Monument on the opposite side of the road (18th century 'lock up) Residential properties are located to the south, west, east and north, and to north comprise sheltered housing for over 65 year olds. The site also falls within a Special Landscape Area.

3.0 PROPOSAL

- 3.1 Planning permission is sought for a new detached building to accommodate one condenser unit. The proposed detached building would be brick built with the following dimensions:

Length- 5m
Depth- 2.8m
Height 2.042m

- 3.2 The condenser unit would be fully enclosed inside a box located towards side of the building. All the colours and materials would be matching in accordance with the proposed Co-operative stores. The designed plant area would be enclosed with 1800mm high timber fence.

4.0 ADDITIONAL INFORMATION IN REGARDS TO THE PROPOSAL

- 4.1 Information below has been provided by the applicant to address Member's concerns.
- 4.2 The plant enclosure would accommodate a refrigeration condenser unit only. This would be required for the operation of the internal fridge units that would run permanently throughout the day. The condenser will operate with maximum noise level based on a 32C ambient between 07:00am- 23:00pm. During the night this noise output would be reduced during the hours of 11pm -7am with a noise level based on 23C. The unit will have an automatic control. The proposed AC units have been placed behind silencers within the main building resulting in very little impact on the overall noise levels.

- 4.3 Further to discussions with the environmental health officer, condition 4 has been amended to ensure its requirements are clearer and to assist its future monitoring process.

Within three months of operation of the development the applicant shall submit an acoustic assessment report from a suitably qualified person demonstrating that,

The rating level of sound emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142: 2014 Methods for rating and assessing industrial and commercial sound) does not exceed the existing measured background noise level (LA90,T) or 25dB whichever is higher for any relevant period when the plant will be operating.

The noise generated at the boundary of any noise sensitive property does not exceed NR35 as defined by BS8233:2014 Guidance on sound insulation and noise reduction for buildings.

If the noise level exceeds the measures set out above, then further mitigation measures shall be introduced to reduce the noise levels to be permitted levels, the details of which shall be submitted to and agreed in writing by the Local Planning Authority. The details as approved shall be installed within 3 months from the date of approval and retained at all times whilst the condenser unit is operational.

The equipment shall be maintained in a condition so that it does not exceed NR35 or the BS4142 requirement as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority.

Reason: To prevent harm to the residential amenity of neighbouring occupiers"

- 4.4 The proposed enclosure has been designed to reduce noise in conjunction with the applicant's noise consultant. The enclosure would be built using special materials consisting of timber and noise insulation sheets that would be implanted using a special selected contractor. This would further reduce noise within the proposed enclosure.
- 4.5 The proposed enclosure will be installed prior to the running of the plant and the applicant would be happy for a condition to be imposed such that no plant is to run until all mitigation proposals as per submitted drawings are in place.

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF):
National Planning Practice Guidance (NPPG):
Maidstone Borough-Wide Local Plan 2000: ENV34,
MBC 20016 Regulation 19 Policies

6.0 CONCLUSION

- 6.1 The concerns of the neighbours and issues related to the A/C and condenser units have been dealt with in the main body of this report. It is therefore considered that

overall the proposal is acceptable with regard to the relevant provisions of the National Planning Policy Framework, and all other material considerations such as are relevant. I therefore recommend conditional approval of the application on this basis

The concerns of the neighbours and issues related to the A/C and condenser units have been considered within the previous report attached as Appendix 1 with the additional details and clarification provided within this report. It is therefore considered that overall the proposal is acceptable with regard to the relevant provisions of the National Planning Policy Framework, and all other material considerations. I therefore recommend conditional approval of the application on this basis

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) No development shall take place until samples of the materials and finishes to be used in the construction of the external walls and roof of the A/C housing building hereby permitted have been submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development.

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

Environmental Acoustic Test report KR04737 – February 2016

Proposed Floor and elevation plans – Drawing no DN16629 -3

Proposed Elevation Plans - DN16629-1

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

- 4) Within three months of operation of the development the applicant shall submit an acoustic assessment report from a suitably qualified person demonstrating that,
 - The rating level of sound emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142: 2014 Methods for rating and assessing industrial and commercial sound) does not exceed the existing measured background noise level (LA90,T) or 25dB whichever is higher for any relevant period when the plant will be operating.
 - The noise generated at the boundary of any noise sensitive property does not exceed NR35 as defined by BS8233:2014 Guidance on sound insulation and noise reduction for buildings.

If the noise level exceeds the measures set out above, then further mitigation measures shall be introduced to reduce the noise levels to be permitted levels, the details of which shall be submitted to and agreed in writing by the Local Planning Authority. The details as approved shall be installed within 3 months from the date of approval and retained at all times whilst the condenser unit is operational.

The equipment shall be maintained in a condition so that it does not exceed NR35 or the BS4142 requirement as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority.

Reason: To prevent harm to the residential amenity of neighbouring occupiers

- 5) No plant shall be operational until such time as the mitigation measures shown on the approved plans have been installed to the satisfaction of the Local Planning Authority.

Reason: To prevent harm to the residential amenity of neighbouring occupiers

Case Officer: Ravi Rehal

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 1
From Committee dated 7th April
REPORT SUMMARY

REFERENCE NO - 14/505125/FULL		
APPLICATION PROPOSAL Proposed new detached building to accommodate three air condition units.		
ADDRESS Lenham Ironmongers Ltd 8 Faversham Road Lenham Kent ME17 2PN		
RECOMMENDATION – Approval subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION Proposed development to satisfy noise issues related to the AC unit		
REASON FOR REFERRAL TO COMMITTEE Lenham Parish Council has objected to the proposal		
WARD Harrietsham And Lenham Ward	PARISH/TOWN COUNCIL Lenham	APPLICANT Mr Gary Taylor AGENT Mrs Rebecca Blundell
DECISION DUE DATE 24/12/14	PUBLICITY EXPIRY DATE 24/12/14	OFFICER SITE VISIT DATE 21/11/2014
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): 14/502375/SUB – Condition 2 Archeological works – Granted 14/503491/SUB- Condition 3 foundation Design – Granted 13/1570- Demolition of existing building new Class A1 retail and B1 office use- Granted – 10/4/2014 13/1571- Conservation area consent for the demolition of building- Granted – 10/9/2013		

1.0 DESCRIPTION OF SITE

- 1.1 The application site comprises a two storey building to the front with a large single storey addition to the rear. The two storey part is of red brick under a tiled roof with modern windows. There is an existing shop front on the south side from the previous retail use, which features stone cladding. The rear single storey part is of different design and has white painted breeze block walls with a corrugated iron roof.

- 1.2 The main Co-operative building is at ground floor level primarily for A1 retail of (260m²) with an element of B1 offices (155m²) of the first floor. The site is on the east side of Faversham Road just north of the village Square. There are accesses on the south and a north side of the building and to the rear is a detached single storey building, which is used as a dance studio. The Conservation Area boundary runs along the south edge of the front building and then heads north over part of the rear of the building. There are Grade II* and II listed buildings to the south which front 'The Square' and there is an Ancient Scheduled Monument on the opposite side of the road (18th century 'lock up) Residential properties are located to the south, west, east and north, and to north comprise sheltered housing for over 65 year olds. The site also falls within a Special Landscape Area.

2.0 PROPOSAL

- 2.1 Planning permission is sought for a new detached building to accommodate three air condition units. The proposed detached building would be brick built with the following dimensions:

Length- 5m
Depth- 2.8m
Height 2.042m

- 2.2 The AC units would be fully enclosed inside a box located towards side of the building. All the colours and materials would be matching in accordance with the proposed Co-operative stores. The designed plant area would be enclosed with 1800mm high timber fence.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF):
National Planning Practice Guidance (NPPG):
Maidstone Borough-Wide Local Plan 2000: ENV34,
MBC 20016 Regulation 19 Policies

4.0 LOCAL REPRESENTATIONS

- 4.1 The Old Parish Hall – Neighbouring occupiers objects to the proposal on the following grounds:
- Noise levels of these air conditioning units will be disruptive, as they get old.
 - The noise of the air conditioning units would be unbearable to their bedroom window as their window is singled glazed.
 - The noise would affect the sleep through the night. This would be intrusive and restrictive.
- 4.2 8, 9 and 10 The Square – Occupier objects to the proposal on the following grounds:
- Mechanical plant would be against their garden wall within 10m of their bedroom window.
 - Neighbours cottage is much closer at 6m away.
 - The noise from the air conditioning units would affect the houses due to the quite village location.
 - Noise from the acoustic test carried by KR Associates does not seem to provide accurate readings.

- The four machines run all day and will continue throughout the night. Each unit would create high levels of noise equivalent to 65mph wind speed.
- The fans will cause distinguishable, noise with a continuous hum that will increase with wear.
- Amenity of the gardens and houses belonging to the neighbours would be ruined.
- The design and access statement gives no explanation why the plant is required.
- The noise has been directed towards the properties with fan extraction units places towards the rear part of the properties
- The flats have sealed double glazed windows to block the sound we don't.

4.3 Butchers Cottage – Neighbouring occupier objects to the proposal on the following grounds:

- Proposed plant would be 3m from my back garden and 4m from my house.
- The noise would be continuous and would not Butchers Cottage garden, kitchen and lounge. The noise would be distinguishable every day for 24 hours.
- The readings undertaken by the applicant's noise report does not provide accurate information.
- The units would have serious ability to lice in their home and garden.
- Acoustic information looked by a professional, they states the measured noise level near the proposed source does not give accurate readings.
- The report by KT associates fails to determine these objectives.

4.4 Wickham Place, The Square – Neighbouring occupier objects to the proposal on the following grounds:

- The regular noise from the air conditioning units will affect their daily life.
- The natural habit of the indigenous animals may be damaged by these air units.
- New drawings submitted however no new acoustic sound test properly carried out.

4.5 Occupier Paul King makes following comments in response to the environmental health officers.

- The acoustic test carried out by the applicant does not relate to the existing site.
- The proposed box acts as a tunnel directing the sound towards the neighbouring.
- The plant produces 62/5dB and 5dB giving rise to the complaint.
- Objects to the proposal because the data is exactly the same as the previous issue.

5.0 CONSULTATION RESPONSES

Lenham Council – Object to the proposal on the following grounds:

- Noise pollution concern to residents
- The noise information on units does not provide local residents with accurate recordings.
- There is false impression on the potential impact on the properties

MBC Environmental health services- have no objections to the proposed units subject to monitoring condition.

6.0 APPRAISAL-

Principle of Development

The main issues to consider are:

- The visual impact to the surrounding area.
- Noise disturbance generated from the proposed air condition units on the amenities of the nearby residential properties.
- Impact on the conservation area and host building
- Loss of parking and Highway

Impact upon the property and surrounding area

- 6.1 The application has been modified since submitted in order to minimise noise impact on the adjoining neighbouring occupiers. The applicant has now proposed a new building to accommodate the proposed AC units.
- 6.2 The positions of the AC units have now changed. The proposed external 3 new external A/C units would be placed internally within the proposed detached building with louvres fitted externally to allow efficient air flow.
- 6.3 The changes and position of the A/C units would therefore improve the noise reduction. This is also reflected within the new acoustic report submitted by the applicant.
- 6.4 The proposed building would be modest in scale and size and would not overwhelm the existing surrounding area. It would be well hidden from the existing street scene. The proposed building would have a floor area of 14m² and a height of 2.042m.

Noise impact of the proposal on the amenities of the nearby residential properties

- 6.5 The proposed A/C housing building would be approximately 7m away from the nearest residential dwelling.
- 6.6 The objections raised by neighbouring occupiers and parish relate to noise that the development would generate however the amended plans and noise report provided by the applicant over comes these issues. The acoustic test report ensures that the noise from the A/C units would remain within the building and the additional unit would be enclosed.
- 6.7 The local residents have hired an acoustic consultant who has expressed concern about the applicant's noise report, however MBC Environmental health officer has considered and assessed the noise report submitted by the applicant noise consultant and is satisfied that the anticipated noise rating levels would not be harmful to the amenities of adjoining properties however to ensure that the proposed development noise levels are met a noise monitoring condition is recommended.

Impact on the conservation area and host building

- 6.8 The siting and the position of the enclosed building would have no impact upon the conservation area and the host building due to its modest size and its location A/C housing and would not be seen from the main street scene.

Loss of parking and Highway

- 6.10 The proposed A/C housing building would result in loss of a car park space. The site currently provides some parking and the site is close to the village centre and there are large number of public car park nearby therefore loss of one car park space would not be harmful to the existing parking arrangements or be detrimental to the highway safety or amenities of the local residents.

7.0 The conclusion

- 7.01 The concerns of the neighbours and issues related to the A/C units have been dealt with in the main body of this report. It is therefore considered that overall the proposal is acceptable with regard to the relevant provisions of the National Planning Policy Framework, and all other material considerations such as are relevant. I therefore recommend conditional approval of the application on this basis

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) No development shall take place until samples of the materials and finishes to be used in the construction of the external walls and roof of the A/C housing building hereby permitted have been submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development.

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

Environmental Acoustic Test report KR04737 – February 2016

Proposed Floor and elevation plans – Drawing no DN16629 -3

Proposed Elevation Plans - DN16629-1

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

- 4) Within three months of commencement of operations a noise report shall be submitted to demonstrate,

i-That the noise generated at the outside of any sensitive property shall not exceed Noise Rating Curve NR35 as defined by BS8233:1999 Sound Insulation and Noise Reduction for Building Code of Practice and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006.

ii-The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142 : 2014 Rating for industrial noise affecting mixed residential and Industrial areas) shall be at least 0dB below the existing measured ambient noise level LA90,T for any relevant period when the plant will be operating. If the noise level exceeds the measures set out above, then further mitigation measures shall be introduced to reduce the noise levels to the permitted levels, the details of which shall be submitted to and agreed in writing by the Local Planning Authority. The details as approved shall be installed within 3 months from the date of approval and retained at all times whilst the AC units are operational.

Reason: To prevent harm to the residential amenity of neighbouring occupiers

Case Officer: Ravi Rehal

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

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

Agenda Item 16



REPORT SUMMARY

REFERENCE NO - 14/506738/OUT		
APPLICATION PROPOSAL Outline application for the erection of up to 100 dwellings – reserved matters for which approval is being sought: Access, including access widening comprising relocation of wall (forming part of outer curtilage of Barty Nursing Home (Grade II listed))		
ADDRESS Land at Barty Farm, Roundwell, Bearsted, Kent ME14 4HN		
RECOMMENDATION GRANT PLANNING PERMISSION SUBJECT TO PRIOR COMPLETION OF AN APPROPRIATE LEGAL MECHANISM AND CONDITIONS		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development does not conform with Policy ENV28 of the Maidstone Borough-wide Local Plan 2000. However, the development is at a sustainable location, immediately adjoins the existing urban boundary, and is not considered to result in significant planning harm. Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan. Similarly whilst the proposal will have an impact on the setting of the adjacent Grade II Listed Building and involve the permanent loss of some fabric of the curtilage wall and its re-alignment, having considered the advice contained in the LB Act, NPPG and NPPF the benefits of the development are felt to outweigh the harm caused. The applicant is prepared to enter into a legal agreement to ensure that justified contributions are met.		
REASON FOR REFERRAL TO COMMITTEE The proposal is a departure from the Development Plan. Bearsted Parish Council wish to see the application refused and have requested the application be reported to Committee for the reasons set out below.		
WARD Bearsted	PARISH/TOWN COUNCIL Bearsted	APPLICANT Crabtree and Crabtree (bearsted) Ltd AGENT Hobbs Parker Property Consultants
DECISION DUE DATE 06/04/15	PUBLICITY EXPIRY DATE	OFFICER SITE VISIT DATE Various

RELEVANT PLANNING HISTORY (including relevant history on adjoining sites):

14/506798/FULL Barty House Roundwell Bearsted Kent: Demolition and reposition of part boundary wall **REFUSED** *The construction of a new boundary wall and adjustment to the parking area would detract from the historical setting and heritage value of this grade II* listed building and as such would result in substantial harm to this listed building contrary to advice contained in The National Planning Policy Framework 2012.*

14/506799/LBC Barty House Roundwell Bearsted Kent: Demolition and reposition of part

boundary wall REFUSED *The construction of a new boundary wall and adjustment to the parking area would detract from the historical setting and heritage value of this grade II* listed building and as such would result in substantial harm to this listed building contrary to advice contained in The National Planning Policy Framework 2012.*

MAIN REPORT

Background

This application was previously withdrawn from the agenda of the planning meeting that was held on 26 November 2015 due to a late representation by KCC Highways. As a result of the comments received the scheme has now been amended to delete the combined emergency, pedestrian and cycle access at the western end of the site on to Water Lane.

1.0 DESCRIPTION OF SITE

- 1.1 The application site lies adjacent to the eastern edge of the settlement of Bearsted and is located in Roundwell, Thurnham, east of Water Lane and north of residential development fronting on to Roundwell Lane. The site forms part of the Barty Farm complex and comprises 3.9 hectares of sheep pasture; it is enclosed entirely by fencing and around the boundary can be seen areas of hawthorn hedging and tree lines. The north-west boundary (adjacent to the ancient route of Water Lane) is a significant landscape feature in that it is formed by a steep bank, lined with trees (mainly mature oak); the bank is approximately 6m deep.
- 1.2 The land is classified as Grade 3 agricultural land. The site does not lie within an Area of Outstanding Natural Beauty although this is approximately 1km to the north. The site does fall within the North Downs Special Landscape Area as defined in the Maidstone Borough-wide Local Plan 2000. Bearsted Conservation Area is located 388 metres west of the site boundary; Bearsted Holy Cross Church Conservation Area is located 337 metres west of the site boundary. Barty House (currently in use as a nursing home) is a Grade II Listed early 18th Century house and is situated approximately 38 metres south of the site boundary.
- 1.3 Approximately 50m to the north of the site, separated by another field parcel is the main Ashford to London railway line and beyond this at 450m distance to the north-eastern most part of the site is the M20. In addition to the fields to the north, there are also fields to the east/north east. The proposed access to the site is from an existing

access to the south/south east corner. The access is currently used by the Grade II Listed Barty nursing home and beyond this the remaining Barty Farm complex including Glenrowan House, The Oast House and End Cottage.

- 1.4 To the west of the site are dwellings in Mallings Lane and Mallings Drive. The general character of the area is of detached dwellings on Roundwell bordering the southern edge of the site and semi-detached/detached dwellings to the west. To the east of Water Lane and north/north-east of Roundwell is countryside.
- 1.5 The land rises in a north-easterly direction towards the railway line and Barty Farm buildings. The rise is from an elevation of 45AOD in the western corner to 55AOD where it meets the boundary of Glenworan House. In the south west half of the site are two shallow linear valleys. The underlying geology is identified as sandstone by the British Geological Society. There are no buildings within the application site.
- 1.6 The site at Barty Farm is located some 300m from the application site at Cross Keys whereby it was recently resolved to granting planning permission for a residential development of 50 dwellings subject to a legal agreement being entered into.

2.0 PROPOSAL

- 2.1 The proposal is in outline and seeks planning permission for the erection of up to 100 dwellings together with open space, on site play if required and associated parking, garaging and road infrastructure. Along with the approval for the principle of a change of use from agriculture to residential, only the specific details of the means of access to the site is being considered at this stage and all other matters (layout, appearance, scale and landscaping) are reserved for future consideration.
- 2.2 The vehicular access to the development would be from the existing farm track which serves Barty Nursing Home and beyond this a cluster of residential properties from the Barty Farm complex (as named in the section above). The access will require widening and upgrading. Full details have also been submitted seeking permission to part demolish and re-align/rebuild the existing wall which forms part of the boundary of Barty nursing home closer to the building, details are also included of building a new wall adjacent to the car park to facilitate 10 additional car park spaces ; a Listed Building application has also been submitted for these details and the report is also on this agenda for consideration.

2.3 Although with an outline application the applicant is not required to provide any details of the reserved matters at this stage, an indicative layout has been submitted together with a design and access statement that provide an insight into how the applicant sees the site being built out, and also in order to demonstrate how the site could accommodate the housing numbers that are proposed. The indicative layout has been amended since the application was first submitted in order to further demonstrate that the site is capable of being served by a public bus.

2.4 The scheme would make provision for 30% affordable housing. The indicative layout shows 70 private dwellings and 30 affordable units . The scheme proposes a mix of 1 and 2 bedroom flats, terraced, semi-detached and detached dwellings. The site is shown to be developed at a lower density in the eastern section. The indicative layout has been designed to meet the KCC minimum parking standards. In addition to an indicative plan, the following documents have also been submitted to inform the assessment of the application:

- Planning Statement (Dec 2015)
- Design & Access Statement (Dec 2015))
- Archaeological Desk Based Assessment (October 2014)
- Transport Assessment Dec 2015
- Acoustic Assessment
- Arboricultural report by Chartwell Tree Consultants December 2015,
 - Chartwell Tree Consultants Draft Arboricultural Report Method Statement (March 2016 (including accompanying drawings showing mini pile foundations, section through brick wall, Method Statement for brick wall construction,)
- Phase 1 Habitat Survey
- Foul Water Management Strategy
- Surface Water Management Strategy (incorporating Flood Risk Assessment)
- Utilities Statement
- Statement of Community Involvement
- Report on the structural stability of Barty House Wall
- Swept path drawings to accommodate a double decker bus serving the site
- Lustre Air Quality Assessment March 2016

2.5 The following plans have been submitted for determination:

- Site Boundary Plan
- Re-alignment of Barty House boundary wall: drawing 2527-03G
- 475-108A Works to Barty House to provide visibility splay
- 474-112 Proposed highway improvements western gateway
- 474-115 Proposed highway improvements eastern gateway
- 474-116 Proposed highway improvements Roundwell junction with site access
- 475-123 Double decker bus swept path Roundwell junction with access
- 475-125 A Double decker bus through route within site
- 2527-21b indicative site layout
- 2527-20Rev D site location plan
- 2527-22A proposed housing mix

2.6 The proposed vehicular access into the site would be via the existing farm track which leads to the Barty Farm complex. This would require upgrading and also widening. In order to facilitate the widening of the track, the existing wall which forms the curtilage of Barty Nursing Home would need to be set back closer to the Listed Building (a separate Listed Building application has also been submitted). It is proposed to carefully take down the existing wall, cleaning each brick which is capable of being reused and storing until the rebuild in the new location. The revised position of the wall will take it between 2.5 – 3.5m closer to the western elevation of Barty House. In order to ensure the appropriate visibility splays are achieved the existing wall which fronts Roundwell will also be reduced in height by a minimal amount.

2.7 The existing track will need to be upgraded in order to accommodate the vehicle movements and this will involve the use of stronger surface materials than existing. It is also proposed that the development will be served by the Arriva bus service. A plan has been submitted showing the initial entry point as being of tarmac surface for the first 8m into the entrance, then 'silver haze' block paving for the majority of the remainder length before the road will turn into the development site. Parallel to the road on the eastern side will be a 'charcoal' block paved footpath.

2.8 There will be two aspects to the rebuilding of the wall, the wall itself as seen and behind this the retaining wall which is essential due to the level difference between

the garden of Barty House and the road level. Where the wall is to be rebuilt adjacent to Roundwell, the main set back is on the corner turning into the site to provide visibility splays, the majority of the wall is then reduced in height (very minor) by 600mm.

3.0 PLANNING CONSTRAINTS

Barty House Grade II Listed Building east of the site. Listing as follows:

Bertie House Grade II

House. Early C18 with early C19 and later additions. Red brick with plain tile roof. 2 storeys attics and basement with moulded brick string course, moulded brick eaves cornice and plain stone-coped parapet. Ground floor painted red with traces of tuck or painted pointing. Roof hipped to right, gabled behind parapet to left. End stacks. 2 hipped dormers. Regular 5-window front of glazing-bar sashes, with rubbed brick voussoirs, those on ground floor with segmental heads. First floor windows have blind hoods. Large early C19 porch up 4 steps with fluted Doric columns carrying deep entablature and flat hood over. Early C19 door with fielded panels and ornate rectangular fanlight. Left end elevation: has 2-storey canted bay in same style as front elevation but merged with C19 rear additions. 2-storey C19 red brick additions to rear.

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) 2012
National Planning Practice Guidance (NPPG)
Planning (Listed Buildings and Conservation Areas) Act 1990
Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34, ENV49, T3, T13, T21,T23, CF1, CF16.
Supplementary Planning Documents: Affordable Housing Development Plan (AH1) Document (2006), Open Space Development Plan Document (2006) (OS1)
Maidstone Borough Council Reg 19 Draft Local Plan: SS1, SP2, SP5, H1 (17), H2, H3, DM2, DM3, DM4, DM6, DM10, DM11, DM12, DM13, DM23, DM24, DM30, ID1.
Maidstone Landscape Character Assessment (MLCA 2012)

5.0 LOCAL REPRESENTATIONS

A site notice was displayed at the site on 29 January 2014. The application has been advertised as a departure from the local plan.

71 objections were initially received from local residents. The following issues were raised:

- Encroachment on green space;
- Development outside the urban area is unacceptable;
- Bearsted is already overdeveloped;

- An extra 200 cars onto an already congested road system; the junction with Roundwell is already suffering
- Highway safety, access points not safe and road use not sustainable;
- Existing road network inadequate, main road through village substandard/pinch points and conflict between pedestrians and vehicular movements e.g between Cross Keys and The Green – too much on street parking makes The Street a single carriageway.
- Do not trust the traffic survey – data is flawed and inaccurate.
- Lack of school places (Roseacre is full), lack of appropriate transport, dependence on private car; tax payer will have to bare the cost of school travel if places not allocated locally;
- GP surgery overloaded, no NHS dentist, no post office in the village.
- Blind corner. Water Lane totally unsuitable for emergency access;
- Loss of agricultural land;
- Impact on the AONB; interrupt views across the fields to the North Downs;
- Harm to the character of the countryside, contrary to ENV28 and ENV34 of the MBWLP 2000.
- Noise pollution, light pollution, loss of habitat for bats and other wildlife;
- Undesirable extension and consolidation of sporadic development in the SLA.
- The application should not be considered until the emerging plan is at Regulation 19 stage;
- The proposed alterations are significant in terms of impact on Barty House
- Proposed access widening and resurfacing of the farm track will destroy the rural setting of countryside and listed building;
- The land is part Grade 2 not all Grade 3 as indicated in the planning statement.
- Inability for a fire engine to turn into the emergency access road – Water Lane too narrow.
- Proposed emergency access will destabilize the bank.
- Pedestrian access unacceptable from Water Lane – no lights, paths or speed limit.
- Localised flooding at the junction of Water Lane with Roundwell.
- Existing path too narrow, no opportunity to improve cycle routes – contrary to proposed policy.
- Inability to comply with policy criteria re: secure vehicle and cycle parking.
- Proposal does not comply with NPPF re: sustainable transport.
- Pedestrian route shown on plans not achievable.
- Development fails to provide 40% affordable housing as per the adopted DPD

After second consultation a further 32 letters were received reiterating previous comments and making the following additional ones:

- The proposed highway amendments/measures are more dangerous than existing;
- Removal of centre line with cause rise in accidents and not cause drivers to slow down;
- A Counsel opinion was submitted drawing attention to:
 - the previous two applications refused in March 2015 relating to Barty House;
 - advising that the Conservation Officer could not draw a different conclusion on this application;
 - considers the proposal unsustainable development due to lack of school places;
 - considers that ENV28 should still hold significant weight as recently quoted by the Inspector on the J8 Waterside Park appeal decision.
 - The full opinion was submitted as a representation and available to be viewed on the Council's website.

After a third consultation a further 14 letters were received objecting/reinstating objections regarding the importance of Barty House as a Listed Building and the impact of removing/relocating the wall. Attention is drawn to two different drawings with regard to the proposed wall works.

As a result of the application being withdrawn from the agenda of the planning committee meeting on 26 November 2015, plans had to be amended showing the deletion of the emergency access and the red line being amended around the application site. In response to reconsultation a further 39 letters were received from members of the public.

The majority of these reiterated previous objections to the scheme, a few welcomed the loss of the access onto Water Lane. New objections related to the impact that a bus route into the site would have on Barty House and whether the emergency services would accept the loss of the access. Reference was also made to recent flooding on The Street and the confusing drawings making it difficult to define where the existing wall and proposed new siting was to be.

Bearsted & Thurnham Society support the request of the EHO for an Air Quality study.

5.2 Councillor Cuming has objected to the proposal for the following (summarised reasons): Objects strongly on the following grounds:

- Proposed development would have a significant impact on the Bearsted Ward and use of its already over-stretched facilities;
- 'Land South of Crosskeys' acknowledged lack of primary school places when presented by James Bailey at planning committee;
- Pedestrian access via Water Lane is totally inappropriate and dangerous, as the lane is narrow, with no pavement or speed limit there (officer note – this has now been removed)
- Concerns have been raised by statutory consultees regarding sewage capacity, flooding in Roundwell, visibility at the junction of proposed access road with Roundwell, speed limit on Water Lane etc.

6.0 CONSULTATIONS

6.1 **Bearsted Parish Council:** objects to the application on the following grounds:

The Parish Council would object on the application for the following reasons:

Encroaching on the Countryside

This application would affect the setting of the AONB

Loss of Agricultural Land

Detrimental effect on the special landscape area

Means of access cannot be provided due to wall (the Parish Council objected on a previous application to the relocation of the wall)

Traffic generation

Detrimental to local residents

Lack of school places

The emergency access into Water Lane is grossly inadequate and will create traffic problems.

6.2 **Thurnham Parish Council:**

Thurnham Parish Council has considered the above planning application and wish to register its strong objections for the following reasons:

The Parish Council is concerned at the overall level of development and the precedent that this would set for further development at Junction 8 of the M20 and the infill between Water Lane and Thurnham Lane.

Development in this area would lead to the loss of viable agricultural land and will lead to the coalescence of part of Bearsted and part of Thurnham which will subtract from the rural character of the area.

The Parish Council has serious concerns regarding the proposed access to the development. The access would be situated on a sharp bend in the road and at the bottom of two slopes in which the topography restricts the sightlines for oncoming vehicles adjacent to the unrestricted limit.

The proposed development of a hundred new homes would increase traffic in the area and create an additional hazard on an already very busy road.

The application documentation makes reference to an additional 400+ car movements a day.

The Parish Council is concerned about the impact that these additional car movements would have on traffic at the A20 and through Bearsted.

We feel that it is inevitable that the majority of this traffic travelling to London would use Junction 7 to access the motorway rather than Junction 8, thus increasing the traffic movements through Bearsted Village. We are also very concerned at the proposed emergency access onto Water Lane. We feel that emergency access onto this lane is unacceptable, this area is already prone to significant water run-off and flooding at the junction with Roundwell and we feel that a development in this area would increase this problem.

There are no footpaths along Water Lane and therefore access here would increase the risk to pedestrians using this route.

The Parish Council object strongly to this proposed development on grounds of lack of infrastructure in the area. This development would increase the pressure on local services and schools. The schools in the immediate area are oversubscribed and do not have the capacity for expansion on their existing sites, in addition to this development would also put a similar pressure on medical practices in the area.

The Parish Council notes that Kent Police have also admitted submitted its strong objections to this application on the grounds that it does not believe that the proposed development is sustainable. The Parish Council fully supports these objections.

In summary Parish Council wish to put forward its strong objections to the proposals to develop Barty Farm on the grounds that we believe that this development is unsustainable, the lack of infrastructure and dangerous access.

We would therefore wish to see this planning application refused by the Borough Council.

Further comments: Thurnham Parish Council has considered the additional details for the above planning application and wish to reiterate its strong objections.

- 6.3 MBC HOUSING:** Raise objection to the application only proposing 30% affordable housing as per the emerging local plan. Housing do not consider this acceptable given that the emerging plan is just that. The Housing department are putting forward their recommendation for this proposed policy to change as part of the local plan consultation process and in the meantime consider that the adopted DPD should be adhered to. They consider a separate viability assessment should be undertaken to support the proposal at 30%. They express disappointment that no one bed units are proposed (57% need on the Council's register), but do acknowledge the outline

status of the application. In summary, they suggest changes to the level, mix and house types proposed and request dwellings are built to life time homes standard.

- 6.4 MBC SPATIAL POLICY:** State the following ‘As you are aware, the site was included as a proposed development site in the Regulation 18 Consultation draft of the Maidstone Borough Local Plan 2014 as policy H1 (9). The representations made at Reg. 18 Consultation stage have recently been considered by the Planning, Transport and Development Overview and Scrutiny Committee (January 2015) and the Council’s Cabinet (2 and 4 February 2015). Cabinet rejected the recommendation of the O&S Committee that the site be deleted as an allocation resolving as follows:

‘H1 (17) – Barty Farm, Roundwell (122 units)

RESOLVED: That Members rejected the recommendation of the Committee and that the site go forward to Regulation 19 consultation subject to amendment of the site policy to respond to concerns about future primary education provision and an additional criterion that Section 106 contributions are spent in Thurnham and Bearsted first unless proven otherwise.

5 – Agreed

1 – Against’

A further additional criterion was also agreed at the meeting.

The development proposals are designed to take into account the results of a detailed Heritage Impact Assessment that addresses the impact of the development on the character and setting of the designated heritage assets adjacent to the site.’

It is currently anticipated therefore that the policy will go forward in its amended form to the regulation 19 Consultation version of the draft Local Plan when that is published later in the year.

I note that the submitted application is in outline with all matters, except access, reserved for subsequent approval.

The illustrative layout submitted with the application does appear to include the required buffers on the western and southern boundaries, clearly it is a matter for yourself to determine whether sufficient space has been provided. As will be whether the layout, albeit illustrative, meets the requirements of criterion 2.

I also note that an emergency access is shown to Water Lane again justification for this given criterion 3 of the policy is a matter for yourself to consider in conjunction with Kent Highway Services.

A key issue for determination in relation to this application will be the impact of development on local community infrastructure.

Approval on this site would be a departure from the Development Plan as things currently stand and should be advertised as such. The site is however, earmarked for development in the emerging local plan and Members have given a clear indication that the site should go forward to Regulation 19 consultation stage. In addition, as part of the consideration of the application you should take into account the current position with regard to the 5-year housing land supply (currently 2.1 years). Development of the site would make a contribution towards meeting the supply.

I would therefore raise no objections to the application from a spatial policy point of view subject to the application successfully addressing the revised criteria.’

NB The 5 year supply now stands at a 3.3 year housing land supply.
(no updated comments)

However, since these comments were received the position has progressed and the local plan is now at Regulation 19 stage. The relevant policy is H1(21)

- 6.5 MBC PARKS & OPEN SPACE:** It is noted that there is planned provision of onsite open space amounting to approximately 1ha. The development site is situated with Detling and Thurnham Ward, and is close to the ward of Bearsted.

It is also noted however that the design and layout is currently indicative and so is subject to change. The indication is that a LAP will be provided on site. This is not an acceptable size of onsite play facility and we would question the value of a small token area of play to a development this size. A LEAP should be the minimum play provision with the possibility of a NEAP being explored and provided.

For a development of this size we would expect a minimum of 1.05ha.

We would therefore expect a contribution towards offsite open space.

This department would seek an additional off-site contribution for surrounding open space which is likely to see an increase in usage as a result of this development. Elizabeth Harvie Field is approximately 0.25 miles away and is a large area of open space providing outdoor sports facilities.

We would envisage an increase in usage of facilities at this site as well as any others within a one mile radius of the development. Bearsted Green is 0.33 miles away and is also a well used facility by local residents.

We would request that an offsite contribution be made towards these sites for the improvement, maintenance, refurbishment and replacement of facilities within these areas. Facilities would include but not be restricted to pavilions, play equipment and play areas, ground works, outdoor sports provision and facilities.

The financial contribution requested would depend on the open space provided on site. Natural and Semi Natural open space is not included in the provision tables as it is ANGsT set. Similarly if the developer only plans to provide a LAP then the number of children able to use the facility will be limited and will leave nothing for older age groups.

- 6.6 MBC CONSERVATION OFFICER:** Raises objections for the following reasons: Whilst the housing development in itself will have only a limited impact on the setting of the Grade II listed Barty House, works to improve the access to the site will have a far greater impact.

The proposal seeks to demolish an existing boundary wall defining the curtilage of Barty House at the edge of the unmade track leading to the side of the listed building and to rebuild a new wall further back into the site. The reason for the re-positioning of the wall is to create a widened vehicular access to service the proposed housing development site on land behind properties fronting Roundwell.

The wall in question, which acts as a retaining wall, appears for almost its entire length along the track to be of late 18th/ early 19th Century date. It is an attractive feature which makes a positive contribution to the setting of the listed building. It appears to be the last surviving section of the original boundary enclosure of Barty House. The curved section towards the junction with Roundwell indicates where the former driveway which ran across the frontage of Barty House entered the plot. For these reasons I consider that it adds to the significance of the listed building.

Whilst the wall shows evidence of some cracking and bulging which may require attention, in my view this should be addressed by careful and conservative in situ repair. The proposal is to build a similar new wall, but sited some 2 metres or so further back in to the plot. This will reduce the curtilage of Barty House on this side, leaving the house in a less spacious setting. Views of the house from this direction are the most important ones as it is only from this side that the listed building can be appreciated in its original form and size, without the large modern nursing home extensions being readily visible. The setting would be further damaged by the change from an unmade track to a surfaced and engineered road with pavements which would be an urbanising feature. I therefore consider that the proposals will cause harm to the significance of the listed building because of the loss of historic fabric and the impact on the setting of the listed building. The submitted supporting statement admits that some harm to the setting of Barty House would be caused by the loss of the existing historic wall.

In my view the harm would amount to less than substantial harm. This being the case, the NPPF requires that the harm be balanced against any public benefit accruing from the proposals. In coming to a decision, the Council is obliged by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting and the courts have made it clear that where there is harm to the setting of a listed building this is a consideration which should be given considerable importance and weight.

- 6.7 MBC LANDSCAPE OFFICER:** There are no trees currently subject to Tree Preservation Orders on the site. There is a significant belt of trees along the bank on the Water Lane Frontage. The indicative layout suggests that these would largely be retained, which I welcome both in visual terms and because of their function in maintaining the stability of the bank. The proposed emergency access will cut through the southern end of the tree belt, but having looked at the tree survey details, it is clear that it will not result in the removal of individual trees of any particular value and I therefore raise no objection to this part of the proposal. Given the areas of new planting proposed, I consider that there is scope to be able to mitigate the loss of these trees with replacements as part of a new landscaping scheme.

Turning to the proposals for upgrading and widening of the access adjacent to Barty House, I am not satisfied with the details relating to tree retention. The tree report submitted suggests that the best trees present will be retained – principally T5 Deodar Cedar in the grounds of Barty House and T8 Black Pine in the grounds of Barty Cottage. The tree report suggests that these would be retained, but does not include any detail to demonstrate how this would be successfully achieved, i.e. whether the proposals would occupy an unacceptable large area of new hardstanding within root protection areas and if non-damaging construction techniques could be achieved within root protection areas. The tree report details other tree removals to accommodate the widened access road – T6 Larch (to which I raise no objection) and T7 Poplar (to which I raise no particular objection, although it is not clear from the plans why this one would need to be removed to accommodate the road proposal). However, T5 Cedar and T8 Pine are large, prominent, mature specimens of significant amenity value which contribute to the character of the area and the setting of Barty House and Barty Cottage respectively and their successful retention is particularly important in those terms.

I am particularly concerned by the plans detailing the road widening and new access to Barty House, such as drawing 475/109 and the proposed boundary wall drawings,

which omit T5 Cedar tree entirely, so it is not possible to relate the position of the tree to the proposals to be able to determine if it would definitely need to be removed in order to accommodate the proposal or if it might be possible to retain with specialist construction techniques. I suspect the former, due to the position and levels of the footway and the position of the new wall to the east of the proposed Barty House access. The information contained in the tree report cannot therefore be relied upon as a true indication that the tree is, or could, be retained.

T8 Pine would be more likely to be successfully retained in relation to the position and levels of the proposed access road, as these do not differ significantly from the existing on its northwestern edge and the proposed levels could be achieved without excavation. However, I am concerned about the indicated '1.0m wide service strip' shown on the road widening plans. I assume that that this is intended to be the proposed route for services (gas/water/electricity etc) to be delivered into the site. This would pass directly through the RPA of T8 and could potentially result in significant root severance, such that the tree would be destabilised and therefore need to be felled. Whilst specialist techniques are available (such as moling) to install services within RPAs, my experience is that sites are not always suitable for these to be used and that this can sometimes only be determined by trying; where it is unsuccessful the only option is to resort to traditional trenching methods. I would only support an application that shows the service route relocated outside of RPAs. The emergency access might be a suitable alternative location.

I therefore object to the application on the basis of the potential loss of T5 and likely loss of T8 in the absence of any detail to demonstrate how they would be successfully retained.

Updated comments: no objection is raised in light of the additional information received comprising a Draft Arboricultural Method Statement with accompanying drawings relating to pile foundations and cross section of wall,

- 6.8 MIDKENT ENVIRONMENTAL HEALTH:** Initial comments raised no objection in principal but considered an Air Quality Report necessary prior to determination. Comments strengthened and an objection was raised on Air Quality grounds.

' I have reviewed the application including the submitted acoustic report. Noise. I am satisfied that the development can proceed subject to the conclusions of the acoustic report which recommends that further design work to windows is undertaken. This can be controlled by condition.

Land contamination: The site has not been identified by the council as being potentially contaminated and appears to be a largely greenfield site.

Air Quality: The site is immediately adjacent to the Maidstone Air Quality Management Area and it is highly likely that it will result in additional vehicle traffic traversing through that area. The impact of this development on the Air quality management area should therefore be assessed and any mitigation approved. This should be completed prior to the approval of the application as the results may indicate that the effects on the AQMA are not acceptable.

RECOMMENDATIONS:

That the application be refused until such time as the effects on the adjacent **AQMA** are assessed. Should the planning officer be minded to approve the application please contact me so that any conditions can be applied.'

Final comments:

As a result of the recently submitted AQ report no objection is raised subject to conditions and informatives:

'The site is in a semi-rural area, but less than 500m from the Channel Tunnel Rail link, less than 450m from the M20 motorway to the North-East, and the Northern most point of the proposed development site is less than 50m from a railway line; so noise is a potential problem for this site. I note that an acoustic assessment by Peter Moore Acoustics Ltd, ref 141101/1, has been submitted in support of the application. An assessment of both noise and vibration has been carried out. The report concludes that due to the shielding effects of houses proposed to be sited on the North plus North-Western and North-Eastern borders of the development site, the majority of houses and gardens will not be exposed to significantly high levels of noise. However, the houses and gardens which are proposed to be sited on the Northern boundary plus some of those proposed to be sited on the North-Western and North-Eastern boundaries are predicted to be exposed to between 53 and 55 dB at night time plus between 57 and 61dB of road traffic noise in the day. In addition, these houses are also predicted to be exposed to between 45 and 47 dB at night time plus between 49 and 53 dB of train noise in the day. It is desirable that all the houses should have a garden where noise levels are within the 55 dB LAeq upper limit, and preferably below 50 dB LAeq, as recommended by British Standard BS 8233. In this respect section 9.3 & 10.5 of the report state that "garden fences, if they are solidly constructed, could be used to give additional localised shielding". Sections 10.2 & 10.3 recommend that detailed sound insulation calculations should be carried out once the design of the project has reached a sufficiently detailed stage and that alternative means of ventilation (other than opening windows) will need to be required in some of the houses in this proposed development. Provided the recommended actions and provisional recommendations for mitigation are secured through a relevant planning condition I accept that noise and vibration levels can be of an acceptable range for the majority of the proposed residential development.

The site is immediately adjacent to the Maidstone Town Air Quality Management Area on the Western border of the proposed development site and less than 400m from another boundary of the Maidstone AQMA to the North-East. An air quality assessment by Lustre Consulting, ref1533\MD\3-2016\450 has also been submitted in support of this application. I accept the methodology used in the report and its' conclusions that changes in PM₁₀ and NO₂ as a result of this development will be negligible, plus the impacts of the construction phase on PM₁₀ are predicted to be low to medium. However, since the amount of traffic and congestion generated as a result of this development may be significant; I do consider that installation of either some publically/private accessible Electric Vehicle charging points would be a useful promotion of a sustainable travel option.

No contaminated land report appears to have been submitted in support of this application, but the historical use of the site for agricultural purposes leads me to believe that it would be prudent to attach a contaminated land condition to any permission granted. There is no indication of any significant chance of high radon concentrations.

The application form states that foul sewage will be dealt with via mains system; and there are no known Private Water Supplies in the vicinity.

Any demolition or construction activities may have an impact on local residents and so the usual informatives should apply in this respect.'

- 6.9 KCC FLOOD TEAM:** as Lead Local Flood Authority have no objection to the proposed development with respect to means of surface water disposal and are pleased to offer the following comments.

The Surface Water Management Strategy prepared by RMB consultants (Civil Engineering) Ltd dated December 2014 proposes that surface runoff can be managed by using infiltration methods. A design for surface water infrastructure has been prepared based upon a relatively low rate of permeability and so the proposed drainage design is likely to be feasible.

However, it is essential a ground investigation is undertaken to identify the permeability of the ground at a range of locations across the site, in order to confirm the proposed strategy will be feasible.

Shallow flooding of the highway on Roundwell has been observed in the past and therefore, KCC may object if an alternative strategy is subsequently proposed which suggests increasing the volume of discharge into the existing highways network. We therefore recommend the following as a condition of planning.

Condition

Development shall not begin until a sustainable surface water drainage scheme based on details provided within the Surface Water Management Strategy prepared by RMB Consultants (Civil Engineering) Ltd dated December 2014, has been submitted to and approved in writing by the local planning authority. The surface water strategy should also be compliant with the Non-Statutory Technical Standards for Sustainable Drainage (March 2015), and should demonstrate the surface water run-off generated up to and including the 100yr critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event, so as not to increase the risk of flooding both on- or off-site. The strategy should also include details for the provision of long term maintenance of all surface water drainage infrastructure on the site.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

We strongly recommend this condition be considered prior to or in conjunction with, approval of road and housing layout to ensure the optimum space can be allocated for storage and conveyance of storm runoff using sustainable drainage techniques.

- 6.10 KCC ECONOMIC DEVELOPMENT:** We have reviewed this application having had regard to the 5 Obligation restriction towards a 'project' or 'type of infrastructure'. The previous request would have been based upon pooling a large number of developments to deliver an infrastructure project which as you appreciate from the Regulations post April 2015 can only be achieved through CIL.

Without CIL in place, we have had to review with Service providers, to identify projects that can be delivered with 5 planning obligations.

The Government introduced CIL to replace pooling of contributions - as confirmed by the attached recent correspondence with Steve Quartermain's Office – Chief Planning Officer.

The revised KCC requirements for this development are now:

- *Primary Education @ £2360.96 per 'applicable' house (x100) ('applicable' excludes 1 bed units of less than 56sqm GIA and sheltered accommodation) - towards the South Borough PS permanent expansion to 2FE.
- Secondary education @ £2359.80 per applicable house - towards the second phase of expansion of Maplesden Noakes
- Library £12,709.00 - project: Bearsted Library enhancements, namely additional bookstock and moveable shelving
- Youth Service £3178.00 - project: new furniture for InFoZoNe Youth Centre
- Community learning £3175.00 – project: new IT equipment to St Faiths Adult Education Centre in Maidstone
- Social Care £5388.00 – project: enhancements to Dorothy Goodman Centre (Age UK) at Madginford

As set out in the original request letter, KCC would request:

- Delivery of 2 Wheelchair Accessible Homes within the affordable housing on site
- a Condition be included for the provision of **Superfast Fibre Optic Broadband**, namely:

Before development commences details shall be submitted (or as part of reserved matters) for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point destinations and all buildings including residential, commercial and community. This shall provide sufficient capacity, including duct sizing to cater for all future phases of the development with sufficient flexibility to meet the needs of existing and future residents. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction process.

INFORMATIVE – The BT GPON system is currently being rolled out in Kent by BDUK. This is a laid fibre optical network offering a single optical fibre to multi point destinations i.e. fibre direct to premises.

*Please note the revised Primary School project is now South Borough Primary School permanent expansion to 2 forms of Entry. South Borough PS is a similar distance to the previous Langley Park Primary School project, and should the application proceed to determination, the comments in Paul Crick (KCC) letter dated 11 February 2015 still apply.

6.11 KCC PAUL CRICK: I write to set out the objection from Kent County Council – as the Local Education Authority – to the outline planning application for the erection of 100 dwellings at the above site.

This is consistent with the objection submitted (5 February 2015) to the application at 'land to the south of Cross Keys, BEARSTED' (ref. 14/504795/FULL), situated immediately to the south west of land at Barty Farm.

The National Planning Policy Framework (NPPF) recognises (paragraph 38) that, *"Where practical, particularly within large-scale development, key facilities such as primary schools and local shops should be located within walking distance of most properties"*. Paragraph 72 of the Framework states (my **emphasis** added): *"The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. **Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement**, and to development that will widen choice in education. They should:*

- ☐ *give great weight to the need to create, expand or alter schools; and*

☐ *work with schools promoters to identify and resolve key planning issues before applications are submitted.*

KCC Education Planning & Access (EPA) strongly object to this planning application on the ground that the detrimental impact of the development on sustainable local Education provision would not be outweighed by the contribution to housing land supply.

The Commissioning Plan for Education Provision in Kent 2015-2019 indicates the pressure on primary school places in the local area ('Maidstone East'), despite the expansion of St. John's CEP School in 2013/14. In addition the adjacent planning group of Maidstone North is identified as facing significant additional demand for pupil places which will necessitate the expansion of one or more schools.

The quantum of development proposed in this planning application does not justify the provision of a new primary school. Furthermore, the primary schools within the local area are not capable of accommodating the forecast net pupil demand without expansion which is restricted by the building and site constraints and the availability of land.

Additional pupils arising from housing development in the area are unlikely to be accommodated locally, therefore increasing the need to travel to areas further afield which do have sufficient provision, i.e. the new primary school at Langley Park situated approximately four miles (one hour walk) to the south of the application site. The cost of travel imposes an unnecessary financial burden on the Local Education Authority and does not contribute to the social wellbeing of the local community. This is contrary to the aims and principles contained within the NPPF which seeks to promote healthy communities.

In the event that planning permission for this development is granted, the County Council will need to ensure that the impact on Education provision is appropriately mitigated. The letter from Allan Gilbert dated 30 January 2015 sets out the KCC request for development contributions, including towards primary and secondary school provision.

Additional comments received:

By email dated 4 April 2016

1. An updated assessment of capacity at the local schools

Please find attached an updated assessment. KCC can confirm there is not forecast to be surplus places for the pupils generated by this development.

2. An updated contribution request for a S106

Should this development proceed the County Council requests that the following be secured to mitigate the additional demand on schools in the Borough. There is no change to the request since Allan Gilbert's email of 25 June 2016.

Primary Education - £2,360.96 per dwelling - towards the South Borough PS permanent expansion to 2FE.

Secondary education @ £2359.80 per applicable house - towards the second phase of expansion of Maplesden Noakes

3. A clear picture of where it is envisaged children would go to primary school from this development

KCC's letter of 11th February 2015 confirmed that schools local to this development were unlikely to have the capacity to accommodate the additional demand arising from the development. Should the development proceed the County Council would only be able to provide additional places some distance from the development; in this case over 3 miles away.

The closest schools to the proposal are Thurnham CE Infant School and Roseacre Junior School. In 2015 the last place offered for admission to the infant school was 0.7106 miles and 0.3976 miles for the junior school. The proposed development lies outside of both of these distances.

Providing additional places in schools that are not the most local to a development can unlock places in the most local schools; this occurs when there is a high demand for places on those local schools from outside the area, once places are provided in the area generating that demand then a rebalancing can occur when pupils take up the new places, demand for places in the local schools then decreases. This is a valid principle and one that KCC occasionally employs in mitigating demand from new developments; this is especially true where the nearest schools to a development cannot be expanded, such as in this case. However for this principle to operate a number of factors must be present, the most important of which is that places within the schools most local to the development are being taken up by pupils outside of the immediate area; with the distance to the last place offered in this case being less than one mile, rebalancing is unlikely to occur.

The distance to the last place offered is affected by a number of other factors and may increase or decrease in future years but rebalancing will not provide a solution in this case. It remains that KCC cannot provide additional places in schools local to the development and pupils from the development are likely to need to travel distances for their education beyond that considered appropriate for walking.

Received by email on 7/4/16 in response to questions asked by case officer at MBC: 'Thurnham CE Infant School and Roseacre Junior School currently accept three forms of entry. Any expansion would be to 4FE and jointly provide an additional 210 places. The development planned in the local area will not provide the critical mass of additional demand to require such a large expansion or to make it a viable proposition.

However this is not the only consideration; an expansion would involve seven additional classrooms and ancillary facilities being required across two sites, such provision would eat into outside space to such an effect that given the area occupied by the schools there is unlikely to be sufficient space to meet space standards in planning terms. Additionally it is not considered that the access to the school through the residential area would be appropriate to serve the additional traffic movements from 210 additional places without parking and drop off being provided on the school site. There is not room for such drop off to be created on the school sites.

The table below shows the primary schools in the local area, the distance as the crow flies from the proposed development and the distance of the last place offered by each school in 2015. This distance is likely to change each year but may be used as a guide to inform where pupils from this site may attend.

School	Distance From Site (miles)	Last Distance Offered 2015
--------	-------------------------------	-------------------------------

		(miles)
Roseacre Junior School	0.8	0.40
Thurnham CEI School	0.8	0.71
Madginford Primary School	1.1	1.4
St John's CEP School, Maidstone	1.7	0.61
Leeds & Broomfield CEP School	1.7	8.72
Greenfields Community Primary School	1.9	0.32
Senacre Wood Primary School	2	0.53
Hollingbourne Primary School	2.1	4.2
East Borough Primary School	2.4	0.45
Molehill Copse Primary Academy	2.4	1.38
Park Way Primary School	2.5	25.1
Oaks Primary Academy	2.5	1.16
Tree Tops Academy	2.5	0.85
Langley Park (<i>opens September 2016</i>)	2.7	-
Holy Family Catholic Primary School, The	2.7	37.8
South Borough Primary School	2.7	0.63
Tiger Primary School	2.9	1.01

The only way KCC can accommodate the increased pupils from the development is to create places within the general area. It should also be noted that the above distances are as the crow flies; travel distances from the proposed development to the schools may be greater than shown.

The number of primary aged pupils travelling to school by bus is low; the provision of a bus link or bus stop close to the site is not considered to have any significant positive effect on the site's links with primary schools in the area.

There has been no material change in the likelihood that pupils from this development will not have to travel considerable distances for their primary education; an objection for the reasons set out in KCC's letter of 11 February 2015 therefore remains.'

6.12 KCC ARCHAEOLOGY: No objections. The site lies within an area of general archaeological potential associated with prehistoric and later activity. There has been evidence for prehistoric activity to the north and the topography suggests this area would have been favourable for prehistoric settlement and occupation sites. Thurnham Roman villa is to the west and there were indications of prehistoric and early medieval activity around the main site.

Barty Farm itself is considered to be of 17th century or earlier origins and there are medieval farmsteads known to the north and south. Water Lane may well be one of the access routes or even a drove road linking the grazing area of the Downs with the lower pasturelands and settlements to the south. Remains associated with Barty Farm may survive within the application site. Barty Farm is a Grade II Listed Building and is identified on the HE Farmstead Survey. There needs to be careful consideration of the impact on the setting of this designated asset and proposals should seek to enhance its setting wherever possible.

I note the application is supported by a Deskbased Assessment by Trust for Thanet Archaeology. This assessment is generally fine although it does not cover historic landscape issues in detail. There is potential for archaeology to survive on this site and as such I recommend the following condition is placed on any forthcoming consent:

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

- i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and*
- ii further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority*

Reason: To ensure that features of archaeological interest are properly examined and recorded.

6.13 KCC ECOLOGY: Two sets of comments have been received. The first requested additional information (although it transpired some of this had been submitted). The second sought additional information in relation to Great Crested Newts in terms of identifying the surveyed ponds and advising of a mitigation scheme. The requested information has been received and addresses the outstanding issues sufficiently that there is no objection on ecological grounds.

6.14 KCC PROW: Seek improvements for the following:

- The crossing of 'The Roundway' from the site to the existing footway.
- Improvements to the footway between the site and the village
- Improvements to public footpath KH127 as a means of access to schools and recreational open space (a contribution is sought towards this)

They are satisfied that public footpath KH131 is adequately protected through the provision of the footway adjacent to the new access.

6.15 KCC HIGHWAYS: I note from paragraph 10.2 of the Transport Assessment that it is considered that a visibility splay to the south east of 51m, in accordance with the speed measurements undertaken, is possible. I also note the discussions on pages 27, 29 and 30 of the Transport Assessment regarding visibility splays and (non-impeding) traffic calming techniques. At this outline stage I consider it would be helpful if the works required for a full 51m visibility splay option could be illustrated. It is normal in my experience when removal of centre lines are proposed, that this is accompanied with a series of edge line treatments and it would be helpful if the applicant could also consider and illustrate this.

I note the proposals for an alternative emergency access and that under normal circumstances it is intended that vehicular use of this route is prevented which I consider is appropriate. The gradients proposed for this route appear acceptable. I do consider however that the views of Kent Fire and Rescue Service should be sought and that paragraphs 6.7.2 and 6.7.3 of the Department for Transport's Manual for Streets should be considered and discussed.

I would be grateful if these points could be considered and if the additional information requested could be provided before completing my response on behalf of the Highway Authority to this proposal.

Following my response to you of 2nd February focusing on vehicular safety aspects of this application, I note my colleague's response from PROW and Access Service. I would like to endorse and re-iterate the need for pedestrian safety and infra-structure to also be considered.

I note the applicant's comments that according to standards regarding vehicular movement that a right turning lane at the main access point is not necessary. It is considered however that the applicant still needs to address a requirement for pedestrians to safely access the southern side of Roundwell. I would be grateful if the applicant could also comment on the width of footway on the southern side of Roundwell and opportunities to improve the footway width. It is further considered that opportunities to provide pedestrian safety infrastructure at the junction with Water Lane needs to be discussed. Finally I note, and I apologise for not discussing this previously, that a short section of Water Lane (approximately 60m) is subject to a 30mph speed limit. It is considered that currently with the emergency and sustainable access route proposed, that a relocation and highlighting of this change in speed limit would be appropriate. Information regarding the above is considered necessary in addition to the further information requested on 2nd February.

Thank you for re-consulting me on this application. I note that the applicant has proposed several additional transport measures. Firstly visibility splays in accordance with the traffic speeds measured are proposed. This comprises relocation of the boundary wall to Barty House to provide inter-visibility with traffic approaching Bearsted from the south. An enhanced gateway to the speed limit boundary is proposed and an initial interactive speed limit sign is also proposed. A gateway type feature comprising coloured surfacing and SLOW carriageway markings is proposed to the east of Cross Keys. Removal of the centre line and introduction of variable edge line markings between these points is proposed which would highlight the existence of accesses to through traffic and provide a virtual or visual road narrowing. It is considered that these measures will provide a traffic calming effect and road safety benefits.

Some areas of new footway and enhancements to existing footways are proposed. It should be noted that it is my understanding that the rights of way officer has also requested funds to provide public footpath improvements. Alterations to the location of the speed limit and lining regimes at the southern end of Water Lane are also proposed an association with a proposed emergency and sustainable access point to the site.

The outline application is for a development of up to 100 dwellings and under Kent guidelines proposals of this scale require transport statement to be provided (Guidance on Transport Assessments and Travel Plans – October 2008). The applicant anticipates that peak hour movements of ~ 55 trips will be generated. It is considered that this level of traffic can be accommodated on the surrounding network without severe impact. It is further considered that there is no evidence that the proposal will exacerbate the existing good injury crash record of the surrounding roads.

On behalf of the highway authority I write to confirm that I have no objection to this outline application. The off-site measures proposed will require the applicant to enter into a Section 278 agreement with this authority in order to satisfactorily ensure their implementation. This includes the main access point, the emergency access proposed off Water Lane and the other measures described. These measures for completion at any full application stage will require not least drainage assessments, a

street lighting review and safety auditing procedures to be undertaken. I would be grateful, if this application is approved, if reference is made to this in any approval notice.

Officer comment; On 11 November 2015 MBC received last minute concerns regarding the provision of the emergency, cycle and pedestrian access onto Water Lane. The application was withdrawn from discussion at the planning committee meeting on 12 November. Subsequent plans were submitted by the applicant deleting the emergency access and also demonstrating turning circles within the site to accommodate a public bus. As a result of further consultation with KCC Highways there was as follows:

21 March 2016 I am satisfied that in accordance with the Kent Design Guide, the 5.5m wide access road proposed can suitably accommodate buses, service and refuse vehicles. In any approval notice I would urge however that for reserved matters:-

☐ a 5.5m road through the site (shown illustratively) should be provide so that buses can penetrate and turn within the site;

☐ the internal road network and dwelling configuration are provided in a way that paragraph 6.8.9 of Manual for Streets regarding refuge carry and collection distances are satisfied.

As part of any outline permission I consider that the applicant should be required to, through Section 106 agreement, agree an improved bus service which removes the current turning arrangement in the end of Water Lane and includes bus services within the site for a period at least 5 years at a frequency/timetable to be agreed with bus operators and the planning authority.

6.16 KENT POLICE: Two letters have been received making separate representation. One seeks a financial contribution to provide funding for additional staff, equipment, vehicles and the like. The other raises concerns that the applicant/agent has not engaged with the Police Architectural Liaison Officer and considers the site to be unsustainable development.

6.17 KENT WILDLIFE TRUST: raise no objections to the application in respect of ecological interests.

6.18 NATURAL ENGLAND: no response received

6.19 SOUTHERN WATER: Advise there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. Southern Water advise that additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location.

6.20 ENVIRONMENT AGENCY: Raise no objections on flooding or contamination grounds and request the following condition:

Condition: Development shall not begin until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local

planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off-site.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

6.21 NHS: No objections, advise as follows 'In terms of this particular application, a need has been identified for contributions to support the delivery of investments highlighted within the Strategic Service Development Plan. These improvements to the primary care infrastructure will enable support in the registrations of the new population, in addition to the commissioning and delivery of health services to all. This proposed development noted above is expected to result in a need to invest in a number of local surgery premises:

- Bearsted Medical Practice

The above surgeries are within a 1 mile radius of the development at Barty Farm. This contribution will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity.

NHS Property Services Ltd will continue with NHS West Kent formulae for calculating s106 contributions for which have been used for some time and are calculated as fair and reasonable. NHS Property Services will not apply for contributions if the units are identified for affordable/social housing.

The application identifies unit sizes to calculate predicted occupancy multiplied by £360 per person. When the unit sizes are not identified then an assumed occupancy of 2.34 persons will be used.

Predicted Occupancy rates

1 bed unit @	1.4 persons
2 bed unit @	2 persons
3 bed unit @	2.8 persons
4 bed unit @	3.5 persons
5 bed unit @	4.8 persons

For this particular application the contribution has been calculated as such:

Predicted Occupancy rates	Total number in planning application	Total occupancy	Contribution sought (Occupancy x £360)
2	2	4	£1,440
2.8	25	70	£25,200
3.5	43	150.5	£54,180
			£80,820

NHS Property Services Ltd therefore seeks a healthcare contribution of £80,820, plus support for our legal costs in connection with securing this contribution. This figure has been calculated as the cost per person needed to enhance healthcare needs within the NHS services.

I can confirm that we have no more than 5 pooled contributions for these premises so our request meets CIL regulations’.

6.21 AONB Unit: raise objections and comment as follows: the application should be accompanied by a LIVA to fully assess the impact on the AONB. The application documents provide little information on the visual impact of the scheme. They set out recommendations as to what the design/layout to give careful consideration to.

6.22 Kent Fire & Rescue: Confirm that they have looked at the plans and the location and that the proposals meet the criteria for fire service access.

6.23 Agricultural Advisor: Confirms the site appears to be Grade 3 agricultural land from the relevant mapping system.

Updated comments: no detailed agricultural classification study has been submitted to confirm the precise grade of the land

6.24 Arriva Bus Services: Advise they would be very supportive of the proposal, subject to some financial contribution being made available to them.

Background

The application site was found acceptable through the SHLAA process in both 2009 and 2014. The emerging plan at Regulation 19 stage states that Site H1(21) Barty Farm, Thurnham, located on land to the north of Roundwell and east of Water Lane has given an indicative figure of 122 new residential units - as agreed by Cabinet on 2 February 2015 subject to, the following criteria

Design and layout

1. An undeveloped section of land will be retained along the southern and western boundaries of the site, and landscape buffers will be included in these areas to protect the amenity and privacy of residents living in Water Lane and Roundwell.

2. The eastern section of the site will be built at a lower density to reflect the existing open character of the countryside beyond.

Access

3. Access will be taken from Roundwell only.

Air quality

4. Appropriate air quality mitigation measures will be implemented as part of the development.

Open space

5. Provision of a minimum of 0.4ha of open space within the site, together with additional on/off - site provision and/or contributions towards off-site provision/improvements as required in accordance with Policy DM22.

Community infrastructure

6. Appropriate contributions towards community infrastructure will be provided, where proven necessary.

Highways and Transportation

7. Improvements to and provision of pedestrian and cycle links to the village centre.

8. Appropriate contributions towards improvements to secure vehicle and cycle parking at Bearsted railway station.

7.0 APPRAISAL

7.1 Principle of Development

7.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. In this case the Development Plan comprises the Maidstone Borough-Wide Local Plan 2000, and as such the starting point for consideration of the proposal is policy ENV28 which relates to development within the open countryside. The policy states that:

“In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to:

- (1) that which is reasonably necessary for the purposes of agriculture and forestry; or*
- (2) the winning of minerals; or*
- (3) open air recreation and ancillary buildings providing operational uses only; or*
- (4) the provision of public or institutional uses for which a rural location is justified; or*
- (5) such other exceptions as indicated by policies elsewhere in this plan.”*

7.1.2 In this case, none of the exceptions against the general policy of restraint apply, and therefore the proposal represents a departure from the Development Plan. It then falls to be considered firstly whether there are any material considerations which indicate that a decision not in accordance with the Development Plan is justified in the circumstances of this case, and (if so) secondly whether a grant of planning permission would result in unacceptable harm, such that notwithstanding any material justification for a decision contrary to the Development Plan, the proposal is unacceptable.

7.1.3 The key material consideration outside of the Development Plan in the determination of applications for residential development in the open countryside is national planning policy as set out in the National Planning Policy Framework 2012 (NPPF) and the Council's position in respect of a five year housing land supply.

Paragraph 47 of the NPPF states that Councils should;

“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;”

- 7.1.4 The National Planning Policy Framework further states that “relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites” (paragraph 49). The update of the Maidstone Strategic Housing Market Assessment (June 2015) established an objectively assessed need for housing of 18,560 dwellings between 2011 and 2031, or 928 dwellings per annum, and these figures were agreed by the Strategic Planning, Sustainability and Transportation Committee on 9 June 2015. Taking account of the under supply of dwellings between 2011 and 2015 against this annual need, together with the requirement for an additional 5% buffer, the Council is able to demonstrate a housing land supply of 3.3 years as at 1 April 2015.
- 7.1.5 In addition, the new Local Plan has advanced and is out to Regulation 19 publication being the Plan that the Council considers is ready for examination. The Plan is scheduled for submission to the Planning Inspectorate for examination in May 2016, with the examination expected to follow in September. The Plan allocates housing sites considered to be in the most appropriate locations for the Borough to meet the OAN figure, and will enable the Council to demonstrate a 5 year supply of deliverable housing sites when it is submitted to the Inspectorate in May. Notwithstanding this, it remains the case the most recently calculated supply of housing, which assesses extant permissions and expected delivery, is from April 2015. This demonstrates a 3.3 year supply of housing assessed against the OAN of 18,560 dwellings. A desk based review of housing supply undertaken in January 2016 to support the Regulation 19 Local Plan housing trajectory suggests that there remains a clear and significant shortfall of supply against the five year requirements. The Council's five year supply position will be formally reviewed in April/May in order to support the submission of the Local Plan to examination in May. Before the Local Plan is submitted however, the Council will remain unable to demonstrate a 5 year supply of deliverable housing sites. Clearly the Local Plan is gathering weight as it moves forward, and whilst not considered to have sufficient weight to rely solely on to refuse or approve a planning application, I consider that in this case it carries reasonable weight at the application site is one of the proposed housing allocations considered appropriate to help meet the 5 year supply.
- 7.1.6 This lack of a 5 year supply is a significant factor and at paragraph 49 of the NPPF it is stated that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a 5 year supply cannot be demonstrated. The presumption in favour of sustainable development in this situation means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.

In respect of the circumstances of the specifics of this case, the proposal site is located on the edge of the urban boundary of Maidstone to the east of Bearsted, in reasonable proximity to a range of key services available in the village as well as good public transport links via Bearsted train station and bus routes into Maidstone town centre.

- 7.1.7 The draft Local Plan states the town of Maidstone cannot accommodate all of the growth that is required on existing urban sites, and the most sustainable locations for additional planned development are at the edge of the urban area of Maidstone. The Maidstone urban boundary ends at the western edge of the application site where it abuts Water Lane. The application site is therefore located directly adjacent the edge of the urban area of Maidstone and is considered to represent a sustainable location in accordance with the draft Local Plan.
- 7.1.8 In this context, it is considered that the location of the site is sustainable in the terms of the NPPF as it is located on the edge of the defined urban area. The application site is located just over 1km from Bearsted train station with half hourly services to Maidstone, Bromley South, London Victoria and Ashford. Bearsted Green is located 1km from the site with a range of services on the edge of the green including pubs, restaurants, a convenience store, butchers, delicatessen and a computer shop. All of these facilities can be accessed by foot from the application site along lit pedestrian pavements. The nearest bus stop is approximately 100 metres on Roundwell, served by Bus Route 19 and an hourly service to Maidstone. Roseacre Junior school and the GP surgery are located approximately 1.9km distance from the application site. The site is an edge of urban location with an acceptable level of services readily accessible.
- 7.1.9 The Council is not in a position to demonstrate a five year housing land supply, and as such normal restraints on volume residential development in the open countryside do not currently apply as the adopted Local Plan is considered out of date. In such circumstances the NPPF advises that when planning for development through the Local Plan process and the determination of planning applications, the focus should be on sustainable development. The development of this site is therefore in accord with the objectives of the NPPF being located directly adjacent to the edge of the urban area of Maidstone and in a sustainable location.
- 7.1.10 Furthermore, the bringing forward of development on this site would contribute towards the provision of housing and therefore help in meeting the shortfall in housing supply. This also represents a strong material consideration in favour of the development. The Framework is a material planning consideration that sets a presumption in favour of sustainable development with a view to building a strong competitive economy, creating a high quality built environment and protecting and enhancing the natural, built and historic environment.
- 7.1.11 For these reasons, it is considered that the principle of the development is, by virtue of national planning policy as set out in the NPPF and local planning policy as set out in the emerging Local Plan, acceptable in the circumstances of this case. The key planning issues are considered to be as follows: loss of agricultural land, the visual/landscape impact, impact on existing residents, heritage impact, density of the development, access/highway safety, air quality, infrastructure considerations and ecology.
- 7.1.12 In relation to development that could affect the setting of listed buildings and assets of a Listed Building, section 16 and section 66 of the Planning (Listed Buildings and

Conservation Areas) Act 1990 (LBCA Act) places a duty on decision takers to pay special regard to the desirability of preserving that setting before granting planning permission. This Act will be taken into consideration when assessing the heritage impact of the development, as will the guidance contained in the NPPF.

7.2 Education

- 7.2.1 KCC Economic Development department provided a consultation response in their email response dated 30 January 2015 confirming KCC would seek to mitigate the impact of the proposed development via suitable contributions. Further correspondence from KCC Economic Development received by email on 30 June 2015 proposed a change to the Primary School that would receive contributions sought through the development and amended the level of contributions in light of CIL Regs 123.
- 7.2.2 Paul Crick Director of KCC Environment, Planning and Enforcement wrote to the council in a letter dated 11 February 2015 setting out strong objections on education grounds from the KCC Education Planning & Access (EPA) department. Mr Crick's letter raises objections to the application due to the impact on local primary school places which he considers are not able to accommodate the forecast additional pupils. The proposal would give rise to 28 additional primary school pupils and KCC Education attest the impact of the development would be detrimental to sustainable local Education provision as the 28 additional children may not be able to access the schools most local to the application site. A great number of letters of objection have been received on the issue of school places and it has been contested that the lack of spaces within the most local schools renders the application unsustainable development and contrary to the NPPF.
- 7.2.3 Since the application was first due to be considered in November 2015, further information has been sought from KCC to clarify the latest position with regard to school places. It has been some time since this application was first submitted and new developments are coming on line with proposed new schools/expansions on the horizon.

The NPPF states in paragraph 38 that, '*Where practical, particularly within large-scale development, key facilities such as primary schools and local shops should be located within walking distance of most properties*'. In my view whilst this is a wholly reasonable statement to make, in this instance the majority of key facilities are available within walking distance. However, the Primary Schools within the immediate vicinity of Barty Farm which comprise Thurnham Cof E Infants (approx 1 mile away), Roseacre Junior School (approx 1 mile away) Madginford Park (approx. 1.6miles away), and St Johns CofE Primary (2.9 miles) are all presently full. It is therefore a case that the proposed development may result in unsustainable local education provision with pupils not being afforded access to the most local schools. However, this is one element of sustainability that is promoted by the NPPF and the site performs well in other aspects of location and access to services and amenities. Particularly in light of the development now providing for a bus extension to serve the site. It is my view that a distance of 3 miles to access a primary school is not uncommon and generally spaces are fluid and whilst not ideal children do change school. I also consider that whilst this is the current state of play this may change with new school provision planned and coming on-line, so it is difficult to quantify at any given time. The development of this site may also not come on line for some time and so this situation may change. I do not therefore consider it is reasonable to refuse planning permission on this aspect only.

- 7.2.4 However, taking into the overall picture the KCC Commissioning Plan for Education Provision in KENT, 2015 – 2019 indicates that planning applications in Maidstone should not be reviewed in isolation and that the overall school capacity within the Maidstone Urban area should be considered when assessing proposed housing developments and the impact of the development would be detrimental to sustainable local education provision.
- 7.2.5 In their correspondence KCC Economic Development advise that the school site contribution process will *'be kept under review and may be subject to change (including possible locational change) as the Local Education Authority has to ensure provision of sufficient pupil spaces at an appropriate time and location to meet its statutory obligation under the Education Act 1996 and as the Strategic Commissioner of Education provision in the County under the Education Act 2011.*
- 7.2.6 *KCC will commission additional pupil places required to mitigate the forecast impact of new residential development on local education infrastructure generally in accordance with its Commissioning Plan for Education Provision 2015-19 and Delivering Bold Steps for Kent - Education, Learning and Skills Vision and Priorities for Improvement, Dec 2013'.*
- 7.2.7 KCC is currently in the process of obtaining permission and building a new 2 form entry school at Langley Park (420 spaces) and has plans for a new primary school at Hermitage Lane (up to 420 spaces) creating a total of up to 840 additional school spaces in the borough. KCC also intends to commission up to 2.1 forms of entry at existing schools in the RSCs (approx. 440 spaces) and a form of entry expansion in Headcorn/Sutton Valance (210 spaces). KCC have also specifically sought contributions to the expansion of South Borough School off the Loose Road in response to this application. Therefore KCC are seeking to significantly increase the capacity of primary school provision in the borough.
- 7.2.8 Whilst KCC do not propose to increase the size of the primary schools closest to the site, by building new schools at Langley Park and Hermitage Lane KCC anticipate that adding additional provision within these strategic sites will add capacity to the Maidstone urban area as a whole. With the opening of Langley Park KCC anticipate that there will be a realignment of pupils' school choices freeing up space at schools in the Maidstone urban area.
- 7.2.9 I also note the comments of my colleague in his report on the application for the Cross Keys development to the south west of the application site where he states 'Additionally, it is noted that KCC has not objected to similar development within the borough. KCC Education did not object to a similar site at Land to the rear of Milton Street and Hartnup Street, Milton which is approx. 5.1 miles drive away from Langley Park and gives rise to 5 additional primary pupil places. KCC Stated in their response to this application: *"This need, cumulatively with other new developments in the vicinity, can only be met through the provision of new Primary Schools in Hermitage Lane & Sutton Road Maidstone, as identified in the Maidstone Borough Interim Local Plan Policies, as the forecast primary pupil product in the locality results in the maximum capacity of local primary schools being exceeded"* KCC did not object to this development on the grounds of distance from primary education.'
- 7.2.10 It is acknowledged that the development would result in some harm to sustainable education provision, however, given the proposed development only give rise to an additional 28 primary school pupils the level of harm is not considered to warrant a sustainable reason for refusal and is outweighed by the public benefits of the development including an additional 100 residential units, of which 30% would be

affordable. In addition, KCC confirm they will commission additional pupil places required to mitigate the forecast impact of new residential development on local education infrastructure.

- 7.2.11 It is considered that the provision of new / expanded schools within the borough would free up space in the Maidstone urban area, as anticipated by KCC. Further, pupils entering primary school at age 4/5 will have their applications assessed using KCC's over subscription criteria, i.e the distance from school or sibling rule. With extra school capacity coming up at Langley Park pupils arising from these new sites in Bearsted are more likely to be offered a school place at Bearsted or other closer local schools as opposed to children living further away in Parkwood/Shepway who will be able to be accommodated where the new capacity is at Langley Park. This together with the ever fluid displacement of pupils when personal circumstances change, i.e parents relocating or choosing to change their child's school for a variety of other reasons and the timing of development coming on line (as explained in para 7.2.3), I believe will result in a balancing out of journey distances.

7.3 Heritage Impact

- 7.3.1 Archaeology and Heritage has been considered when taking a 1km radius from the centre of the site. The assessment identifies 42 Listed Buildings within the study area (9 of which are within 500m of the site). The concerns raised relate to Barty House and no objection is raised to the impact on the conservation areas. The County Archaeologist has raised no objection to the proposed development subject to condition.
- 7.3.2 The council conservation officer has objected to the development of the application site, with specific regard to the resiting of the boundary wall to facilitate the access. He objects due to the loss of the historic fabric (the wall) and the impact on the setting of the Grade II Listed Barty House that arises. The objection was anticipated and consistent with the two previously refused applications (planning and listed building) as detailed in the history section of this report.
- 7.3.3 Barty House is located at the entrance to the proposed development site at approximately 38m to the south. The significance of the building is set out in the listing at the beginning of the report. The building has been significantly extended at the rear (north/east elevation) - the mass of this is not fully appreciated from the principal elevation of the building. At present the access to Barty House is an unmade farm track to the Barty Farm complex and Barty House. The main view is informal and due to the alignment of the street, the prominent view from the south/west is of the house in its garden setting enclosed with boundary wall. The proposal will result in a formal more urbanised foreground of greater width and a reduced 'green' setting. There are therefore two aspects of harm which have been identified and these comprise the reduction in, and change in character of, the current spacious setting and the loss of the material fabric – the wall.
- 7.3.4 I concur with the MBC conservation officer's view that the proposed development would inevitably have a visual impact on the setting of Barty House and hence this section assesses whether the impact is of significant harm to warrant refusal of the planning application. In order to reach a conclusion it is essential to consider Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that special regard should be had to the desirability of preserving the building or its setting. It is clear from the assessment undertaken by the conservation officer that there is harm to the setting and fabric of this Listed Building and as such this should be given considerable importance and weight. The applicant also

acknowledges that a level of harm will occur. Therefore, with regard to section 66 I conclude that a level of harm will be caused.

- 7.3.5 In my mind, this is a clear case of balancing the benefits of the development versus the harm to the Listed building. The proposed development would undoubtedly have a visual impact on the setting of the nearby grade II listed building and result in the loss of fabric of the listed wall. In my view and that of the conservation officer, the level of harm would be less than substantial.
- 7.3.6 The NPPF requires that the harm be balanced against any public benefit accruing from the proposals. *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'* Paragraph 134
- 7.3.7 In this instance it is therefore considered that the significant public benefits arising from an additional 100 houses together with 30% affordable housing and the resulting economics benefits that new residents would bring to the services and amenities in Bearsted, would, in my view and in light of the significant shortfall with regard to the 5 year supply, outweigh the limited harm to the setting and fabric of the grade II listed building and should not prohibit the development of the site. I also consider that some mitigation will be provided as it is proposed to retain existing bricks from the wall and re-use in the reconstruction thereby retain some of the historic fabric of the wall. This can be subject to a planning condition, together with requiring details of wall bond/pointing details, appropriate mortar mix to ensure the original wall is reflected in both character and detail as far as can be.
- 7.3.8 In coming to my view, I have also taken note of the structural appraisal undertaken by 'Alan Baxter Partnership' dated 17 September 2015. The report notes a bulge and lean to the existing wall and the general poor condition throughout. I do not consider the findings of the report justification for the resiting of the wall – rather it confirms that the wall needs attending to but this could be done in situ or rebuilt in its existing position.

7.4 Design and layout

- 7.4.1 The application is in outline with all matters reserved save for the access. As such the drawings in terms of layout that have been submitted are illustrative in form and designed to show how a development of 100 dwellings could be accommodated on the site.
- 7.4.2 The number of units and density is considered appropriate for the edge of urban boundary location (27 dwellings per hectare) and the retention of the western tree belt and indicative margin for a new planting strip along the southern boundary is in accordance with the proposed site specific criteria in the emerging local plan.
- 7.4.3 The Design and Access Statement considers existing styles of development in the surrounding area and the materials used. It also considers the historical pattern of development looking at maps dating back to 1798. The indicative layout shows a central access off the access to Barty Farm and then an internal link road which takes the form of an elongated circle within the site with spurs going off into cul-de-sacs. Within the middle of the development a 'green' is shown and a local area of play is indicated (LAP) to be provided. However, I am mindful of my colleagues comments in Parks and Open Space whereby a LAP would not be managed by

MBC, it is my view that a contribution to off-site play is more appropriate for a development of this size.

- 7.4.4 Permeability through the site has altered as a result of consultation and amendments necessary to the scheme. The site no longer includes an emergency access via Water Lane and therefore no pedestrian or cycle access at this end of the site either. This is due to the concerns of the KCC Highways who raised issues over the safety of pedestrians coming onto Roundwell from Water Lane. However, as a result of this amendment, it is now proposed to provide bus linkage through the site which will be a benefit in terms of sustainability – there will also be other benefits from a Highway point of view which will be considered later.
- 7.4.5 Indicative elevations have been provided showing a flavour of the character of development for the site. Materials will be subject to a condition requiring detailed samples to be submitted as the house types are not yet being established. Whilst it is suggested that the storey heights will be 2 /2.5 across the site, again the precise details will be determined at reserved matters stage and slab levels will also be considered in conjunction with these details.
- 7.4.6 Indicative information is given on proposed materials which are reflective of the character of the area. In general terms the arrangement of houses is considered acceptable and certainly demonstrates the number of dwellings can be accommodated on site with legible routes throughout, including the bus route. I would recommend the heights indicated are conditioned to set clear parameters for the reserved matters.

7.5 Residential Amenity

- 7.5.1 A number of objections have been received relating to loss of amenity including loss of privacy and loss of outlook. I have walked the locality outside the application site and considered the aspect from properties in Roundwell that back onto the site and also those which back on to Water Lane (Mallings Drive).
- 7.5.2 On the indicative layout the separation distances from existing to new dwellings is upwards of 30m and in many instances is greater. Due to the importance of the boundary treatment for ecological purposes, it is proposed to set a parameters condition to ensure the buffers as shown are not reduced. As such, it means that even if the layout changes, the separation distances are unlikely to fall below the 30m. The distance together with the separation of Water Lane on one side of the development and the tree boundaries ensure there can be no loss of amenity to these properties in terms of overlooking or privacy. With the emergency access no longer to be provided it will help maintain the visual barrier along Water Lane.
- 7.5.3 In terms of the outlook from some of the properties I fully accept that this would change as a result of the proposed development. The residential properties located on the north side of Roundwell would abutt the application site and would be located in closest proximity to the proposed development site with rear gardens backing onto the site. The properties in Mallings Drive back initially onto Water Lane and then the land level rises to the development site. However, it is considered that for reasons similar to those set out above (distance/boundary treatment) the development would not have an overbearing impact or loss of amenity in terms of light. The proposed criteria in the emerging policy is adhered to with respect to boundaries to the south and west as a landscape buffer and the lower density on the eastern side will be more formally considered under Reserved Matters.

- 7.5.4 Barty Cottage and Barty Nursing Home both align the widened access road and there will be an amenity impact for the residents concerned. As it stands the access currently serves a very small number of private properties and the nursing home and traffic using the existing track is limited. The introduction of an engineered access road to serve 100 dwellings is a clear change in visual terms from the existing informal track. Furthermore, there will clearly be an intensification of the use of the access should the development proceed. Whilst this arrangement can likely be seen around many housing developments, I accept it is less satisfactory when it is an existing dwelling/buildings affected. There is a distance of between 6 – 8m from the edge of Barty Cottage to the access road to the east and then approximately 46m from its rear elevation to the access road into the site. There would be approximately 8m from Barty Nursing home to the access road. In both instances I am of the view that the distances are sufficient and would not result in an unacceptable impact on amenity of the occupiers.
- 7.5.5 Overall, it is considered that, notwithstanding its outline form, the proposed development could be delivered without compromising loss of residential amenity to existing residents in terms of loss of light, outlook or privacy.
- 7.5.6 With regard to future residents, the indicative layout demonstrates that an appropriate level of amenity can be afforded within the constraints of the site for these residents also.

7.6 Highway Issues

- 7.6.1 The site is located almost immediately north of Roundwell. Roundwell gives direct access to Bearsted to the northwest and to the A20 to the southeast; it is an important link road therefore and access is also provided by the A20 to junction 8 of the M20.
- 7.6.2 Concern has been raised with regard to the impact on the existing road network. Existing residents are concerned that the proposal will increase traffic congestion on the local road network with specific reference to the already poor permeability through the village with its pinch points and the increased likelihood of accidents at the junction of Roundwell with the A20. The application includes a full Transport Assessment which has been considered by Kent Highways.
- 7.6.3 The transport assessment dated December 2014 was submitted by RMB Consultants and was carried out in accordance with Guidance on Transport Assessments and Travel Plans October 2008 which is a Kent Highways publication. The report considers the transport effects of the existing use of the site and that of the proposed development covering the following topics:
- National and local transport policy;
 - Existing transport conditions;
 - Future traffic flows (excluding the proposed development);
 - Future transport conditions (including the proposed development);
 - Consideration of a Travel Plan;
 - Assessment of parking and internal layout of application site;
 - Impact of the proposed development on the transport network
 - Impact of the development on the safety of existing transport network users and development site users.

- 7.6.4 TRICs has been used to estimate the traffic generated by the development and this indicates that there is likely to be 57 peak hour movements and 470 daily movements for a development of this size. To put this into context the Department for Transport traffic count site at Bearsted indicates a total of 13,522 vehicle movements a day (2013 data). The number of trips generated is not therefore considered to be a significant increase in this location and is considered not to result in an unacceptable highways impact onto Roundwell or the A20.
- 7.6.5 A number of objections have been received regarding the reliability of the Transport Assessment. I can confirm that the methodology used is that accepted by Kent Highways and that they are satisfied with the data submitted. To conclude, in terms of vehicle movements, it is considered that the local roads would be able to accommodate the proposed development and additional traffic.
- 7.6.6 Turning to the detail of the highway proposals, following a holding objection from Kent Highways amended plans were received and the following works are proposed:
- Widening of the existing access track to the Barty Farm complex
 - New/extended footpath works
 - Visibility splay of 51m to the south east
 - Removal of centre lines and addition of edge line treatments
 - Enhanced gateway to the east of Crosskeys comprising coloured surfacing and SLOW carriageway markings
 - Alterations to the position of the speed limit boundary and interactive speed limit sign
- 7.6.7 One main access is proposed to serve the development. The access as previously mentioned is to be taken off the farm track which serves Barty House and the complex of buildings to the north at Barty Farm. In order for the access to be acceptable in highway terms the width needs to be widened at the junction with Roundwell and extend beyond this – thus the need to relocate the wall discussed earlier in this report. KCC Highways are satisfied that the access proposals would be safe, useable and comply with the relevant guidance.
- 7.6.8 The proposal to remove the centre lines of the carriageway has caused great concern with residents who feel this will increase the likelihood of accidents as people will be unclear of the demarcation between the opposite flows of traffic. However, I am advised by Kent Highways that this action, together with the variable edge line marking, is an effective means of traffic calming and offers road safety benefits.
- 7.6.9 Turning to the internal layout of the site, it is acknowledged that this is an outline application and the layout could change. However, the illustrative layout and parking ratio demonstrates that satisfactory parking can be achieved within a development of 100 houses in accordance with KCC parking standard guidance. Cycle parking storage can be secured via condition. Due to the scheme being revised to accommodate the Arriva bus serving the site, I consider this is both a highway and environmental benefit. The present bus has to undertake a somewhat awkward turn at the junction of Water Lane and Roundwell, this development will enable the bus to undertake a loop around the site and enter onto Roundwell in a forward gear. It also adds to the sustainability benefits of the site as it provides an easier shorter route to access public transport from the development.

- 7.6.10 In their previous letter dated 19 October 2015 Kent Highways confirmed that there was no objection to the application on highway safety grounds, traffic generation and indicative parking provision – all of which are in accordance with KCC Highway guidelines and considered likely to be acceptable in terms of highway safety audit which will be required at a later stage should planning permission be granted. The subsequent holding objection was with regard to the provision of an emergency access off Water Lane. Updated responses have been received with regard to the amended plans showing no emergency access being proposed from Water Lane and swept paths demonstrating the bus manoeuvres. It would seem that whilst an emergency access had initially been deemed desirable, it is not required for a development of this scale.
- 7.6.11 The KCC PRow department has been consulted on the application. The application proposes a number of enhancements to the pedestrian connectivity in the vicinity. Measures include ensuring the PRow running adjacent to the main access is safeguarded (inclusion of a footway on the eastern side), providing a safe means to cross over to the south side of Roundwell, improving the existing footway towards the village and including a contribution towards upgrading the existing PRow to Church Street.

7.7 Affordable housing

- 7.7.1 It is proposed to deliver 30% affordable housing within the development. Whilst not in accordance with the adopted DPD for Housing, it is in accordance with the emerging local plan (Policy DM13) and the most recent Viability Appraisal (June 2015) for a site of this nature. The earlier Peter Brett Viability report in 2012 considered a greenfield site on the edge of the urban area suitable to provide 25% affordable housing in viability terms. I am also mindful of the Counsel advice received earlier this year in relation to the reasonableness of trying enforce the 2005 DPD when far more recent viability studies have been undertaken. DM13 provides a target rate of 30% for the Maidstone Urban Area, Policy SP1 provides general support for the Maidstone urban area and in light of this and earlier evidence it is my view that 30% affordable housing is an acceptable level.
- 7.7.2 Turning to the location of the affordable units shown on the illustrative layout, I concur with the views of my colleagues in Housing that to locate these in one area of a site of 100 dwellings is not ideal, it is also not in accordance with the advice in the NPPF. I would expect a reserved matters application therefore to come forward with two/three areas providing the affordable element of the scheme.

- 7.7.3 The developer's indicative affordable unit split is:

1 Bed units	0	0%
2 Bed units	9	30%
3 Bed units	18	60%
4 Bed units	3	10%

In order to ensure compatibility with the Housing need in Maidstone a S106 agreement would ensure a 60/40 split between Affordable Rented units and Shared Ownership Units. Concern has been raised by the Housing officer that there are no 1 bed units proposed – which is the largest need when viewing the Council's need register. The indicative mix in this application does include 1 bed units for private

sale and I would encourage a reserved matters application, when re-considering the location of affordable units, to take the opportunity to incorporate 1 bed units within the scheme. In addition, the appropriate mix can be achieved through the S106 agreement.

7.8 Landscaping & Visual Impact

- 7.8.1 Landscaping is a matter reserved for future consideration. Notwithstanding this an illustrative site layout has been submitted which shows the retention of the landscaped boundaries, save for where the access route would enter the site. Where possible all existing trees and hedgerows would be retained and enhanced. Additional tree planting would be carried out within the site and hedgerows reinforced/gaps plugged. A detailed landscape scheme would indicate the existing species to be retained and new native species to be planted.
- 7.8.2 An Arboricultural report has been submitted and within this recommendations are made as to which trees should be removed. It is no longer necessary to remove the Ash trees, hawthorn and oak to accommodate the emergency access. Although a section of hawthorn hedgerow at the main entry to the site and a Larch and Poplar tree will need to be removed.
- 7.8.3 The removal of five other trees is recommended on purely arboricultural grounds due to their poor condition, these trees are Cherry, Poplar, Larch, Ash and Sycamore. Protection of all trees to be retained on the boundaries of the application site could be secured by a suitably worded condition.
- 7.8.4 The landscape officer has been consulted on the application and considered the results of the Arboricultural report. The landscape officer did initially raise objection to the impact on two trees which would be affected by the development. The trees in question are T5 a Deodar Cedar in the grounds of Barty House and T8 a Black Pine in the grounds of Barty Cottage. Whilst the trees are shown to be retained, the landscape officer had questioned if this would work in reality due to level changes, hard surfacing and proximity of the road widening to the trees. As a result of his concerns further information was submitted showing piling and proposed wall sections and a revised Arboricultural report was submitted prior to this. The issues have now been resolved to the satisfaction of the landscape officer.
- 7.8.5 The site is a greenfield site and its development for residential development would clearly have an impact visually on the locality. It is important to assess the impact of the proposed development in its setting and surrounding context, including the fact the site is within a Special Landscape Area.
- 7.8.6 The Design and Access Statement identifies that new planting will take the form of a tree belt along the southern and western edges of the site together with landscaping. The retention of hawthorn hedgerows on the eastern boundary is key to enhancing the setting of the site. The northern boundary is shown to be landscaped and whilst I appreciate the importance of the other boundaries in terms of softening the impact on existing residents, I also consider the northern boundary important with regard to setting. This is because further north and the other side of the M20 is the North Downs AONB. Section 85 of the Countryside and Rights of Way Act 2000 requires a relevant authority, when exercising any functions in relation to, or affecting land in, an AONB to have regard to the purpose of conserving or enhancing the natural beauty of the AONB.

- 7.8.7 In this instance the AONB is approximately 500m to the north of the site boundary. I accept that there will be views of the site from the North Downs and clearly what is currently greenfield pasture land will change to an urban form. However, having walked the locality and considering the grain of development, it is my view that the scheme will form a natural extension to the existing built form at this end of Bearsted. The proposed development would be seen in the context of the neighbouring residential development on the southern and western boundaries and would not therefore appear out of character given the built form along these boundaries of the site.
- 7.8.8 I have considered both the local impact on the landscape and from further ranging views. I have viewed/attempted to view the site from the Pilgrim's Way and find that when seeking the site out it will appear as minimal addition to the existing landscape character where built development meets the countryside. I do not consider the development will cause 'harm' to the setting of the AONB as the scale and location of the development in relation to the existing built environment will not appear out of character in this location, but clearly at the reserved matters stage the attention to detail points raised by the Kent Downs AONB Unit will need to be taken on board, namely:
- Building materials and colours.
 - Orientation of buildings and position.
 - Use of non-reflective roofing materials and any solar panels/photovoltaics to face south to avoid glint and glare.
 - Height of dwellings.
 - Control of lighting.
- 7.8.9 The site is also located within the Special Landscape Area, although I would advise this designation is not being carried forward in the emerging local plan. However, at the present time Policy ENV34 is still a relevant saved policy which seeks to protect and conserve the 'scenic quality and distinctive character' of the SLA. Clearly, as considered in the section on the AONB, the character will undoubtedly change from greenfield site to built development, however the application has to balance the many issues, impact, gains and losses involved in meeting the need for houses. Due to the location of this site I do not feel it causes wider harm to the landscape character of the area, but clearly the loss of the site itself will transform that element of the SLA.
- 7.8.10 The boundary treatment throughout the site will however be essential to achieving a good scheme. As noted above, particular care will need to be taken in the buffer zones between new and existing development and where the northern boundary abuts the open countryside. A fully detailed landscaping scheme will need to demonstrate an appropriate mix of indigenous landscaping.
- 7.8.11 When considering the visual impact of the proposed development and its siting in relation to the existing urban boundary, it is my view that a well designed scheme will be capable of being absorbed visually into the environment at this end of Bearsted. It is not disputed that the character of the area as currently seen will change but in terms of the wider impact it will not be significant. The proposed allocation sets out criteria in relation to landscaping to ensure appropriate buffers are retained and the landscape setting respected. It is my view that development in this location is acceptable in landscape terms and that with a suitably composed landscape management strategy that is overseen by a management company and secured through the S106 agreement, the provision of landscaping on the buffers can be

safeguarded. The emerging policy seeks 0.4 hectare of open space to be provided within the site – this will be safeguarded through the landscape management strategy.

7.9 Ecology and Air Quality

- 7.9.1 The application includes a Phase 1 Habitat Survey of the site. Whilst the current application is for 100 dwellings, the report refers to the 122 dwellings which the proposed allocation in the emerging local plan considers is an appropriate number for the site. Whilst objectors have raised the issue of differing numbers given in the different technical reports within this application, it does not affect the soundness or relevance of the reports.
- 7.9.2 The site and adjacent land is not subject to any statutory nature conservation nature designations. The survey reveals that the greatest ecological interest on the site was within the hedgerows around the site boundary. There are no ponds within the application site, but there are several within 500m. Results show that Great Crested Newts (GCNs) were found in two ponds and KCC Ecology are satisfied with the results. A plan showing the position of the surveyed ponds, a review of the survey data and any resulting mitigation works has recently been submitted.
- 7.9.3 I am satisfied with the advice of KCC that the implementation of the mitigation measures set out in the report by Caluma Ecological Services will ensure that GCN's are protected from harm.
- 7.9.4 The Habitat survey states that there is potential for reptiles to be within the site and if so, these are most likely to be within the hedgerows. A condition requesting a precautionary mitigation strategy to be submitted is recommended by the KCC Ecologist.
- 7.9.5 Due to the presence of bats foraging along the site boundaries, careful consideration will need to be given to the lighting around the perimeter of the site. The bat activity survey raises the issue and KCC endorse this by recommending a lighting scheme be submitted (with ecologist input) by way of a condition.
- 7.9.6 With regard to breeding birds, the KCC ecologist is satisfied that the management of the site reduces the potential for Ground Nesting Birds to be present.
- 7.9.7 Planning guidance states that in addition to mitigation, development should seek to enhance ecological interests. The application promotes ecological enhancement through the retention of the vast majority of the boundary hedgerows where the ecological interest is present. Furthermore, the following additional measures can be introduced within the development:
- Enhancement of habitats for reptiles and bats (reinforcing hedgerows)
 - Use of bat bricks and tiles (particularly in dwellings close to boundary edge, esp southern)
 - Incorporate swift bricks within dwellings
 - Protection of site buffer and future management to preserve/enhance habitat
- 7.9.8 Comments received from the Environmental Health officer raised concern over the lack of an Air Quality assessment. This has been received and the EHO is satisfied that the development does not give rise to any objections. The addition of car charging points within the development can be a matter of condition.

7.10 Flooding and Drainage

7.10.1 Southern Water advises that there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system and they have advised that additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. The application includes a Foul Water Management Strategy which has been developed following consultation with Southern Water. There are two possible options to provide wastewater disposal and these are:

- i) Connection to Leeds WTW, 2,600m to the east.
- ii) Improvements to the foul drainage network west of the site.

7.10.2 The developer proposes to requisition foul sewers under Section 98 of the Water Industry Act 1991 in order to establish the best solution for providing sewerage infrastructure. It is apparent from the comments of Southern Water and the detail provided in the Strategy that it will be possible to adequately serve the development by foul sewers provided improvements to the existing network are carried out. The precise nature of the improvements will need to be agreed by Southern Water and can be dealt with through a planning condition.

7.10.3 The application also includes a Surface Water Strategy incorporating a Flood Risk Assessment which indicates that surface water will be managed through the use of SUDS comprising mainly soakaways, detention/infiltration basins and permeable paving. The application has been considered by the KCC Flood Team who find the proposed Strategy acceptable and suggest a condition to ensure fuller detail is submitted once the ground conditions are confirmed.

7.10.4 The FRA was submitted due to the site area being greater than 1 hectare. The site however, lies within Flood Zone1 due to it being assessed as having a less than 1 in 1000 annual probability of river or sea flooding in any one year. Overall it has a low probability of being flooded from other sources. The Environment Agency has raised no objection to the development of the site and deems the site acceptable for residential development in terms of the flood risk perspective.

Other issues:

7.11.1 A number of objectors have highlighted the refused applications in March 2015 for both planning permission and listed building consent to demolish the existing boundary wall at Barty House. These related only to works to the wall and the planning application did not seek permission for housing. Whilst I have taken this into consideration, I consider there is sufficient justification, as set out in this report, to reach a different conclusion when balancing all the issues within the current application. The previously refused two applications considered the wall in isolation as they were not directly linked to this application for outline planning permission for housing. In relation to this current application, the balancing exercise is wholly different in that there are the benefits that flow from factors such as housing, and affordable housing to be taken into account and the lack of a 5 year housing land supply also has significant implications. I also note that the previous applications referred to Barty House as a Grade II* listed building – although I accept that this may have been an oversight on the part of the officer.

- 7.11.2 The agricultural land classification has been questioned by objectors. I have consulted the Council's agricultural advisor and am informed that the relevant maps for this area indicate the site as likely being grade 3 with grade 2 areas in close proximity. It is not possible to be precise over where the grade 3 land becomes grade 2 due to the nature of the maps, however in light of the identified need for housing within the borough and the site being deemed appropriate as an allocation in the emerging plan, there is no overriding objection to the loss of a site of this size to agriculture.

8.1.1 Heads of Terms

The consultees have requested a number of contributions to be secured through the application. It is important that any contributions that are secured through a Section 106 agreement would meet the requirements of the three tests of Regulation 122 of the CIL Regulations 2010 and paragraph 204 of the NPPF 2012.

These are set out below:-

- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.
- 8.1.2 The NHS have requested £80,820 based on an average occupancy in relation to the size of the residential units towards improvements at Bearsted Medical Practice which is within 1 mile of the site. It is clear that the proposed development of 100 dwellings would result in additional demand placed on the health facilities and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 8.1.3 There are requests made by Kent County Council as the Local Education Authority towards primary school education contributions that amount to £2360.96 per applicable house. The monies contribute towards the South Borough PS permanent expansion to 2FE. There will be a greater demand placed on schools within the borough from the occupants of the new 100 dwellings and information submitted by the County Council shows that these are at capacity and as such the contribution is considered justified and appropriate.
- 8.1.4 In addition to a new primary school Kent County Council as the Local Education Authority require contributions towards additional secondary school places by extending existing secondary Schools in the Town at a cost of £2359.80 per applicable house. The identified project would contribute towards the second phase of expansion of Maplesden Noakes. There will be a greater demand placed on the local schools from the occupants of the new 100 dwellings and information submitted by County shows that these are at capacity and as such the contribution is considered justified and appropriate.
- 8.1.5 Kent County Council has sought contributions of £3175 towards community learning which would be used to pay for adult learning classes or Outreach Adult Learning in Maidstone. In this instance the identified project is new IT equipment to St Faiths Adult Education Centre in Maidstone. It is clear that the proposed development of 100 dwellings would result in additional demand placed on the health facilities and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.

- 8.1.7 There is a request of £3178 sought by Kent County Council which would pay towards the provision of staff and equipment for Maidstone Borough Youth Outreach services in the area. In this instance the identified project is new furniture for InFoZoNe Youth Centre. It is clear that the proposed development of 100 dwellings would result in additional demand placed on the youth facilities available in the area and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 8.1.8 There is a request from Kent County Council to provide £12,709 which would be used to provide for expansion of Library services locally and additional bookstock & equipment to deal with the addition usage from this development. In this instance the identified project is Bearsted Library enhancements, namely additional bookstock and moveable shelving. It is clear that the proposed development of 100 dwellings would result in additional demand placed on the bookstock at Maidstone library and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 8.1.9 Kent County Council has sought contributions of £5388 which would put towards projects including the expansion of the services and facilities for older people care needs and adults with learning and physical disabilities. In this instance the project identified is: enhancements to the Dorothy Goodman Centre (Age UK) at Madginford. It is clear that the proposed development of 100 dwellings would result in additional demand placed on the social services provided by Kent County Council and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 8.1.10 The provision of 30% affordable residential units within the application site. This is in accordance with the most recent viability assessments for a site in a location such as this.
- 8.1.11 Kent Highways seek a contribution towards sustainable access. This is in accordance with the proposed policy and will strengthen the sustainability of this site.
- 8.1.12 KCC PRoW seek a contribution of £30,000 towards the improvement of the PRoW in the vicinity which is a key route in proximity to the development site. The funds would be spent on improvements to the surfacing and environment of Public Footpath KH27 which will improve pedestrian access from the site to community centre and recreational facilities at Church Landway. I am currently seeking further clarification on how this request meets the CIL regulations and will provide an update of this for committee.
- 8.1.13 Kent Police have also requested contributions, however these do not meet the CIL regulations and cannot be sought.
- 8.1.14 Arriva buses have requested a contribution towards the wear and tear, fuel and driver costs to serve the development. They have requested £35 to £40k per annum for a period of 3 years – I am seeking further clarification on how the request meets the CIL regulations.
- 8.1.15 Whilst not a Head of term the applicant/developer will also need to enter into a S278 agreement to secure the following:
- Works to Barty House to provide visibility splay (475-108A)
 - Proposed highway improvements western gateway (474-112)
 - Proposed highway improvements eastern gateway (474-115)

Proposed highway improvements Roundwell junction with site access 474-116

9.1 CONCLUSION

- 9.1.1 The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. It would be greenfield development in a Special Landscape Area. However, the development is at a sustainable location, immediately adjoins the existing urban boundary, and is not considered to result in significant planning harm. Given the current shortfall in the required five-year housing supply and that this site is a proposed allocation in the Reg 19 plan, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in general compliance with the National Planning Policy Framework and material considerations indicate that it is appropriate to depart from the Local Plan.
- 9.1.2 Development at this site would extend the grain of development from the Maidstone urban boundary to the east. Whilst the development would have an impact upon the setting of the Grade II Listed Barty House and a loss of some fabric of the listed wall, I do not consider that this would be a significant impact such to resist development altogether. The site is on the boundary of the urban area in easy reach of a number of services and facilities located within Bearsted, including the Bearsted train station. The proposed development includes measures to enhance connectivity from the site to the centre of Bearsted (bus route) with its shops and services. The development of this site for residential purposes would in my view represent an example of sustainable development and would conform to the aspirations of the NPPF.
- 9.1.3 Furthermore, the site, being on the edge of the urban area of Maidstone, would be in conformity with the Council's settlement hierarchy and preferred areas for development. The principal of which is supported in the Regulation 19 local plan which seeks to direct development to the urban area of Maidstone in the first instance followed by edge of urban sites. Therefore, the development of this site for residential purposes would conform with the Council's approach to the location of development.
- 9.1.4 It is therefore considered that the development of the site for residential purposes is acceptable and it is recommended that subject to the completion of a section 106 agreement planning permission is granted.

RECOMMENDATION

The Head of Planning and Development be delegated power to grant planning permission subject to the conditions set out below and to the prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to provide the following;

- The provision of 30% affordable residential units within the application site, 60% rental and 40% shared ownership.
- Contribution of £1,575.00 per Dwelling towards open space if the full area of [] is to be provided and officers to be granted specific delegated authority to liaise with the developer and the Council's Parks and Open Space team to negotiate the contribution where the on-site provision of open space is adjusted downwards.

- Contribution of £808.20 per Dwelling to be sought from the NHS towards improvements to a named local surgery.
- Contribution of £2360.96 per Applicable House towards the South Borough PS permanent expansion to 2FE.
- £2,359.80 per dwelling - towards Secondary education towards the second phase of expansion of Maplesden Noakes
- Contribution of £31.75 per Dwelling sought towards community learning to be used to address the demand from the development towards the provision of new/expanded facilities and services both through dedicated adult education centres and through outreach community learning facilities local to the development, project: new IT equipment to St Faiths Adult Education Centre in Maidstone
- Contribution of £31.78 per dwelling sought to be used to address the demand from the development towards youth services locally, project: new furniture for InFoZoNe Youth Centre
- Contribution of £127.09 per Dwelling sought to be used to address the demand from the development towards additional bookstock and services at local libraries serving the development, project: Bearsted Library enhancements, namely additional bookstock and moveable shelving
- Contribution of £53.88 per Dwelling sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both on site and local to the development including assistive technology, and enhancement of local community facilities to ensure full DDA access, project: enhancements to Dorothy Goodman Centre (Age UK) at Madginford.
- Contribution of up to £15,000 for the provision of measures to promote sustainable access i.e cycle parking/shelters, disability ramps, security and information, officers to be granted specific delegated authority to liaise with [] to agree a final figure.
- Contribution towards the upgrading of PRow KH127 to Church Lane, officers to be granted specific delegated authority to liaise with KCC Prow & applicant to agree a final figure.
- Contribution towards the extension of the Arriva bus service into the development site, officers to be granted specific delegated authority to liaise with Arriva & applicant to agree a final figure.
- The inclusion of a LEMP together with the provision and on-going management on land north of the application site within the ownership of the applicant.

Conditions

1. No development shall take place until approval of all of the following reserved matters has been obtained in writing from the Local Authority:
a. Layout b. Scale c. Appearance d. Landscaping

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.

2. The development hereby permitted shall be begun before the expiration of two years from the date of the last of the reserved matters to be approved;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

3. Prior to any dwelling hereby permitted being constructed to slab level written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development.

4. Prior to any dwelling hereby permitted being constructed to slab level, details of all fencing, walling and other boundary treatments shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation or as agreed by the Local Planning Authority 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.

5. Prior to any dwelling hereby permitted being constructed to slab level, details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways, and the design of kerb-stones/crossing points which shall be of a wildlife friendly design, relating to the detailed element, shall be submitted to and approved by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the dwellings or as agreed in writing with the Local Planning Authority and maintained thereafter.

Reason: To ensure a high quality external appearance to the development.

6. No external lighting equipment shall be placed or erected within the site until details of such equipment have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and in

the interests of biodiversity. The development shall thereafter be carried out in accordance with the subsequently approved details.

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

7. Prior to any dwelling hereby permitted being constructed to slab level, a landscape scheme designed in accordance with the principles of the Council's landscape character guidance shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented. The scheme shall show all existing trees, hedgerows and landscaping and indicate whether they are to be retained or removed. It shall detail measures for protection of species to be retained and include a planting specification, a programme of implementation and maintenance and a 10 year management plan. The landscape scheme shall provide landscape buffer zones of no less area than shown in the illustrative site layout on drawing no. 2527-21 and specifically address the need to provide:
- Reinforced and new tree belt along the southern boundary of the site.
 - New hedgerow and tree planting along the northern boundary.
 - Tree and hedge planting throughout the site.
 - Area of semi-natural open space along the southern boundary.
 - Swales and balancing ponds.
 - Reinforced tree and hedgerow planting along the eastern and western boundaries.

Reason: No such details have been submitted and to ensure a satisfactory appearance and landscape setting to the development and satisfactory implementation, maintenance and management of the landscaped areas.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is sooner; any seeding or turfing which fails to establish or any trees or plants which, within five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

9. Any existing trees or hedges retained on site which, within a period of five years from the first occupation of a property, commencement of use or adoption of land, die or become, in the opinion of the local planning authority, so seriously damaged or diseased that their long term amenity value has been adversely affected, shall be replaced in the same location during the next planting season (October to February), with plants of an appropriate species and size to mitigate the impact of the loss as agreed in writing by the local planning authority.

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

10. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) 'Trees in Relation to Construction-Recommendations' and in strict compliance with the Draft Arboricultural Method

Statement by Chartwell Tree Consultants Ltd dated 9 March 2016 No equipment, 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. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the 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: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development

11. Prior to the commencement of any ground or tree works a programme of arboricultural supervision and reporting shall be agreed with the local planning authority in writing and the approved programme shall be carried out in strict accordance with the approved details.

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

12. Prior to commencement of the engineering works at both the site access points, full details of tree protection methods, including the laying of road construction where trees have been identified as to be retained, shall be submitted and approved in writing by the local planning authority. Details should include hand dig as appropriate. The works shall be carried out in accordance with the approved details.

Reason: To ensure the safe retention of trees of amenity value.

13. The details of landscaping submitted pursuant to condition 1 shall include details of a scheme for the preparation, laying out, and equipping of a play/amenity area and the land shall be laid out in accordance with the approved details;

Reason: To ensure a satisfactory external appearance to the development and the provision of adequate facilities to meet the recreational needs of prospective occupiers.

14. The development shall not be occupied until details of the long-term management and maintenance of the public open space, including details of mechanisms by which the long term implementation of the open space (including play equipment) will be secured by the developer with the management body(ies) responsible for its delivery, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented and maintained.

Reason: In the interests of adequate open space provision and visual amenity.

15. The development shall not commence until a landscape and ecological management plan (LEMP) for the site has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved LEMP and its requirements applied for the lifetime of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed;

- b) Ecological trends and constraints on the site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving the aims and objectives;
- e) Prescriptions for management actions;
- f) A work schedule;
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures;
- i) Specific details of biodiversity enhancement measures to include enhancement for birds, bats and reptiles. (to include swift bricks, bat boxes, hedgerow habitat enhancement)

Reason: In the interests of biodiversity.

16. The details pursuant to condition 1 shall show the height of the proposed dwellings to reflect the parameters set in the Design and Access Statement shown as between 2 and 2.5 storeys high.

Reason: In the interests of visual amenity

17. There shall be no occupation of the development hereby permitted until the provision, by way of a Section 278 Agreement between the applicant and Kent County Council Highways, of the works identified in the application are agreed with the planning and highway authorities and provided at an agreed trigger point. Full details of the proposed details shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

18. The development shall not commence until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out thereafter in accordance with the approved details.

Reason: In order to secure a satisfactory form of development.

19. Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:
- (i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
 - (ii) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure that features of archaeological interest are properly examined and recorded.

20. The development shall not commence until details of foul and surface water drainage, which shall include details of any necessary off-site improvements to the local network, have been submitted to and approved in writing with the Local Planning Authority in consultation with Southern Water. The approved details and off-site works shall be implemented in full prior to the first occupation of the development.

Reason: In the interest of water pollution

21. No development shall take place until a sustainable surface water drainage scheme based on details provided within the Surface Water Management Strategy prepared by RMB Consultants (Civil Engineering) Ltd dated December 2014, has been submitted to and approved in writing by the local planning authority. The surface water strategy should also be compliant with the Non-Statutory Technical Standards for Sustainable Drainage (March 2015), and should demonstrate the surface water run-off generated up to and including the 100yr critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event, so as not to increase the risk of flooding both on- or off-site. The strategy should also include details for the provision of long term maintenance of all surface water drainage infrastructure on the site. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

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

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

23. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To protect vulnerable groundwater resources and source protection zones.

24. The existing wall which aligns the curtilage of Barty House shall not be taken down until a methodology statement has been submitted to cover the following areas:

- (i) Removal, cleaning and retention of existing brickwork;
- (ii) Submission of sample replacement bricks where necessary;
- (iii) A sample panel to be erected on site to ensure appropriate bonding/mortar mix

Reason: To ensure appropriate materials and protection of the character of the wall.

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no further development other than that hereby permitted shall take place on the site without the prior written consent of the Local Planning Authority;

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

26. Prior to the commencement of development the recommendations of the Callumma Ecological Services report dated October 2015 shall be carried out. A detailed mitigation strategy shall be submitted to the Local Planning Authority as set out in this report (CES) together with a monitoring timetable whilst works are ongoing with regard to the Great Crested Newt population within the identified ponds.

Reason: In the interests of Biodiversity.

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

Drawing no.s 2527-03G (realignment of Barty Wall), 475-108A, 474-112, 474-115, 474-116, 2527-21b (illustrative site layout), 475-123, 475-125A, 2527-20 Rev D, 2527-21A; 2527- 22A,

Reports: Great Crested Newt Survey October 2015, Calumma Ecological Services; Arboricultural report by Chartwell Tree Consultants December 2015, Arboricultural Method Statement 9 March 2016, Revised Design and Access Statement December 2015; Transport Assessment Addendum December 2016; Surface Water Management Strategy incorporating a Flood Risk Assessment dated December 2014.

Reason: To ensure the development is undertaken satisfactorily.

Agenda Item 17



15/504667 Barty House

Scale: 1:1250

Printed on: 20/4/2016 at 11:06 AM

© Ordnance Survey Maps - Maidstone
Borough Council Licence No. 100019636, 2015

© Maidstone Borough Council

REPORT SUMMARY

REFERENCE NO - 15/504667/LBC		
APPLICATION PROPOSAL Listed Building Consent for alterations to boundary wall to facilitate improved access.		
ADDRESS Barty House Nursing Home, Roundwell, Bearsted, Kent, ME14 4HN.		
RECOMMENDATION: GRANT LISTED BUILDING CONSENT		
SUMMARY OF REASONS FOR RECOMMENDATIONS: The proposal will cause harm to the fabric and setting of a Grade II listed building. However, after careful consideration and balancing the impact of the proposal when taking into account the guidance in both the NPPF and LB & Conservation Areas Act, the recommendation is for approval. This however, is subject to a condition linking this approval to that of the application for outline planning permission for 100 dwellings at Barty Farm. Accordingly, this application is dependent on the other in order to be implemented.		
REASON FOR REFERRAL TO COMMITTEE: The application is linked to 14/506738 and it is considered appropriate to bring to the committee where the other application is being determined.		
WARD Bearsted	PARISH/TOWN COUNCIL Bearsted	APPLICANT Crabtree and Crabtree (Bearsted) Ltd AGENT Hobbs Parker Property Consultants
DECISION DUE DATE 29/7/15	PUBLICITY EXPIRY DATE 17/7/15	OFFICER SITE VISIT DATE various
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

Planning History:

The site has a lengthy planning history of which the relevant history is summarised below:

RELEVANT PLANNING HISTORY (including relevant history on adjoining sites):

14/506798/FULL Barty House Roundwell Bearsted Kent: Demolition and reposition of part boundary wall **REFUSED** *The construction of a new boundary wall and adjustment to the parking area would detract from the historical setting and heritage value of this grade II* listed building and as such would result in substantial harm to this listed building contrary to advice contained in The National Planning Policy Framework 2012.*

14/506799/LBC Barty House Roundwell Bearsted Kent: Demolition and reposition of part boundary wall **REFUSED** *The construction of a new boundary wall and adjustment to the parking area would detract from the historical setting and heritage value of this grade II* listed building and as such would result in substantial harm to this listed building contrary to advice contained in The National Planning Policy Framework 2012.*

13/0736/LBC Listed Building Consent for proposed wing to provide 18 residential rooms
GRANTED 20/6/13

13/0735/FUL Planning permission for proposed wing to provide 18 residential rooms
GRANTED 29/10/13

10/0403 Application to remove condition 4 and 14 of planning MA/09/0490 relating to a glazed link and the BREEAM standards rating GRANTED 26/4/10

10/0836 An application to remove condition 5 and 14 of MA/09/0490 relating to a glazed link and the BREEAM standards rating GRANTED 26/4/10

09/0491/LBC An application for Listed Building Consent for erection of single storey rear and two storey side extension together with internal alterations to provide a total of 54 bedrooms side extension GRANTED 6/6/09

09/0490 Erection of a single storey side and two storey side extension to provide a total of 54no. bedrooms GRANTED 6/6/09

05/1175 Erection of an extension GRANTED 22/10/05

05/1174 An application for Listed Building consent for erection of an extension GRANTED 22/10/05

05/0081 Erection of an extension to provide 33 additional resident rooms Withdrawn 24/2/2005

04/2389 An application for listed building consent for erection of an extension Refused 11/2/2005

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The application site is located within the open countryside, approximately 1km from Bearsted Village centre. Barty House comprises a Grade II listed building with a fairly extensive planning history which has resulted in significant extensions to the original building. The original building dates from the 18th Century and was the subject of extension and/or alterations in the 19th, 20th and 21st centuries. The extensions are concentrated on the north-eastern and rear elevations. The Listing states:

Bertie (as named then/possible typographical error) House Grade II

House. Early C18 with early C19 and later additions. Red brick with plain tile roof. 2 storeys attics and basement with moulded brick string course, moulded brick eaves cornice and plain stone-coped parapet. Ground floor painted red with traces of tuck or painted pointing. Roof hipped to right, gabled behind parapet to left. End stacks. 2 hipped dormers. Regular 5-window front of glazing-bar sashes, with rubbed brick voussoirs, those on ground floor with segmental heads. First floor windows have blind hoods. Large early C19 porch up 4 steps with fluted Doric columns carrying deep entablature and flat hood over. Early C19 door with fielded panels and ornate rectangular fanlight. Left end elevation: has 2-storey canted bay in same style as front elevation but merged with C19 rear additions. 2-storey C19 red brick additions to rear.

- 1.2 The property occupies a prominent position on Roundwell set above the road level. The property is set within approximately 0.9 hectares of garden land and the land levels vary across the site with it falling away at the eastern and south eastern boundaries.
- 1.3 Once a private residence, Barty House became a care home – hence the history of extensions to the property to make it suited to the change of use.
- 1.4 Access to the property is from an unmade farm track off Roundwell on the western side of Barty House and parallel to the curtilage wall. The curtilage wall runs parallel to Roundwell and turns the corner to run adjacent to the access track and stopping at the entrance to the car park. The parking area is to the rear (north/north-east).

2.0 PROPOSAL

- 2.1 This listed building application is intrinsically linked to the outline planning application for up to 100 dwellings on the field to the west of Barty House. This application seeks listed building consent for the demolition and realignment of the curtilage wall to Barty House in order to facilitate an acceptable access into the proposed development site. It also comprises a section of new wall within the scheme adjacent to the car park to the north. The existing wall has been subject to partial rebuilding over the years and comprises a mix of stone base and brick work to the upper section.
- 2.2 The wall concerned fronts Roundwell and then extends in a northerly direction adjacent to the farm track which leads to the Barty farm complex. The wall also acts as a retaining wall to the garden land on the southern and western side of Barty House. In order to both widen and upgrade the existing track to accommodate the scale of new development, and to provide adequate visibility splays the only option is to take down the existing length of wall and rebuild this closer to the façade of Barty House.
- 2.3 It is proposed to carefully remove each brick, clean each brick which is capable of being reused and store until the rebuild in the new location. The rebuild will use matching mortar and pointing. Bricks which are inappropriate i.e non-matching as used in the past for repair work, will not be reused; instead matching bricks will be resourced to make up any shortfall. The revised position of the wall will take it between 2.5 – 3.5m closer to the western elevation of Barty House (not the 1.8m as stated in the planning statement).
- 2.4 In addition to the above, it is also shown on the submitted plans that the stretch of wall which fronts Roundwell will need to be lowered to 600mm in order to provide the necessary visibility splays at the junction of the upgraded road with Roundwell. Where this front wall is to be reduced in height, the existing lawn level will also require regrading due to this being a retaining wall and ensuring there is no inconsistency with providing the visibility splay.
- 2.5 It is also proposed to provide a new stretch of wall adjacent to the Barty House car park, thereby framing the entrance into Barty House. This will follow the design, materials and detail of the rest of the wall. The new stretch of wall will also facilitate an additional 10 car parking spaces to the nursing home, whereby ground works will be undertaken to level the site and the wall will also act as a retaining structure.

- 2.6 In addition to the widened and resurfaced access, a footpath will align the newly positioned wall to be constructed from charcoal cobble style block paving.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) 2012
National Planning Practice Guidance (NPPG) 2014
Planning (Listed Buildings and Conservation Areas) Act 1990

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, T13
Maidstone Borough Local Plan Publication (Regulation 19) Feb 2016: Policy SP17, DM3.

Other: Historic England (formerly English Heritage) English Heritage Enabling Development and the Conservation of Significant Places, The Setting of Heritage Assets

4.0 LOCAL REPRESENTATIONS

- 4.1 Local residents were notified and representations were received from approximately 15 residents including an opinion from Landmark Chambers. The concerns raised which relate specifically to the listed building application are summarised below:

- Contradictory drawings;
- Adverse impact on setting of Barty House – including moving advertisement and gas cabinet nearer;
- Concern that drawings listed against the outline application are not part of the listed building application;
- No justification to rebuild the wall and even if there was then it should be done in situ;
- Sightlines must have been adequate when the Nursing home was approved – so why not now?
- Significant reduction in landscaped area affecting privacy and living conditions;
- Unique heritage of this part of Bearsted compromised;
- Agree with comments of MBC's Conservation officer;
- Change to farm track will destroy the setting of the building;
- Adverse impact on Barty Cottage;
- Irrelevant whether existing bricks reused as harm will take place when wall built in different location;
- Additional traffic movements will have an adverse impact;
- Proposed access in a dangerous location;
- No additional parking necessary at Barty House.
- Vision splay will be compromised by gas cabinet and advertisement sign;
- Curtilage wall constructed out of many original bricks (these will be lost);
- Previous applications refused – so should this one be;
- Works would be irreversible.
- Discrepancies between distances quoted as to how far the wall would be moved;
- The proposed new boundary wall to the north of the nursing wall will also cause harm to the setting;
- Impact on the trees.

- 4.2 **Cllr Mike Cuming:** Objects strongly to the application, he states, 'moving the wall would have a seriously detrimental effect on the setting of this listed building, by way

of a significant reduction of the lawned area to the north-west of the main building, as acknowledged by the refusal, in March 2015 of 14/506798 and 14/506799. The Listed Building Statement supplied by the applicants quotes in section 4.1 that the wall would be "...re-sited back a maximum of 1.8m ...", yet the addendum to the Design & Access Statement claims, at the end of section 2.1 "erecting it between 2 and 3 metres to the east and thus closer to Barty House."

In the Design, Access & Heritage Statement, on page 4, it is claimed that "The wall ... requires rebuilding..." If this were the case, it could be built in situ, not moved up to 3 metres nearer the house.'

5.0 CONSULTATIONS

5.1 Bearsted Parish Council: The Parish Council would like to object on the grounds that the re-positioning and demolition of the wall would have a detrimental effect on the street scene and to the grade II listed building.

5.2 Historic England: no response

5.3 MBC Conservation Officer: Raises objection for the following reasons:

Whilst the housing development in itself will have only a limited impact on the setting of the Grade II listed Barty House, works to improve the access to the site will have a far greater impact.

The proposal seeks to demolish an existing boundary wall defining the curtilage of Barty House at the edge of the unmade track leading to the side of the listed building and to rebuild a new wall further back into the site. The reason for the re-positioning of the wall is to create a widened vehicular access to service the proposed housing development site on land behind properties fronting Roundwell.

The wall in question, which acts as a retaining wall, appears for almost its entire length along the track to be of late 18th/ early 19th Century date. It is an attractive feature which makes a positive contribution to the setting of the listed building. It appears to be the last surviving section of the original boundary enclosure of Barty House. The curved section towards the junction with Roundwell indicates where the former driveway which ran across the frontage of Barty House entered the plot. For these reasons I consider that it adds to the significance of the listed building.

Whilst the wall shows evidence of some cracking and bulging which may require attention, in my view this should be addressed by careful and conservative in situ repair. The proposal is to build a similar new wall, but sited some 2.5 – 3.5m metres or so further back in to the plot. This will reduce the curtilage of Barty House on this side, leaving the house in a less spacious setting. Views of the house from this direction are the most important ones as it is only from this side that the listed building can be appreciated in its original form and size, without the large modern nursing home extensions being readily visible. The setting would be further damaged by the change from an unmade track to a surfaced and engineered road with pavements which would be an urbanising feature. I therefore consider that the proposals will cause harm to the significance of the listed building because of the loss of historic fabric and the impact on the setting of the listed building. The submitted supporting statement admits that some harm to the setting of Barty House would be caused by the loss of the existing historic wall.

In my view the harm would amount to less than substantial harm. This being the case, the NPPF requires that the harm be balanced against any public benefit accruing from the proposals. In coming to a decision, the Council is obliged by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting and the courts have made it clear that where there is harm to the setting of a listed building this is a consideration which should be given considerable importance and weight.

6.0 BACKGROUND PAPERS AND PLANS

- 6.1 This report should be read alongside the report dealing with outline planning permission for the current housing scheme at Barty Farm.

The following plans and documents were submitted in support of this application: Drawing no.s 2527-03G, 2527-04 rev c, 2527-05 rev c, and 2527-06 rev c; 1:200 Section through brick wall; Mini pile foundation. Design, Access & Heritage Statement; Addendum to Design & Access Statement; Supporting Statement by Hobbs Parker; Structural report by Alan Baxter Partnership. Method Statement For Constructing Brick Wall in Root Protection Zone (RMB consultants).

7.0 APPRAISAL

- 7.1 It is specifically set out in s.16 and s.66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that the Council must have special regard to the desirability of preserving the listed structures or their settings or any features of special architectural or historic interest which they possess. The main issues for consideration are the impact of the proposal on the fabric, character, appearance and setting of the listed building. The relocation of the wall will clearly alter the existing historic setting of Barty House and this physical change will also result in an unmade farm track changing to a formal road to serve the proposed nearby development – this will also impact on the setting of the listed building. Whilst not listed in its own right, the wall is curtilage listed.
- 7.2 Policy DM3 of the emerging Local Plan requires new development to protect and enhance the historic environment and to provide for the long term maintenance and management of all heritage assets. It is important to assess whether the proposal protects and enhances the listed building. The NPPF seeks to conserve heritage assets and in paragraph 17 advises this should be done ‘in a manner appropriate to their significance so that they may be enjoyed for their contribution to the quality of life of this and future generations’. Paragraphs 131 – 134 provide advice on the determination of planning applications and weighing up the significance of a heritage asset. Depending on whether it is felt that substantial harm or less than substantial harm will be caused by a proposal, then this informs the process of acceptability or otherwise and the matters for consideration,
- 7.3 The existing Grade II property is of significant historical and architectural interest, and its setting must therefore be protected, and where possible enhanced through any development being proposed. The key consideration for this application is whether the re-siting of the wall (with some consequent loss of fabric) and the resulting reduced curtilage to a grade II listed building would inflict an unacceptable level of harm to the setting of the property.7.4 The Councils Conservation Officer has objected to the proposed resiting of the boundary wall. He objects due to the loss of

the historic fabric (the wall) and the impact on the setting of the Grade II Listed Barty House that would arise. The objection was expected and is entirely consistent with the two previously refused applications (planning and listed building) as detailed in the history section of this report. In assessing this application I have had total regard to the outcome reached on those previous applications. The difference between the current application and that previously refused rests largely on whether there is justification to permit the scheme, in light of the fact that the planning permission for the wall is sought through the outline planning application for up to 100 dwellings. Previously the planning application was a standalone scheme which if approved could have led to the alterations to the curtilage wall without the housing scheme being delivered. The previously refused scheme had slight design differences in that the side wall along the access track was proposed to be rebuilt as per the existing step down profile when nearing Roundwell; the revised scheme shows this now as a sloping profile – in my view a less jarring finish to the wall and possibly more in keeping with the setting.

- 7.5 The significance of the building is set out in the listing at the beginning of the report. It is noted that the wall itself is not mentioned in the listing, although I note the comments of both the conservation officer and local residents whom advise of the historic nature and importance of the wall in terms of both the setting and context it provides and the presence of original bricks. The building has been significantly extended at the rear (north/east elevation) - the mass of this is not fully appreciated from the principal elevation of the building. At present the access to Barty House is an unmade farm track to the Barty Farm complex and Barty House. The main view is informal and due to the alignment of the street, the prominent view from the south/west is of the house in its garden setting enclosed with boundary wall. The proposal will result in a formal foreground of greater width and a reduced 'green' setting. There are therefore three aspects of harm which I have identified and these comprise the reduction in the current spacious setting of Barty House, the loss of the material fabric – the wall (as not all bricks will be capable of re-use and character will be lost by rebuilding) and the impact of the new formal two-way road off Roundwell to the development site together with the formal footpath. I also note concerns raised by residents regarding the section of new wall to the north which would facilitate an increased parking area to the serve the Nursing Home.
- 7.6 It is however, interesting to note that from the research undertaken in support of the application that the entrance has been altered previously. In fact, submitted photographs show that in 1940, in addition to the existing rear access, that there was also an access at the front of the property comprising an in-out driveway on and off Roundwell. This front access was removed prior to the Listing in 1968 by which time it had been replaced with lawn as can be seen today.
- 7.7 However, considering the proposal in its current setting, I concur with the conservation officer's view that the proposed development would cause visual harm on the setting of Barty House and as such it falls to consider whether the impact warrants a refusal of listed building consent. In order to reach a conclusion it is essential to consider Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that special regard should be had to the desirability of preserving the building or its setting. It is clear from the assessment undertaken by the conservation officer that there is harm to the setting and fabric of this listed building and as such this should be given considerable importance and weight. The applicant also acknowledges that a level of harm will occur. Therefore, with regard to section 16 I conclude that a level of harm will be caused.
- 7.8 In my mind, this is a clear case of balancing the benefits of the development versus the harm to the listed building. The proposed development would undoubtedly have

a visual impact on the historic setting of the nearby Grade II listed building and result in the loss of fabric of the building, in this instance the wall. In my view and that of the conservation officer, the level of harm would be less than substantial.

- 7.9 The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, 'great weight should be given to the asset's conservation'. Clear justification needs to be given if an asset is to be degraded as once lost the harm cannot be undone. Substantial harm to a Grade II listed building is considered in paragraphs 132 and 133 of the NPPF and indeed, were the proposal to be considered to cause substantial harm then, without an exceptional reason, then consent should be refused. However, in this instance the level of harm is not considered to be substantial and therefore Paragraph 134 should be applied.

The NPPF at paragraph 134 requires that the harm be balanced against any public benefit accruing from the proposals. *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'*

- 7.10 In this instance it is therefore considered that the significant public benefits arising from an additional 100 houses (which includes 30% affordable housing) together with generating construction jobs, an enhanced public bus service and additional revenue through use of local shops and services in Bearsted, would, in my view and in light of the significant shortfall with regard to the 5 year supply, outweigh the harm to the setting and fabric of the Grade II listed building and should not prohibit the development of the site. As this application and the outline application are linked, and the planning permission for the works to the wall is included in the outline application, should the housing scheme not come on-board then the listed building consent will not be capable of implementation. Therefore the works can only proceed if the outline application succeeds.
- 7.11 I also consider that some mitigation will be provided as it is proposed to retain existing bricks from the wall and re-use in the reconstruction thereby retaining some of the historic fabric of the wall. This can be subject to condition, together with requiring details of wall bond/pointing details, appropriate mortar mix to ensure the original wall is reflected in both character and detail as far as can be.

Other Matters

- 7.12 The applicants have submitted a structural report in support of the demolition of the wall. In coming to my view, I have therefore taken note of the structural appraisal undertaken by 'Alan Baxter Partnership' dated 17 September 2015. The report notes a bulge and lean to the existing wall and general poor condition (visual cracks) throughout. Due to these weaknesses the wall is purported as being unsafe. It is therefore contended by the applicant that the wall is in need of rebuild in any event. I do not consider any weight should be attached to this document in balancing the acceptability of this proposal; should the wall require rebuilding or remedial work then this can take place in situ. I concur with the conservation officers views on this matter and agree that any weaknesses in the stability of the wall does not provide justification for its relocation within the setting.
- 7.13 Comments have been received from residents regarding the plans submitted with this application. I would clarify that as this application is concerned with the listed

building consent to relocate and build the wall, it is not necessary to provide full details of the access to the new development as these are all provided in the outline permission. The application is assessing the impact of moving the wall, the physical changes taking place and the principle of the alterations by formalising the access track. I am satisfied that the appropriate plans have been submitted in order to reach a recommendation on this application.

- 7.14 With regard to the additional parking area to the rear of the Barty House, the main concern with this related to the impact on two mature trees. Further information has been sought through the planning application on this and I confirm no landscape objections subject to conditions.

8.0 Conclusion

- 8.1 The proposed relocation of the wall is considered to cause harm to the setting and fabric of the listed building (Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is however considered to meet the guidance contained in Paragraph 134 of the NPPF which indicates that if the harm caused brings about sufficient benefits to the wider public then permission can be granted.

- 8.2 In this instance it is considered that whilst the relocation of the wall is neither essential in terms of repair work nor desirable in terms of reducing the setting to this grade II listed building, justification can be found due to the works facilitating a much needed housing development.

- 8.3 Were it not for the linkage with the outline planning application the recommendation would be one of refusal as the need and harm could not be justified.

9.0 RECOMMENDATION – Grant Listed Building Consent subject to the following conditions:

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

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Works shall not commence on the demolition of the existing wall until a method statement has been submitted providing the following information:

- Process of demolition
- Materials to clean up bricks
- Storage of bricks

Reason: To ensure the protection and re-use of existing brick work.

3. Works on rebuilding the wall shall not commence until a sample brick panel of both bricks for the new wall and replacement have been constructed and inspected on site by the local planning authority. Written details shall also be provided confirming details of mortar bond and pointing. The wall build shall be undertaken in accordance with the approved details.

Reason: To ensure the design, materials and construction of the boundary wall is visually acceptable.

4. The listed building consent hereby approved shall only be implemented in conjunction with the valid implementation of outline planning permission pursuant to planning application ref. 14/506738/OUT.

Reason: Without justification of application 14/506738 the listed building consent would be unacceptable.

5. The development hereby permitted shall be undertaken in strict accordance with the following plans and supporting documentation:

Drawing no.s 2527-03G, 2527-04 rev c, 2527-05 rev c, and 2527-06 rev c; 1:200 Section through brick wall; Mini pile foundation.

Design, Access & Heritage Statement; Addendum to Design & Access Statement; Supporting Statement by Hobbs Parker; Structural report by Alan Baxter Partnership.

Method Statement For Constructing Brick Wall in Root Protection Zone (RMB consultants).

Case Officer: Amanda Marks

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



15/505441 Tovil Quarry

Scale: 1:2500

Printed on: 9/3/2016 at 10:18 AM

© Ordnance Survey Maps - Maidstone
Borough Council Licence No. 100019636, 2015

REPORT SUMMARY

REFERENCE NO - 15/505441/FULL			
APPLICATION PROPOSAL Outline application for the erection of up to 108 dwellings with all matters reserved for future consideration except for the means of access (from Straw Mill Hill) to be determined at this stage.			
ADDRESS Tovil Quarry Site Straw Mill Hill Tovil Kent ME15 6FL			
RECOMMENDATION- Approval subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed development does not conform to policy ED2 of the Maidstone Borough-Wide Local Plan 2000, however given the committee resolution to grant planning permission in 2012 under reference MA/12/2022, the lack of interest in employment redevelopment and the immediately adjacent residential development, a departure from that policy would be likely to result in only minor harm. In this instance, the provision of housing is considered to be an overriding benefit to justify departure from this policy of the Development Plan, subject to appropriate conditions.			
REASON FOR REFERRAL TO COMMITTEE It is a departure from the Development Plan as the site is a designated employment site under Policy ED2 of the Maidstone Borough-wide Local Plan 2000. Cllr Derek Mortimer has asked that this application to be taken to planning committee if it is recommended for approval. Members deferred consideration of the application to enable further discussion of potential highway improvements, specifically in Straw Mill Hill.			
WARD South Ward		PARISH COUNCIL Tovil	APPLICANT Mr Kevin Clark AGENT DHA Planning
DECISION DUE DATE 14/10/15	PUBLICITY EXPIRY DATE 14/10/15	OFFICER SITE VISIT DATE 1/03/2016 and 11/10/15	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
12/2022	Outline application for the demolition of existing buildings and the erection of residential development with associated parking and landscaping together with the extinguishment of the existing access to Straw Mill Hill and the formation of a new access from Straw Mill Hill/Stockett Lane.	19 September 2013 members resolved to grant planning permission subject to a s106 legal agreement and planning conditions	No decision issued
MA/10/0167	An Article 10 Consultation with Maidstone Borough Council by Kent County Council for the development of a Materials Recycling Facility and Transfer Station for waste recovery:	Refused by KCC & Appeal dismissed on	18/03/10 10/10/11

MA/05/2293	Outline application for residential development with means of access to be considered at this stage and all other matters reserved for future consideration	Withdrawn	13/02/2006
MA/88/1338	Alteration of approved ground floor weighbridge office extension (ref MA/86/1675N) and first floor extension over	APPROVED	30/10/1988
MA/86/1675	Industrial waste paper processing building with ancillary office and weighbridge office extension	APPROVED	02/02/1987
MA/83/0048	Change of use of part to conversion of waste paper	APPROVED	25/03/1983

MAIN REPORT

1.0 This application was considered by the Planning Committee at its meeting on the 24th March 2016 (report attached as **Appendix 1**). Member's attention is also drawn to the Urgent Update Report (report attached as **Appendix 2**) which reported additional information and requested changes to certain conditions. At the meeting, it was resolved that "consideration of the application be deferred for further discussion of potential highway improvements, specifically in Straw Mill Hill, and to circulate the viability report to Members".

1.01 A site meeting was convened on the 11th March with local ward members, a Kent Highways representative, a planning officer and the applicant's agent/highway officer. As a result of discussions on site, a Highways Technical Note was submitted (report attached as **Appendix 3**). The Technical Note provides commentary on three issues namely:

- Achievement of access and works to Straw Mill Hill
- Improvements to Straw Mill Hill / Farleigh Hill junction, and
- Access to the adjacent development site

and includes a proposed junction improvement plan referenced 10664-T-04 Rev P1 –dated 12.04.16). The requested viability assessment undertaken by the Council's appointed viability assessor is attached in the Part 2 papers as it contains information relating to the financial/business affairs of the applicant.

2.0 CONSULTATIONS

Kent Highway Services -

"Following the decision of Maidstone Borough Council to defer determination of the planning application to enable highway related issues to be further investigated, a site meeting was convened on 11 April 2016. This was attended by representatives of KCC Highways, the Borough Council and the applicant.

The applicant has subsequently submitted a Technical Note, with supporting drawings, that is intended to confirm the highway related aspects of the proposals in light of the discussions at the site meeting.

Site Access via Straw Mill Hill

The proposed site access, together with the proposed introduction of a priority working on Straw Mill Hill to enable footway connectivity to be provided for pedestrians, was previously confirmed as acceptable by KCC Highways. This accounted for the Stage 1 Road Safety Audit submitted alongside the planning application, which raised no substantive highway safety issues.

The site meeting highlighted the importance of ensuring that the visibility sightlines associated with the site access and the priority working remain unobstructed. It was also acknowledged that warning sign provision and the construction specification of the footways will form part of the detailed design required in support of the requisite Section 278 Agreement.

Site Access via Dean Street/Farleigh Hill

The applicant has confirmed that they are willing to have a condition imposed that will require an 'all purpose' route of access to be provided up to the north-west site boundary. This is welcomed by KCC Highways as it affords scope for future connectivity to be achieved to Dean Street via the adjacent prospective development site.

Straw Mill Hill/Farleigh Lane Junction

The site meeting provided a further opportunity to observe traffic conditions at the Straw Mill Hill/Farleigh Lane junction. This highlighted the constraints that currently exist at this location and the difficulties experienced by some road users when exiting Straw Mill Hill onto Farleigh Lane.

The dialogue with the applicant has considered whether there is scope for highway safety improvements to be secured in support of the proposed development. Proposals have been submitted by the applicant that would provide new high-friction surfacing on both Farleigh Lane approaches to the junction and additional warning signage for those approaching eastbound on Farleigh Lane.

These improvements will assist in raising road user awareness of the junction and the associated turning manoeuvres, whilst also reducing the potential for skidding by braking vehicles. KCC Highways regard the proposals to be acceptable in how they meet the tests of scale and reasonableness that must be applied in any planning obligation. A more substantive form of junction improvement, such as the installation of traffic signals, cannot be justified in accordance with the tests due to the low traffic impact that this development has on the wider network. This conclusion takes account of the potential traffic generation associated with the permitted use of the site, which is comparable to that of the proposed residential development.

Summary

KCC Highways raise no objection to this outline planning application subject to a Section 278 Agreement to secure the required site access and footway works on Straw Mill Hill, the bus boarders at the Farleigh Hill bus stop and the improvements to road surfacing and signing at the Straw Mill Hill/Farleigh Lane junction”.

3.0 APPRAISAL

- 3.01 Members resolved to defer the application principally to allow for further discussions on potential highway improvements, specifically in Straw Mill Hill. Taking each of the matters set out in paragraph 1.01 above in turn;

3.02 *Site Access via Straw Mill Hill:*

The proposed site access, together with the proposed introduction of a priority working on Straw Mill Hill to enable footway connectivity (as shown on plan T0208-02 Rev P3) to be provided for pedestrians was previously considered acceptable by KCC Highways under application 12/2022 (no decision was issued due to the S106 not being signed). This accounted for a Stage 1 Road Safety Audit which was submitted alongside the planning application, and which raised no substantive highway safety issues.

3.03 The proposed means of access for the current application is identical to that proposed as part of the previous application which was agreed in principle as part of the resolution to grant permission under 12/2022.

3.04 Kent Highways have raised no objection to the new site access and pedestrian connectivity and have acknowledged the importance of ensuring the visibility sightlines and priority working as shown on the submitted plans, remain unobstructed. They acknowledge that the warning sign provision and the construction specification of the footway will form part of the detailed design required in support of the S278 Agreement (see condition 9).

3.05 *Site Access via Dean Street/Farleigh Hill:*

The applicant confirmed at the site meeting that they would accept a condition securing an “all purpose” access route to be provided up to the north-west site boundary to increase permeability and greater integration of the application site with future development of the land to the north-west. Condition 22 imposes this requirement for any reserved matters application coming forward and this is supported by Kent Highways.

3.06 *Improvements to Straw Mill Hill / Farleigh Hill Junction:*

As part of the previous planning application 12/2022, which had a resolution to grant permission subject to the signing of the S106, it was secured that the applicant would undertake S278 works to improve the existing situation at the junction between Straw Mill Hill and Farleigh Hill, this being attributable to limited visibility afforded to egressing vehicles from Straw Mill Hill looking west along Farleigh Hill.

3.07 The site meeting afforded the opportunity to review the traffic conditions at the junction, which highlighted the constraints that currently exist and the difficulties experienced by some road users when exiting Straw Mill Hill onto Farleigh Road.

3.08 The applicant’s agent was asked to review the mitigation proposals for this junction and to assess the potential for this application to deliver signalisation of the junction. These matters are discussed in more detail in the attached Technical Note – **Appendix 3.**

3.09 Kent Highways, having reviewed the submitted information, including the proposed new-friction surfacing on both Farleigh Lane approaches to the junction and additional warning signage for those approaching eastbound on Farleigh Lane, conclude that the proposals are acceptable and will assist in raising road user awareness of the junction and associated turning manoeuvres, whilst also reducing the potential for skidding by braking vehicles.

3.10 Regarding requests raised at the meeting to consider signalisation of the junction through the current application, Kent Highways have concluded that signalisation

cannot be justified in accordance with the tests due to the low traffic impact that the development has on the wider network. I would agree with this view in that signalisation is not necessary to make the development acceptable in planning terms. I would also refer members to the viability information submitted on the Part 2 papers which sets out the viability position of the scheme.

4.0 CONCLUSION

- 4.01 Having reviewed the highways position again following the concerns raised by members at the committee meeting, and following the submission of the Technical Note which has clarified certain matters and detailed improved mitigation measures for the Straw Mill Hill/Farleigh Junction, Kent Highway Services raise no objection to the application subject to a S278 agreement to secure the required site access and footway works on Straw Mill Hill, the bus boarders at the Farleigh Hill bus stop and the improvements to road surfacing and signing at the Straw Mill Hill/Farleigh Lane junction (condition 9 below) An informative to advise subsequent Road Safety Audits following the grant of planning permission, that auditors should review whether additional signage would be necessary on the westbound approach to the proposed vehicular access to provide greater forewarning of the access to approaching drivers is also recommended to be added to further advise road users of the new access.
- 4.02 All other matters as set out in the original report (**Appendix 1**) remain relevant to the determination of the application.
- 5.0 For the sake of clarity, the conditions listed below include the suggested alterations proposed by the urgent update report listed as **Appendix 2**, those listed in the original report as **Appendix 1** and new/altered conditions/informatives raised by this report.

RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS

1. The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority: - a. Layout b. Scale c. Appearance d. Landscaping Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 2 years from the date of this permission.

The landscaping reserved matters details shall be designed using the principle's established in the Council's adopted Landscaping charter Assessment 2012 and using indigenous species which shall include indications of all existing trees on the land and details of any to be retained.

The development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. The details of landscaping submitted pursuant to condition 1 above shall provide for the following:
(i) Details of all trees to be retained and any to be removed together with detailed Root Protection Plans in accordance with the recommendations of BS5837:2012 'Trees in relation to design demolition and construction-recommendations'.

- (ii) A detailed arboricultural method statement that includes assessment of the works relating to the provision of the new site access road.
- (iii) A long term landscape management plan for the site in conjunction with the ecological mitigation and enhancement measures to be provided on the site pursuant to condition 3 below.
- (iv) Measures to prevent parking on any landscaped verges along the site access roads.
- (v) A detailed planting and landscaping schedule for the re-instatement of the section of the existing site access road to be stopped-up.
- (vi) Details of tree, hedgerow and appropriate under-storey planting for the proposed new access road. Reason: No such details have been submitted and to ensure a satisfactory appearance to the development.

Reason: No such details have been submitted and to ensure a satisfactory appearance to the development.

3. Prior to the commencement of the development written details and samples of the materials to be used in the construction of the external surfaces of any buildings shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved materials.

Reason: In the interests of visual amenities of the area.

4. The development shall be carried out in accordance with the recommendations of the ecological survey report dated July 2013 and shall include;
 - (i) the provision of bat bricks/boxes, bird nesting boxes and swift bricks.
 - (ii) the retention of a proportion of the cordwood within the site.
 - (iii) the provision of refugia and hibernacula.
 - (iv) the provision of 'wildlife-friendly' drainage gullies.
 - (v) the retention within the site as undeveloped of the area where reptiles have been recorded.

Reason: To secure appropriate enhancement within the site in the interests of ecology and biodiversity.

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

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

6. No part of the development shall be occupied until details of the proposed lighting scheme have been submitted to and approved by the local planning authority. The details submitted for approval shall include;
 - i) the submission of lighting contour plots showing the site and adjoining development;

ii) sufficient detail to demonstrate that the proposed scheme complies with the recommendations of the Institute of Lighting Engineers 'Guidance Notes for reduction of Obtrusive Light' for sites located in Environmental Zone E2 and;
iii) measures to demonstrate that light spillage into the proposed landscaped areas and undeveloped areas around the site has been minimised. The development shall be carried out in accordance with the subsequently approved details and maintained thereafter.

Reason: In the interests of the character of the area and ecology/biodiversity.

7. The development shall not commence until a details of foul and surface water sewerage disposal have been submitted to and approved in writing by the local planning authority in consultation with Southern Water. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent flooding both on and off site by ensuring the satisfactory disposal of foul and surface water.

8. Details of all fencing, walling and other boundary treatments shall be submitted for approval in conjunction with the details of the reserved matter of landscaping submitted pursuant to condition 1 above. The development shall be carried out in accordance with the subsequently approved details before the first occupation of the buildings or land and maintained thereafter. The submitted details shall show inter-alia;
(i) Large scale drawings of the re-built ragstone wall to the Straw Mill Hill frontage.

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

9. There shall be no occupation of the dwellings hereby permitted until the provision by way of a Section 278 Agreement between the applicant and Kent Country Council Highways, of the works identified in the application and agreed with the applicant and the Highway Authorities until the following works have been constructed and completed.
i) The provision of the highway works and footpaths on Straw Mill Hill as shown on drawing no. 21156B_007 Rev A and T0208-02 Rev P3.
ii) The provision of improvements to the existing bus stop in Farleigh Hill shall include the provision of bus boarders to assist passengers boarding and alighting.
iii) The provision of improvements to road surfacing and signing at Straw Mill Hill/Farleigh junction as shown on drawing numbered 10664-T-04 Rev P1.

Reason: In the interests of highway and pedestrian safety.

10. The development shall not commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

11. The development shall not commence until:
i. The application site has been subjected to a detailed scheme for the investigation and recording of site contamination and a report has been submitted to and approved

by the Local planning authority. The investigation strategy shall be based upon relevant information discovered by a desk study. The report shall include a risk assessment and detail how site monitoring during decontamination shall be carried out. The site investigation shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology and these details recorded.

ii. Detailed proposals in line with current best practice for removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') have been submitted to and approved by the Local Planning Authority. The Contamination Proposals shall detail sources of best practice employed.

iii. Approved remediation works have been carried out in full on site under a Quality Assurance scheme to demonstrate compliance with the proposed methodology. If, during any works, contamination is identified which has not previously been identified additional Contamination Proposals shall be submitted to and approved by, the local planning authority.

iv. Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the local planning authority. The closure report shall include full details of the works and certification that the works have been carried out in accordance with the approved methodology. The closure report shall include details of any post remediation sampling and analysis together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

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

12. To safeguard the future occupants of the site the development shall not commence until, a detailed scheme for the investigation, recording and remediation of gas has been carried out. Such a scheme shall comprise:
- i. A report to be submitted to and approved by the local planning authority. The report shall include a risk assessment and detail how on site monitoring during the investigation took place. The investigation shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a methodology that complies with current best practice, and these details reported.
 - ii. Detailed proposals in line with current best practice for gas protection measures (the 'Gas Protection Proposals') have been submitted to and approved by the Local Planning Authority. The Proposals shall detail sources of best practice employed.
 - iii. Approved works shall be carried out in full on site prior to first occupation.
 - iv. Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. The closure report shall include full details of the works and certification that the works have been carried out in accordance with the approved scheme;

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

13. The development shall not be commenced until a report, undertaken by a competent person in accordance with current guidelines and best practice, has been submitted to the local planning authority for approval. The report shall contain and address the following:
- i) An assessment of air quality on the application site and of any scheme necessary for the mitigation of poor air quality affecting the residential amenity of occupiers of this development.
 - ii) An assessment of the effect that the development will have on the air quality of the surrounding area and any scheme necessary for the reduction of emissions giving rise to that poor air quality. The assessment should, where possible, quantify what

measures or offsetting schemes are to be included in the development which will reduce the transport related air pollution of the development during construction and when in occupation.

The developer should have regard to the DEFRA guidance from the document Low Emissions Strategy -using the planning system to reduce transport emissions January 2010.

Any scheme of mitigation set out in the subsequently approved report shall be implemented prior to the first occupation of the building and maintained thereafter

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

14. 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 Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority 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 Local Planning Authority.

Reason: To protect the underlying groundwater from the risk of pollution.

15. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.

Reason: To protect the underlying groundwater from the risk of pollution.

16. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect the underlying groundwater from the risk of pollution.

17. The details of layout submitted pursuant to condition 1 above shall inter-alia include the provision of an appropriately sized, designed, located and equipped children's play area.

Reason: No such details have been submitted and to ensure a satisfactory environment for the occupiers of the development.

18. The development hereby permitted shall be carried out in accordance with the following approved plans:-

Site location	21156B_001 Revision A
Exiting site layout	21156B_002 Revision A
Proposed site entrance survey	21156B_005 Revision A
Proposed site entrance sections	21156B_006 Revision A
Proposed site entrance	21156B_007 Revision A
Boundary investigations	0123/1195/01
Proposed site access and off site	

Improvements- survey	T0208-01 Revised P1
Proposed site access and off site	
Improvements- survey	T0208-02 Revised P3
Proposed access road long section	T0208-04 Revised P1
Proposed Junction Improvements	10664-T04 Revised P1
Typical access section	T0208-05 Revised P1
Ecology Appraisal by Lloydbore landscape and ecology	Jan 2013
Ecology Addendum by JFA Environmental	July 2013
Phase 1 habitat survey by Bureau Veritas Limited	November 2009
Flood Risk Assessment & Surface Water Drainage Strategy by RSK	June 2015
Geo-environmental site assessment Part (1) by RSK	July 2015
Geo-environmental Final Borehole Log by RSK	July 2015
Tree report by Broad Oak Tree Consultants Limited	May 2015
Transport Assessment Report and related appendices by DHA	June 2015
Planning statement by DHA	July 2015

Reason: To ensure the quality of the development is maintained and to prevent harm to the character of the surrounding area.

19. The reconstruction of the ragstone wall as shown on drawing no. 21156B_007 revA shall not be commenced until a sample panel of the ragstone to be used that clearly demonstrates the proposed bond, mortar mix and pointing method has been provided on site for approval by the local planning authority. The development shall thereafter be implemented in accordance with the approved details and the sample panel retained on site as a reference until works to rebuild the ragstone wall have been completed.

Reason: To ensure a satisfactory visual appearance to the site in the interests of the visual amenity and character of the area.

20. The development shall not commence until, details of the proposed slab levels of the buildings and the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site and in the interests of the visual amenity of the area.

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

Reason: In the interests of highway safety.

22. The details of layout submitted pursuant to condition 1 above shall inter-alia include the provision of an appropriately designed and located pedestrian/cycle and vehicle route of access to be provided up to the extent of the north-west site boundary.

Reason: In the interest of permeability and greater integration of the application site with future development of the land to the north-west.

Informatives set out below

1- The layout plan, elevational drawings and the design and access statement submitted with the full application are not consider acceptable for follow up submission of reserved matters application(s). The applicant is advised to discuss the design of the layout design of the housing estate and elevational design of any flat blocks and houses. The layout design should make provision for a play area for children.

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

3- Plant and machinery used for demolition and construction shall 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.

4- No vehicles may arrive, depart, be loaded or unloaded within the general site except between the hours of 0800 and 1900 Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.

5- Adequate and suitable provision in the form of water sprays should be used to reduce dust from demolition work.

6- 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, cannot be stressed enough. Where possible, the developer shall provide the Council and residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work, for example scaffolding alarm misfiring late in the night/early hours of the morning, any over-run of any kind.

7- 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.

8- Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

9- The developer may be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. As per the relevant act and the Site Waste Management Regulations 2008, this should be available for inspection by the Local Authority at any time prior to and during the development.

10 To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd. Anglo Street James House, 39A Southgate Street, Winchester, SO23 9EH

11- When designing the lighting scheme for the proposed development pursuant to condition 6 above, the recommendations by the Bat Conservation Trust must be considered (where applicable)

a) Low-pressure sodium lamps or high-pressure sodium must be used instead of mercury or metal halide lamps where glass glazing is preferred due to its UV filtration characteristics.

- b) Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each light to direct the light and reduce spillage.
- c) The times during which the lighting is on must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to the minimum to reduce the amount of 'lit time'.
- d) Lamps of greater than 2000 lumens (150 W) must not be used.
- e) Movement sensors must be used. They must be well installed and well aimed to reduce the amount of time a light is on each night.
- f) The light must be aimed to illuminate only the immediate area required by using as sharp a downward angle as possible. This lit area must avoid being directed at, or close to, any bats' roost access points or flight paths from the roost. A shield or hood can be used to control or restrict the area to be lit. Avoid illuminating at a wider angle as this will be more disturbing to foraging and commuting bats as well as people and other wildlife.
- g) The lights on any upper levels must be directed downwards to avoid light spill and ecological impact.
- h) The lighting must not illuminate any bat bricks and boxes placed on the buildings or the trees in the grounds.

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

13- Construction traffic and worker's vehicles in association with the development should only park within the application site and not on surrounding roads in the interests of highway safety.

14- The use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying ground waters. We recommend that where soil contamination is present, a risk assessment is carried out in accordance with our guidance 'Piling into Contaminated Sites'. We will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters.

15- Attention is drawn to Approved Document E Building Regulations 2010 "Resistance to the Passage of Sound" – as amended in 2004 and 2010. It is recommended that the applicant adheres to the standards set out in this document in order to reduce the transmission of excessive airborne and impact noise between the separate units in this development and other dwellings.

16- It is recommended that during subsequent Road Safety Audits following the grant of planning permission, auditors should review whether additional signage would be necessary on the westbound approach to the proposed vehicular access to provide greater forewarning of the access to approaching drivers.

Case Officer: James Bailey

REPORT SUMMARY

REFERENCE NO - 15/505441/FULL			
APPLICATION PROPOSAL Outline application for the erection of upto 108 dwellings with all matters reserved for future consideration except for the means of access (from Straw Mill Hill) to be determined at this stage..			
ADDRESS Tovil Quarry Site Straw Mill Hill Tovil Kent ME15 6FL			
RECOMMENDATION- Approval subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed development does not conform to policy ED2 of the Maidstone Borough-Wide Local Plan 2000, however given the committee resolution to grant planning permission in 2012 under reference MA/12/2022, lack of interest in employment redevelopment and the immediately adjacent residential development, a departure from that policy would be likely to result in only minor harm. In this instance, the provision of housing is considered to be an overriding benefit to justify departure from this policy of the Development Plan, subject to appropriate conditions.			
REASON FOR REFERRAL TO COMMITTEE It is a departure from the Development Plan as the site is a designated employment site under Policy ED2 of the Maidstone Borough-wide Local Plan 2000. Cllr Derek Mortimer has asked that this application to be taken to planning committee if it is recommended for approval.			
WARD South Ward		PARISH COUNCIL Tovil	APPLICANT Mr Kevin Clark AGENT DHA Planning
DECISION DUE DATE 14/10/15	PUBLICITY EXPIRY DATE 14/10/15	OFFICER SITE VISIT DATE 1/03/2016	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
12/2022	Outline application for the demolition of existing buildings and the erection of residential development with associated parking and landscaping together with the extinguishment of the existing access to Straw Mill Hill and the formation of a new access from Straw Mill Hill/Stockett Lane.	19 September 2013 members resolved to grant planning permission subject to a s106 legal agreement and planning conditions	No decision issued
MA/10/0167	An Article 10 Consultation with Maidstone Borough Council by Kent County Council for the development of a Materials Recycling Facility and Transfer Station for waste recovery:	Refused by KCC & Appeal dismissed on	18/03/10 10/10/11
MA/05/2293	Outline application for residential development with means of	Withdrawn	13/02/2006

	access to be considered at this stage and all other matters reserved for future consideration		
MA/88/1338	Alteration of approved ground floor weighbridge office extension (ref MA/86/1675N) and first floor extension over	APPROVED	30/10/1988
MA/86/1675	Industrial waste paper processing building with ancillary office and weighbridge office extension	APPROVED	02/02/1987
MA/83/0048	Change of use of part to conversion of waste paper	APPROVED	25/03/1983

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site amounts to just under 2.4ha in area. It is located on the west side of Straw Mill Hill Towl some 30m south of its junction with Cave Hill. It is within the urban area of Maidstone as defined by the Maidstone Borough wide Local Plan (MBWLP) 2000. It is allocated as an employment site under saved policy ED2 (vi) of the MBWLP 2000 as suitable for Development within Use Classes B1 and B2.
- 1.02 It is a former quarry with a lawful use as a waste- paper recycling centre. The last use on this site has stopped and all associated buildings have been demolished and the land levelled. A sunken access track currently leads off south-westward from Straw Mill Hill leading to the base of the former quarry.
- 1.03 The north western and western site boundary is marked by extensive banking/quarry face in excess of 8m in height that separates the site from the 'PJ Burke site' which has outline planning permission for a new housing development (reference MA/01/0686 and MA/01/0686/01), that was renewed on 22 November 2012 under ref MA/10/0256. The adjacent site has a right of way through the current application site to Straw Mill Hill.
- 1.04 Land levels within the site, as a former quarry, are also approximately some 10m lower than Straw Mill Hill/Stockett Lane which runs along the eastern site boundary and also along the adjoining land to the south. There are trees on the banked areas around the quarry floor.
- 1.05 Land on the east side of Straw Mill Hill/Stockett Lane lies within the Loose Valley Area of Local Landscape Importance (MBWLP policy ENV35). The land associated with 'Godlands' (the HQ of the Kent Fire & Rescue Service) and the former cricket ground to its south, on the eastern side of the above mentioned road, are within the Loose Valley Conservation Area. Towl Scout Hut is located on higher land to the east side of the site (accessed from Straw Mill Hill/Stockett Lane) and is not visible from the site due to height of quarry face and trees.
- 1.06. Straw Mill Hill/Stockett Lane in the vicinity of the site are narrow roads with a rural character and appearance and are enclosed in part by ragstone walls on both sides of the road, although the wall bounding the application site has been repaired/re-built

in the past and includes bricks and cement render over some of its length. A significant breach in the wall to provide access to 'Godlands' exists on the east side of Straw Mill Hill.

2.0 PROPOSAL

- 2.01 This is an outline application for the development of upto 108 dwellings with all matters reserved for future consideration except for the means of vehicular access from Straw Mill Hill/Stockett Lane that is to be determined at this stage. This application originally started as a full application but has recently been amended to an outline application; therefore all plans are for illustrative purposes, except for those referred to in this report.
- 2.02 Given the topography of the land and high quarry face enclosing the site construction of the vehicular access would involve the creation of an opening with appropriate sightlines in the eastern boundary of the site on to Straw Mill Lane/Stockett Lane.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	2.4 ha	2.4ha	No change
No. of Residential Units	0	108	108 new dwellings
No. of Affordable Units	0	0	No change

4.0 PLANNING CONSTRAINTS

Potential Archaeological Importance
Tree with Preservation Order
Near Loose Valley Conservation area

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan:
Maidstone Borough Wide Local Plan 2000 Policies ENV6, ENV35, ENV49, ED2(vi), T13, T23, CF1, CF16
MBC Affordable Housing DPD and Open space DPD 2006
Maidstone Borough Local Plan Regulation 19 2016

6.0 LOCAL REPRESENTATIONS

Two letters of representation have been received raising concern about the following points:-

- impact on the character of the local landscape, Medway tributary Green wedge and the Loose Valley Conservation Area
- The site is suitable for low density development with high proportion of green space.
- Impact of additional traffic on this country lane.
- Proposed access way would destroy part of a substantial Ragstone wall feature.
- Hazardous waste used to infill the quarry
- Lack of sustainable drainage and connection to foul sewage system

- Any new developments at either end of the Loose valley will only exacerbate the use of Hayle Mill Road and Stocket Lane as rat runs at peak times by people trying to avoid traffic on the main roads.
- This is a conservation area and a very beautiful part of Maidstone but walking or cycling on these roads is already an unpleasant experience due to the volume and speed of the traffic. Any further housing will only make this worse.
- If this application is approved then some provision must be made to try and at the least slow the traffic on these roads but preferably to try and reduce the number of cars and to provide some infrastructure to separate pedestrians and motor vehicles.

7.0 CONSULTATIONS

Tovil Parish Council

- 7.01 Recommends approval subject to further consideration of highways issues. TPC is engaging a consultant to assist the council concerning the highways issues and the council would be very grateful if we could add TPC's comments on highways issues at a later date.
In addition, it is requested that the developer replace the boundary fence of the Tovil Scout HQ site and move the water stop cock used by the Scout HQ to the Scout site.

Loose Parish Council

- 7.02 Loose Parish Council wishes to see the application refused for the reasons below and for the application to be referred to the MBC Planning Committee:
- a) This proposal would increase the traffic, creating a further rat run to Coxheath and Linton via narrow country lanes. These lanes are already ill equipped to cope with the current volume of traffic let alone more.
 - b) The access route in and out of the site into Stockett Lane is dangerous. This would additionally create problems at the Cave Hill and Tovil Road junctions where there is already limited visibility. Although this application is outside of its boundary, Loose Parish Council feels that there would be sufficient implications for Loose and hope that the Planning Officer will take its views into account.

Kent police

- 7.03 Has stated that the scale of the proposed development at this site means that there is limited existing policing infrastructure to cater for the increased demand for policing services and interventions generated by the proposal. As, there would be a considerable population increase within the Borough (Circa 9,400) between now and 2031 to which this development will contribute. This would impair policing services elsewhere in the Borough/County if the necessary policing infrastructure were not provided.

The requirement for additional policing resources at patrol the developments has been identified as a key mitigation measure owing to the potential adverse impact arising from the proposed developments.

The contribution requested as a pro rata basis to the proposed dwelling developments within the Borough between 2015 and 2031. As shown above, Kent police has calculated that the contribution required for this development is £136X91 Market dwellings +£12,376.

The financial contribution sought in this case is not to resolve existing deficiencies in Police Infrastructure provision nor does Kent Police seek to provide a higher level of service. The impact of the development on the capacity of Kent Police to provide an efficient and effective service in the context of the Government agenda for the delivery of safe communities is a material planning consideration and the

contribution/infrastructure sought are appropriate to the impact. The requirement for a Planning Obligation to deliver a financial contribution and secure the provision of the additional infrastructure requirements which are a direct result of the proposed development is therefore reasonable in all respects.

Natural England

7.04 *Local wildlife sites*

If the proposal site is on or adjacent to a local wildlife site, eg Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site, and the importance of this in relation to development plan policies, before it determines the application.

7.05 *Biodiversity enhancements*

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that '*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*'. Section 40(3) of the same Act also states that '*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*'.

7.06 *Landscape enhancements*

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

Environmental Agency

- 7.07 We have reviewed the document ' Geo-environmental Site Assessment' by RSK (reference 27693 R01 (00) dated July 2015). The document reported some contaminants present but these are not at concentrations likely to represent a risk to Controlled Waters and associated remedial measures are not required.

Condition: 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 Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority 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 Local Planning Authority.

Reason: To protect the underlying groundwater from the risk of pollution. There is always the potential for unexpected contamination to be identified during development ground works. We should be consulted should any contamination be

identified that could present an unacceptable risk to Controlled Waters (the site is located over a Principal Aquifer).

Condition: No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.

Reason: To protect the underlying groundwater from the risk of pollution. Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.

Condition: Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect the underlying groundwater from the risk of pollution. The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying ground waters. We recommend that where soil contamination is present, a risk assessment is carried out in accordance with our guidance 'Piling into Contaminated Sites'. We will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters.

Flood Risk

The site is located in Flood Zone 1, defined by the National Planning Policy Framework (NPPF) as having a low probability of flooding. We recommend you consult and liaise with the Lead Local Flood Authority (LLFA) regarding the surface water aspects of this site as this now falls within their remit.

Upper Medway IDB

- 7.08 Confirms that this location is outside of the IDB's district and the proposal is unlikely to affect IDB interests.

Southern Water

- 7.09 There is currently in adequate capacity in the local network to provide foul and surface water sewage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers, or improvements to existing sewers will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location. Should this application receive planning approval, please include as an informative to the permission the following requirement:

"The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

Condition

- 7.10 Construction of the development shall not commence until details of proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by, the local planning Authority in consultation with southern Water.

Southern Gas:

- 7.11 There is not a Gas line close to the application site. No objection

KCC Heritage Environment, Planning and Enforcement

- 7.12 The site of the application lies within an area of archaeological potential associated with early prehistoric activity, Roman activity and post medieval industrial heritage. The site lies within an area of Hythe Beds which in certain areas can contain remnants of Pleistocene deposits which may contain palaeolithic remains. To the north of the site lies the recorded location of a Romano-British cemetery and associated remains may survive in unquarried areas nearby. This quarry was part of a network of quarrying which developed during the post medieval period and possibly before. Although this quarry itself seems to be part of the later 20th century expansion, there may be elements of local industrial heritage which need consideration.

In view of the above archaeological interest, I recommend the following condition is placed on any forthcoming consent:

AR1 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

Kent Wildlife Trust

- 7.13 Kent Wildlife Trust would recommend that Maidstone Borough Council ensures that the peripheral features of the quarry are retained and enhanced as much as possible; and that a conservation management and monitoring plan with corresponding financial provision for this green infrastructure is submitted prior to approval and supported by condition.
- I would also strongly recommend that the invertebrate survey work that appears to be outstanding and the detail for mitigation measures for reptiles (including any translocation details) are submitted in advance of determining this planning application. There is a lack of information regarding avoidance of disturbance to bats; a mitigation plan that provides lighting detail and how foraging corridors will be retained around the edges of the site is particularly important.
- In conclusion, Kent Wildlife Trust makes no objection to this planning application, subject to the above recommendations.

KCC Economic Development

- 7.14 The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests:

1. Necessary,
2. Related to the development, and
3. Reasonably related in scale and kind

These tests have been duly applied in the context of this planning application and give rise to the following specific requirements.

- Primary: £2360.96 per 'applicable' house, and £590.24 per 'applicable' flat – 'Applicable' excludes 1 bed units of less than 56 sqm GIA
- Secondary : £2359.80 per 'applicable' house, and £589.85 per 'applicable' flat
- Community learning @ £28.71 per dwelling – 'dwelling' means all residential units on the site
- Library bookstock @ £48.02 per dwelling
- Adult Social Care – delivery of 2 Wheelchair Adaptable Homes as part of the Affordable homes delivery for the site
- Superfast Broadband by Planning Condition

Environmental Health

- 7.14 The previous application for this site, 12/2022, was given a resolution to approve at planning committee in 2013 (but there was no resolution on 106's so there is no current valid planning permission). Environmental Health noted and accepted the conclusions of a Phase 1 Contamination report submitted with this previous application, which concluded that gas monitoring should be carried out in boreholes along with intrusive investigation regarding potential contaminants. It was also noted that "A new development of this size will have a noticeable adverse impact on local air quality due the increased number of vehicles that will now be present. Therefore, an air quality assessment should be submitted showing what this impact is likely to be and what measures should be put in place to minimise it. I do not anticipate there being a noise issue on this site from traffic on or off the site, or from any remaining industrial activities in the vicinity." A Geo-environmental report has been submitted with the current application and I note that the Environment Agency have reviewed the Geo-environmental Site Assessment by RSK (reference 27693 R01 (00) dated July2015), and state that although the document reported some contaminants present; these were not at concentrations likely to represent a risk to controlled waters. I also note that RSK document reports that the results from the 5 boreholes they used for gas monitoring, leads to the conclusion that the site is suitable for residential development, but that a further 12 monitoring visits are recommended to be carried out over the next 12 months. In addition analysis of samples from the 16 trial pits indicated a hotspot of localised contamination in the vicinity of TP1 and asbestos was detected in two stockpiles on site, so it's been concluded that there are potentially significant risks to end users of the proposed development. Parts 1 and 2 of our standard land contamination condition have therefore already been satisfied, but 3 and 4 have not. A remediation method statement is required and subsequent remediation verification should also be submitted. The site is in an urban area, but traffic noise is unlikely to be a significant problem for this particular site. The site is within the Maidstone Town Air Quality Management Area, and approximately 1km from the nearest Air Quality hotspot; I consider the scale of this development and its site position warrant an air quality assessment plus requires an Air Quality Emissions

Reduction condition applied to it. (No Air Quality assessment appears to have been submitted with this current application.) There is no indication of any significant chance of high radon concentrations for this site. The application form states that it is unknown how foul sewage will be dealt with and I note that Southern water state there is currently inadequate capacity in the local network to provide foul and surface water sewage disposal for the proposed development but the Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested by the developer. [I also note that there are no known Private Water Supplies in the vicinity.] Any demolition or construction activities may have an impact on local residents and so the usual informatives should apply in this respect. Any buildings being demolished should be checked for the presence of asbestos and any found should only be removed by a licensed contractor.

RECOMMENDATIONS: No objection, subject to comments above plus conditions and informatives below.

The development shall not be commenced until a report, undertaken by a competent person in accordance with current guidelines and best practice, has been submitted to the local planning authority for approval. The report shall contain and address the following:

1) An assessment of air quality on the application site and of any scheme necessary for the mitigation of poor air quality affecting the residential amenity of occupiers of this development.

2) An assessment of the effect that the development will have on the air quality of the surrounding area and any scheme necessary for the reduction of emissions giving rise to that poor air quality. The assessment should, where possible, quantify what measures or offsetting schemes are to be included in the development which will reduce the transport related air pollution of the development during construction and when in occupation. The developer should have regard to the DEFRA guidance from the document Low Emissions Strategy -using the planning system to reduce transport emissions January 2010. Any scheme of mitigation set out in the subsequently approved report shall be implemented prior to the first occupation of the building and maintained thereafter.

PUBLICLY ACCESSIBLE EV CHARGING POINTS

1 EV "rapid charge" point per 10 residential dwellings and/or 1000m2 of commercial floor space should be provided. Where this is not practicable, contribution towards the installation at nearby locations should be considered.

LAND CONTAMINATION

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

1) A preliminary risk assessment which has identified: - all previous uses - potential contaminants associated with those uses - a conceptual model of the site indicating sources, pathways and receptors - potentially unacceptable risks arising from contamination at the site.

2) A site investigation, based on

(1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment

(2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean; any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

LAND CONTAMINATION

If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed. Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

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

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

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

Landfill Gas

To safeguard the future occupants of the site, a detailed scheme for the investigation, recording and remediation of gas shall be carried out. Such a scheme to comprise:

1. A report to be submitted to and approved by the Local planning authority. The report shall include a risk assessment and detail how on site monitoring during the investigation took place. The investigation shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a methodology that complies with current best practice, and these details reported.

2. Detailed proposals in line with current best practice for gas protection measures (the 'Gas Protection Proposals') have been submitted to and approved by the Local Planning Authority. The Proposals shall detail sources of best practice employed.

3. Approved works shall be carried out in full on site prior to first occupation.

4. Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. The closure report shall include full details of the works and certification that the works have been carried out in accordance with the approved scheme; CODE OF CONSTRUCTION PRACTICE (MAJOR SITES) Prior to the commencement of the development a Code of Construction Practice shall be submitted to and approval in writing by the Local Planning Authority. The construction of the development shall

then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003).unless previously agreed in writing by the Local Planning Authority. The code shall include:

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Provision of off road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works

INFORMATIVES Construction As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.

Noise and Vibration Transmission between properties (informative). Attention is drawn to Approved Document E Building Regulations 2010 “Resistance to the Passage of Sound” – as amended in 2004 and 2010. It is recommended that the applicant adheres to the standards set out in this document in order to reduce the transmission of excessive airborne and impact noise between the separate units in this development and other dwellings.

Asbestos

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. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

7.15 **MBC Landscape and Conservation**

There is an area of woodland to the northeast which is protected by TOP No18 of 1996 but there are no protected trees on the application site. The submitted report on Inspection of Trees produced by Broad Oak Tree Consultants, dated 11th May 2015 and detailed Landscaping proposal plan and Landscaping design Statement, Produced by Mark Hanton Studio are considered to be acceptable in principle. Whilst as a group, the trees adjacent to the proposed new access contribute to the verdant nature of Straw Mill Hill they do not in themselves form a constraint to the proposal. It is however important to enhance the landscape character of the narrow, enclosed land by ensuring that new planting is provided to mitigate the loss of removed trees and those that are retained are appropriately managed. This can be dealt with by way of a detailed landscape proposal together with an implementation specification and long term management plan in accordance with the principles set out in the AIA

In Conclusion, there are insufficient arboricultural grounds to justify refusal of this application and I therefore, raise no objection subject to landscaping condition addressing the above issues.

8.0 BACKGROUND PAPERS AND PLANS

Site location	21156B_001 Revision A
Exiting site layout	21156B_002 Revision A
Proposed site entrance survey	21156B_005 Revision A
Proposed site entrance sections	1156B_006 Revision A
Proposed site entrance	21156B_007 Revision A
Boundary investigations	0123/1195/01
Proposed site access and off site Improvements- survey	T0208-01 Revised P1
Proposed site access and off site Improvements- survey	T0208-02 Revised P1
Proposed access road long section	T0208-04 Revised P1
Typical access section	T0208-05 Revised P1
Ecology Appraisal by Lloydbore landscape and ecology	Jan 2013
Ecology Addendum by JFA Environmental	July 2013
Phase 1 habitat survey by Bureau Veritas Limited	November 2009
Flood Risk Assessment & Surface Water Drainage Strategy by RSK	June 2015
Geo-environmental site assessment Part (1) by RSK	July 2015
Geo-environmental Final Borehole Log by RSK	July 2015
Tree report by Broad Oak Tree Consultants Limited	May 2015
Transport Assessment Report and related appendices by DHA	June 2015
Planning statement by DHA	July 2015

9.0 APPRAISAL

Background

- 9.01 In November 2012 the Planning Committee resolved to grant outline planning permission under ref 12/2022 for upto 113 dwellings with all matters reserved except for the means of access subject to a section 106 legal agreement and planning conditions to secure affordable housing and developer's contributions. The section 106 has not been signed and no planning permission has been granted.
- 9.02 The current application was originally submitted as a full application, this has been revised to an outline application with all matters reserved except for the means of access.

Principle of Development

- 9.03 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 9.04 In terms of location, Development Plan policy and Central Government guidance within the National Planning Policy Framework (NPPF) does encourage new housing in sustainable urban locations as an alternative to residential development in more remote countryside situations; and according to the NPPF, "Housing applications should be considered in the context of the presumption in favour of sustainable development". The site is within a sustainable location.
- 9.05 The site is designated as an employment site under saved policy ED2 of the MBWLP. However, it should be noted that employment use of this site ceased many years ago and the site has been cleared of any buildings or structure.

- 9.06 The Tovil area has undergone a significant change in character in recent years with a move away from industrial and employment use towards a more residential character with a resultant decrease in demand for employment sites. A number of other sites in the area have either been developed for residential purposes or have consent for residential development.
- 9.07 In terms of the emerging Maidstone Borough Local Plan, the proposal site has not been designated as an Economic Development Area under emerging policy DM18; and it has not been identified as a site for future employment development in emerging policy EMP1 of the draft Local Plan. Furthermore, Government guidance in the paragraph 22 of NPPF directs that "...planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose"; and so in this context and in view of the considerable time that has elapsed with no apparent market interest in implementing the employment allocation, it is considered that the employment use of this site can be set aside in this case.
- 9.08 As mentioned above in November 2012 the Planning committee approved the principle of development of this land for residential purposes under ref 12/2022. It is considered that residential use had already been accepted in principle on this allocated employment land and there has not been any material change in the nature of the proposal or circumstances of the site since 2012. Also the emerging local plan has not allocated this site for employment purposes, as such it would be unreasonable to conclude at this time that the site should be retained for employment purposes. On these grounds therefore it is considered appropriate in this instance to depart from policy in this instance. It is therefore considered that a development of this nature on this brown field site would be acceptable in principle and there is no objection to the loss of allocated employment land to residential use.

Visual Impact

- 9.09 The main part of the site is set well down from surrounding land levels (in excess of 10m). It is well contained in terms of visibility from public viewpoints due to the lower land levels. The existing landscaping around the site boundaries and physical separation of the site from public vantage points would ensure that 3 or 4 storey buildings on this site would not generally be visible from the surrounding area.
- 9.10 As this application is in outline and details of design, scale and external appearance are reserved for future consideration, the submitted drawings are for illustrative purposes only, but they do show a range of building heights and density that indicate the site is capable of accommodating this type/form of development without impacting significantly on the locality.
- 9.10 It is considered therefore that given the separation from Straw Mill Hill together with the intervening and retained existing landscape cover and the site's topography, the proposed development would not be unacceptably or visually intrusive, with possibly only glimpses of the roofscape of some of the buildings within the development being likely. As such It is considered that residential development on this site will not per-se have a significant impact on the surrounding area or the character of the nearby Loose Valley Conservation Area.
- 9.11 The greatest visual impact will occur from the change to the retaining wall along Straw Mill Hill as a result of the construction of the proposed site access. Currently the walls are tight to the carriageway on both sides although there is a significant gap at the entrance to the Kent Fire and Rescue Service HQ.

- 9.12 The proposals for the access point to the site are exactly the same as what was accepted under the 2012 outline application for this site. The proposals as submitted show the wall to be set back behind the new visibility splay at the site access and it returning into the site. The proposed footpath from the site access road along Straw Mill Hill will be located to the front of the wall. The wall itself is not in its original condition having been poorly repaired in the past with the introduction of bricks and cement render in places. The affected wall is not within the Conservation Area but lies opposite to it.
- 9.13 Whilst the moving of the wall will reduce the current sense of enclosure it is being retained except for the extent of the access point. To ensure adequate sight lines and visibility are provided, part of the wall will be set back and reconstructed using ragstone, thus helping to create an appearance similar to the present street scene situation.
- 9.14 The rebuilding of the wall will ensure that poor repairs that were carried out in the past that resulted in the use of bricks and cement render are replaced by ragstone, thus improving the appearance of the wall and the setting of conservation area. To ensure that this objective is achieved, it would be appropriate for a sample panel showing the bond and mortar mix/detailing of the new section of wall to be provided on site and agreed prior to any rebuilding work for the wall commencing. This can be secured by an appropriate condition.
- 9.15 It is therefore considered that with appropriate detailing and a sample panel being provided and approved, the alterations to the wall will not cause such an adverse visual impact so as to warrant a ground of refusal and that no objections are raised to the visual impact of the development.
- 9.16 The Landscape officer has no objection to the proposal subject to a landscaping and protection of the trees to be retained during the construction period.
- 9.17 It is also considered that although the proposed access opening would impact on the setting of the nearby Loose Valley conservation area, on balance this would not be significant or sever that would warrant a refusal of the application given the 2012 resolution of the Planning Committee, the Council's position with regard to five years housing land supply and the improvement to the wall that will result from use of ragstone and restoration and repair of the damaged areas.

Residential Amenity

- 9.18 The development of the site will not have any adverse impact on residential amenity as there are no dwellings in close proximity to the site that would be affected.
- 9.19 An appropriate level of residential amenity for the future occupier of this site can be secured through detailed design consideration at reserved matters application stage.
- 9.20 Whilst the development itself is likely to lead overall to an increase in traffic compared to the worst case scenario of the potential use of the existing lawful use of the site (as a waste recycling site), there would be a slight reduction in morning peak traffic together with a slight increase in evening peak traffic. There is therefore no objection to the proposal for amenity reason.

Highways

- 9.21 The proposed development is for upto 108 dwelling and KCC highway authority has considered the proposal and has not raised any objection on the ground of impact of the proposal on the local road network or highway safety. The proposed alterations

and provision of the footway improvement along Straw Hill have been subject to an initial safety audit and are considered acceptable.

- 9.22 The proposed development is likely to result in 154 daily additional trips compared to the worst case scenario of the lawful use of the site as a waste recycling site. However, there would be 20 fewer trips during the morning peak hour and 19 additional trips in the evening peak hour. The proposal would however result in significantly less HGV goods vehicle trips.
- 9.23 Improvements to the junction of Straw Mill Hill and Farleigh Hill have also been agreed and secured as well as improvement of the existing bus shelter at that location. These measures are necessary and appropriate in safety and increasing modal choice and will be deliverable through an appropriate agreement under s278 of the Highways Act.
- 9.24 Appropriate levels of car parking provision can be secured at reserved matters stage.
- 9.25 Having regard to the above there is no objection to this development on highway grounds.
- 9.26 The long term objective is to create the opportunity for pedestrian and vehicular access links between the application site and the land to the north to provide permeability. It is anticipated that the reserved matter application will address this issue in the housing estate layout and road network design.

Landscaping

- 9.27 The application has been supported by appropriate arboricultural and ecological survey reports.
- 9.28 The MBC Landscape Officer has stated that whilst the trees adjacent to the proposed access contribute to the verdant nature of Straw Mill Hill they do not in themselves form a constraint to the proposal. If permission is to be granted it would be important to enhance the landscape character of the narrow, enclosed lane by ensuring that new planting is provided to mitigate the loss of removed trees and those that are retained are appropriately managed. This can be dealt with by way of a detailed landscaping proposal together with implementation and management specification pursuant to reserved matter application and planning conditions.
- 9.29 It is considered that subject to use of ragstone and appropriate landscaping at the access point to the site the impact of the proposal on the Loose Valley Conservation area would not be significant or severe and as such is considered acceptable.

Ecology issues

- 9.30 The application includes an ecology appraisal and phase 1 habitat survey. These are the same documents that were submitted with the 2012 application. It is important to mention that since the appraisal and surveys were carried out the buildings on site have been demolished.
- 9.31 The KCC ecology officer has considered the ecological reports submitted and raise no objection provided the tree line around the site perimeter is retained, an and appropriately designed lighting scheme to minimise harmful impact on bats is installed and a range of native flowering and berry species to trees and hedges and shrubs as well as imposition of a planning condition requiring inclusion of the followings:-
- The provision of bat bricks/boxes, birds nest and swift bricks.

- The retention of a proportion of the cordwood within the site.
- The provision of refugia and hibernacula.
- The provision of wildlife- friendly drainage gullies.
- The retention within the site as undeveloped of the area where reptiles have been recorded.

Planning Obligations and Financial Viability

- 9.32 Planning applications should be determined in accordance with the provisions of the Development Plan (Council policies) and the government guidance unless material considerations indicate otherwise. Members should not depart from the Council's policies unless material considerations are proven to be of enough weight to justify departure.
- 9.33 The National Planning Policy Framework states that evidence of viability issues will be a material consideration in some cases. Where the deliverability of a development may be compromised by the scale of planning obligations, tenure requirements or other costs, a viability assessment may be necessary. Where viability is a material consideration, it will be just one of a number of factors to be weighted in the decision making process. Just because viability is a consideration does not mean it is the only determining matter.
- 9.34 Adopted Development Plan Document 2006 Policy AH1 seeks 40% Affordable housing and policy DM13 of Maidstone Borough Local Plan Regulation 19 Consultation 2016 seeks 30% affordable for previously developed land in the urban area. Also policy ID1 (Infrastructure delivery) of Reg 19 gives a list of Council's priorities. These policies also recognise that the capacity of a site to deliver a level of affordable housing that can be supported financially will be determined by individual site economic viability analysis. If an applicant suggests that a development cannot afford to be policy compliant, they will be expected to submit a development appraisal as justification.

Adopted local plan and emerging Local plan policies state that the Council will seek to secure affordable housing and developer's contributions.

- 9.35 These policies require that if an applicant suggests that a development cannot afford to bear the expected charge, they will be required to submit a development viability appraisal as justification to demonstrate the case. The applicant has stated that due to the cost associated with bringing this ex- land fill site to an acceptable standard for residential development and the low values of properties in Tovil, this site cannot afford to provide any affordable housing and make contributions toward infrastructure and community facilities.
- 9.36 A viability report has been submitted by the applicant. As is standard practice, the Council has instructed an independent appraisal of the applicant's viability report. This report has been assessed by an independent viability assessor who has generally concurred with the findings of the viability report submitted. Although the detailed values and costs within the report are commercially sensitive the report concludes that the contribution towards affordable housing and infrastructure/community facilities would unacceptably reduce profit levels and thus jeopardise delivery of the scheme at this time. The applicant has stated the reason for the lack of progress with the 2012 outline application has been the required affordable housing and s106 contributions.

Other Issues

- 9.37 History of this site and the adjoining land show that these were once landfill sites and the issues of contamination and potential gas migration would need to be properly managed. It is relevant to mention that the cost associated with restoration of the land to make it suitable for human habitation and construction of dwelling on this site influenced the viability argument.
- 9.38 Contamination and gas mitigation (from the nearby former landfill site) and air quality issues raised in the comments of the Environmental Health and Environmental Agency can be addressed by means of suitable conditions.

10.0 CONCLUSION

- 10.01 Whilst a departure from the Development Plan as the proposal is not employment development, it is considered that the principle of residential development on this site is acceptable, given the lack of interest in the land for employment use and the Council's resolution to grant a similar proposal under 2012/2022 application.
- 10.02 The development proposes the reuse of a brownfield site which should also be balanced in favour of allowing the development. The current shortfall in the five years housing land supply is also a factor that weighs heavily in favour of allowing a departure from the development plan in this instance.
- 10.03 The proposed access and highway improvements are considered to be acceptable and will result in improved pedestrian safety along Straw Mill Hill. Appropriate improvements at the junction of Straw Mill Hill and Farleigh Hill have also been secured.
- 10.04 It is considered that the alterations to the existing ragstone wall on Straw Mill Hill would not be so harmful to the character of adjacent Conservation Area as to warrant a ground of refusal when judged against the re-use of a brownfield site.
- 10.05 Appropriate design and landscaping for the development can be secured at reserved matters stage.

11.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS

1. The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority: - a. Layout b. Scale c. Appearance d. Landscaping Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 2 years from the date of this permission.

The landscaping reserved matters details shall be designed using the principle's established in the Council's adopted Landscaping charter Assessment 2012 and using indigenous species which shall include indications of all existing trees on the land and details of any to be retained.

The development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. The details of landscaping submitted pursuant to condition 1 above shall provide for the following:

(i) Details of all trees to be retained and any to be removed together with detailed Root Protection Plans in accordance with the recommendations of BS5837:2012 'Trees in relation to design demolition and construction-recommendations'.

(ii) A detailed arboricultural method statement that includes assessment of the works relating to the provision of the new site access road.

(iii) A long term landscape management plan for the site in conjunction with the ecological mitigation and enhancement measures to be provided on the site pursuant to condition 3 below.

(iv) Measures to prevent parking on any landscaped verges along the site access roads. (v) A detailed planting and landscaping schedule for the re-instatement of the section of the existing site access road to be stopped-up.

(vi) Details of tree, hedgerow and appropriate under-storey planting for the proposed new access road. Reason: No such details have been submitted and to ensure a satisfactory appearance to the development.

Reason: No such details have been submitted and to ensure a satisfactory appearance to the development.

3. Prior to the commencement of the development written details and samples of the materials to be used in the construction of the external surfaces of any buildings shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved materials.

Reason: In the interests of visual amenities of the area.

4. The development shall be carried out in accordance with the recommendations of the ecological survey report dated July 2013 and shall include;

(i) the provision of bat bricks/boxes, bird nesting boxes and swift bricks.

(ii) the retention of a proportion of the cordwood within the site.

(iii) the provision of refugia and hibernacula.

(iv) the provision of 'wildlife-friendly' drainage gullies.

(v) the retention within the site as undeveloped of the area where reptiles have been recorded.

Reason: To secure appropriate enhancement within the site in the interests of ecology and biodiversity.

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

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

6. No part of the development shall be occupied until details of the proposed lighting scheme have been submitted to and approved by the local planning authority. The details submitted for approval shall include;

- i) the submission of lighting contour plots showing the site and adjoining development;
- ii) sufficient detail to demonstrate that the proposed scheme complies with the recommendations of the Institute of Lighting Engineers 'Guidance Notes for reduction of Obtrusive Light' for sites located in Environmental Zone E2 and;
- iii) measures to demonstrate that light spillage into the proposed landscaped areas and undeveloped areas around the site has been minimised. The development shall be carried out in accordance with the subsequently approved details and maintained thereafter.

Reason: In the interests of the character of the area and ecology/biodiversity.

7. The development shall not commence until a details of foul and surface water sewerage disposal have been submitted to and approved in writing by the local planning authority in consultation with Southern Water. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent flooding both on and off site by ensuring the satisfactory disposal of foul and surface water.

8. Details of all fencing, walling and other boundary treatments shall be submitted for approval in conjunction with the details of the reserved matter of landscaping submitted pursuant to condition 1 above. The development shall be carried out in accordance with the subsequently approved details before the first occupation of the buildings or land and maintained thereafter. The submitted details shall show inter-alia;

- (i) Large scale drawings of the re-built ragstone wall to the Straw Mill Hill frontage.

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

9. There shall be no occupation of the dwellings hereby permitted until the provision by way of a Section 278 Agreement between the applicant and Kent Country Council Highways, of the works identified in the application and agreed with the applicant and Highway Authorities until the following works have been constructed and completed.

- i) The provision of the highway works and footpath on Straw Mill Hill as shown on drawing no. 21156B_007 revA
- ii) The provision of improvements to the existing bus stop in Farleigh Hill including the provision of a bus shelter, bus boarders and bus information,
- iii) The provision of a junction warning sign on the northeast bound approach to Straw Mill Hill on Farleigh Hill together with a 'slow' carriage marking and amendment of the radius kerbing on the southwest side of this junction to bring the 'give way' line forward.

Reason: In the interests of highway and pedestrian safety.

10. The development shall not commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

11. The development shall not commence until:

i. The application site has been subjected to a detailed scheme for the investigation and recording of site contamination and a report has been submitted to and approved by the Local planning authority. The investigation strategy shall be based upon relevant information discovered by a desk study. The report shall include a risk assessment and detail how site monitoring during decontamination shall be carried out. The site investigation shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology and these details recorded.

ii. Detailed proposals in line with current best practice for removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') have been submitted to and approved by the Local Planning Authority. The Contamination Proposals shall detail sources of best practice employed.

iii. Approved remediation works have been carried out in full on site under a Quality Assurance scheme to demonstrate compliance with the proposed methodology. If, during any works, contamination is identified which has not previously been identified additional Contamination Proposals shall be submitted to and approved by, the local planning authority.

iv. Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the local planning authority. The closure report shall include full details of the works and certification that the works have been carried out in accordance with the approved methodology. The closure report shall include details of any post remediation sampling and analysis together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

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

12. To safeguard the future occupants of the site the development shall not commence until, a detailed scheme for the investigation, recording and remediation of gas has been carried out. Such a scheme shall comprise:

i. A report to be submitted to and approved by the local planning authority. The report shall include a risk assessment and detail how on site monitoring during the investigation took place. The investigation shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a methodology that complies with current best practice, and these details reported.

ii. Detailed proposals in line with current best practice for gas protection measures (the 'Gas Protection Proposals') have been submitted to and approved by the Local Planning Authority. The Proposals shall detail sources of best practice employed.

iii. Approved works shall be carried out in full on site prior to first occupation.

iv. Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. The closure report shall include full details of the works and certification that the works have been carried out in accordance with the approved scheme;

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

13. The development shall not be commenced until a report, undertaken by a competent person in accordance with current guidelines and best practice, has been submitted to the local planning authority for approval. The report shall contain and address the following:

i) An assessment of air quality on the application site and of any scheme necessary for the mitigation of poor air quality affecting the residential amenity of occupiers of this development.

ii) An assessment of the effect that the development will have on the air quality of the surrounding area and any scheme necessary for the reduction of emissions giving rise to that poor air quality. The assessment should, where possible, quantify what measures or

offsetting schemes are to be included in the development which will reduce the transport related air pollution of the development during construction and when in occupation.

The developer should have regard to the DEFRA guidance from the document Low Emissions Strategy -using the planning system to reduce transport emissions January 2010.

Any scheme of mitigation set out in the subsequently approved report shall be implemented prior to the first occupation of the building and maintained thereafter

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

14 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 Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority 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 Local Planning Authority.

Reason: To protect the underlying groundwater from the risk of pollution.

15. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.

Reason: To protect the underlying groundwater from the risk of pollution.

16. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect the underlying groundwater from the risk of pollution.

17. The details of layout submitted pursuant to condition 1 above shall inter-alia include the provision of an appropriately sized, designed, located and equipped children's' play area.

Reason: No such details have been submitted and to ensure a satisfactory environment for the occupiers of the development.

18. The development hereby permitted shall be carried out in accordance with the following approved plans:-

Site location	21156B_001 Revision A
Exiting site layout	21156B_002 Revision A
Proposed site entrance survey	21156B_005 Revision A
Proposed site entrance sections	21156B_006 Revision A
Proposed site entrance	21156B_007 Revision A
Boundary investigations	0123/1195/01
Proposed site access and off site	
Improvements- survey	T0208-01 Revised P1
Proposed site access and off site	
Improvements- survey	T0208-02 Revised P1

Proposed access road long section T0208-04 Revised P1
Typical access section T0208-05 Revised P1
Ecology Appraisal by Lloydbore landscape and ecology Jan 2013
Ecology Addendum by JFA Environmental July 2013
Phase 1 habitat survey by Bureau Veritas Limited November 2009
Flood Risk Assessment & Surface Water Drainage Strategy by RSK June 2015
Geo-environmental site assessment Part (1) by RSK July 2015
Geo-environmental Final Borehole Log by RSK July 2015
Tree report by Broad Oak Tree Consultants Limited May 2015
Transport Assessment Report and related appendices by DHA June 2015
Planning statement by DHA July 2015

Reason: To ensure the quality of the development is maintained and to prevent harm to the character of the surrounding area.

19. The reconstruction of the ragstone wall as shown on drawing no. 21156B_007 revA shall not be commenced until a sample panel of the ragstone to be used that clearly demonstrates the proposed bond, mortar mix and pointing method has been provided on site for approval by the local planning authority. The development shall thereafter be implemented in accordance with the approved details and the sample panel retained on site as a reference until works to rebuild the ragstone wall have been completed.

Reason: To ensure a satisfactory visual appearance to the site in the interests of the visual amenity and character of the area.

20. The development shall not commence until, details of the proposed slab levels of the buildings and the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site and in the interests of the visual amenity of the area.

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

Reason: In the interests of highway safety.

22. The details of layout submitted pursuant to condition 1 above shall inter-alia include the provision of an appropriately designed and located potential pedestrian and vehicle link between the application site and the land to the north.

Reason: In the interest of permeability and greater integration with future development of the land to the north.

Reason: In the interest of pollution control and sustainability.

Informatives set out below

1- The layout plan, elevational drawings and the design and access statement submitted with the full application are not considered acceptable for follow up submission of reserved

matters application(s). Applicant is advised to discuss the design of the layout design of the housing estate and elevational design of any flat blocks and houses. The layout design should make provision for a play area for children.

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

3- Plant and machinery used for demolition and construction shall 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.

4- No vehicles may arrive, depart, be loaded or unloaded within the general site except between the hours of 0800 and 1900 Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.

5- Adequate and suitable provision in the form of water sprays should be used to reduce dust from demolition work.

6- 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, cannot be stressed enough. Where possible, the developer shall provide the Council and residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work, for example scaffolding alarm misfiring late in the night/early hours of the morning, any over-run of any kind.

7- 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.

8- Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

9- The developer may be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. As per the relevant act and the Site Waste Management Regulations 2008, this should be available for inspection by the Local Authority at any time prior to and during the development.

10 To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd. Anglo Street James House, 39A Southgate Street, Winchester, SO23 9EH

11- When designing the lighting scheme for the proposed development pursuant to condition 6 above, the recommendations by the Bat Conservation Trust must be considered (where applicable)

a) Low-pressure sodium lamps or high-pressure sodium must be used instead of mercury or metal halide lamps where glass glazing is preferred due to its UV filtration characteristics.

b) Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each light to direct the light and reduce spillage.

- c) The times during which the lighting is on must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to the minimum to reduce the amount of 'lit time'.
- d) Lamps of greater than 2000 lumens (150 W) must not be used.
- e) Movement sensors must be used. They must be well installed and well aimed to reduce the amount of time a light is on each night.
- f) The light must be aimed to illuminate only the immediate area required by using as sharp a downward angle as possible. This lit area must avoid being directed at, or close to, any bats' roost access points or flight paths from the roost. A shield or hood can be used to control or restrict the area to be lit. Avoid illuminating at a wider angle as this will be more disturbing to foraging and commuting bats as well as people and other wildlife.
- g) The lights on any upper levels must be directed downwards to avoid light spill and ecological impact.
- h) The lighting must not illuminate any bat bricks and boxes placed on the buildings or the trees in the grounds.

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

13- Construction traffic and worker's vehicles in association with the development should only park within the application site and not on surrounding roads in the interests of highway safety.

14- The use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying ground waters. We recommend that where soil contamination is present, a risk assessment is carried out in accordance with our guidance 'Piling into Contaminated Sites'. We will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters.

15- Attention is drawn to Approved Document E Building Regulations 2010 "Resistance to the Passage of Sound" – as amended in 2004 and 2010. It is recommended that the applicant adheres to the standards set out in this document in order to reduce the transmission of excessive airborne and impact noise between the separate units in this development and other dwellings.

Case Officer: Majid Harouni

Reference Number 15/505441**1) NHS reply**

NHS Property Services Ltd is now the body which will request Section 106 health care contributions on behalf of NHS England (Kent and Medway Area Team). Just as NHS West Kent had historically worked with Maidstone Borough Council our approach is the same in securing Section 106 (s106) healthcare contributions and working with our local partners on healthcare issues to ensure that healthcare provisions improve the health and wellbeing of our population.

NHS Property Services Ltd wishes to continue to apply for such assistance and a healthcare contribution is therefore requested in accordance with the recognised Planning Obligations Guidance for Communities and Local Government and the adopted Maidstone Borough Council development plans.

Inevitably, any increase in the local population has a knock-on effect in terms of health care and NHS Property Services Ltd would seek to apply this s106 contribution to meet these extra demands placed upon the local primary and community health service.

In terms of this particular application, a need has been identified for contributions to support the delivery of investments highlighted within the Strategic Service Development Plan. These improvements to the primary care infrastructure will enable support in the registrations of the new population, in addition to the commissioning and delivery of health services to all. This proposed development noted above is expected to result in a need to invest in a number of local surgery premises:

- Lockmeadow Clinic
- The Vine Medical Centre
- College Practice

The above surgeries are within a 0.6 mile radius of the development at Tovil. This contribution will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity.

NHS Property Services Ltd will continue with NHS West Kent formulae for calculating s106 contributions for which have been used for some time and are calculated as fair and reasonable. NHS Property Services will not apply for contributions if the units are identified for affordable/social housing.

The application identifies unit sizes to calculate predicted occupancy multiplied by £360 per person. When the unit sizes are not identified then an assumed occupancy of 2.34 persons will be used.

Predicted Occupancy rates

1 bed unit	@	1.4 persons
2 bed unit	@	2 persons
3 bed unit	@	2.8 persons

4 bed unit @ 3.5 persons
 5 bed unit @ 4.8 persons

For this particular application the contribution has been calculated as such:

Predicted Occupancy rates	Total number in planning application	Total occupancy	Contribution sought (Occupancy x £360)
1.4	20	28	£10,080
2	53	106	£38,160
2.8	18	50.4	£18,144

NHS Property Services Ltd therefore seeks a healthcare contribution of £66,384, plus support for our legal costs in connection with securing this contribution. This figure has been calculated as the cost per person needed to enhance healthcare needs within the NHS services.

We do not have more than 5 pooled contributions for the sites listed above, therefore our request meets with CIL regulation.

2) KCC highway comments on full application

It is noted that this application seeks full planning permission for 108 residential units. It therefore differs from previous application MA/12/2022, which sought outline planning permission for 120 residential units on this site.

The application includes a Transport Assessment that has been informed by much of the work previously undertaken in support of MA/12/2022, which was the subject of extensive dialogue with KCC Highways.

I have the following comments to make with respect to highway matters:

Existing Site Access

Vehicular access to the site currently takes the form of a gated access road that is aligned at an acute angle to Straw Mill Hill, which it adjoins via a priority junction. The use of this junction is shared with an adjacent business.

The applicant is proposing to permanently close off the existing route of access. This will result in the existing priority junction being used solely by the adjacent business.

Proposed Site Access

A new replacement access to the site is proposed further to the south on Straw Mill Hill/Stockett Lane. This will take the form of a priority junction offset a short distance to the south of the nearby Kent Fire and Rescue Service entrance. The junction will serve the development access road and an adjacent footway/cycleway, which will also function as an emergency route of access.

Creation of the junction and its associated visibility splays will require sections of the existing stone retaining wall to be removed or relocated. On the basis of recorded speed survey data visibility splays of 2.4m x 37.5m (south) and 2.4m x 36m (north) are proposed in accordance with the methodology set out in KCC Interim Guidance Note 2. Although the survey data is several years old, its use is acceptable as traffic speeds are unlikely to have markedly increased at this location over the intervening period. The splay dimensions are therefore considered to be appropriate.

It should be noted that drawings showing swept path tracking of manoeuvres at the junction have been omitted from the Transport Assessment. These should be submitted to demonstrate that all vehicle manoeuvres can be accommodated.

In order to achieve connectivity to the existing footway provision on Straw Mill Hill, off-site highway works are proposed to the north of the new access. These involve the narrowing of the existing Straw Mill Hill carriageway to enable new sections of footway to be provided and create a one-way priority working, where southbound road users will be afforded priority of movement.

Pedestrians will need to cross the road at the narrowing in order to move between the new sections of footway.

The site access proposals, including the associated modifications to Straw Mill Hill, are consistent with those that were previously agreed in support of MA/12/2022. The Safety Audit undertaken in July 2012 appended to the Transport Assessment also continues to be valid. The proposals are therefore acceptable subject to the applicant entering into a Section 278 Agreement with the County Council to achieve their implementation.

Sustainable Travel

KCC Highways are mindful that there is an extant planning permission (MA/01/0686) for residential development on adjacent land to the north west of the site which, if granted reserved matters approval, could facilitate alternative access via Dean Street. The proposals associated with MA/01/0686 do not make provision for an 'all-purpose' road connection between the sites but do identify interfaces for the movement of pedestrians, cyclists and emergency vehicles.

These interfaces have not been acknowledged in the proposed site layout, which shows a self-contained development with no route connections to the north- west. This is not acceptable in view of the current validity of the MA/01/0686 permission and the benefits that could be achieved by providing alternative routes for pedestrians/cyclists and a dedicated route of access for emergency vehicles. It is therefore requested that the site layout is amended to include linkages that are consistent with the approved MA/01/0686 proposal. In conjunction with the proposed footway arrangements on Straw Mill Hill, improvements to refurbish the existing footway between Farleigh Hill and Cave Hill were previously required in support of application MA/12/2022. The provision of raised kerbing and a shelter at the closest bus stop on Farleigh Hill (immediately north of the Straw Mill Hill junction) was also identified in relation to MA/12/2022. These improvements continue to be relevant to this proposal and should therefore form part of the Section 278 Agreement.

It is notable that a sizable proportion of the local bus services route via Tovil Green rather than Farleigh Hill. Accessing these services will involve longer walking distances from the site, although future connectivity via the MA/01/0686 site could achieve a more direct walking route to the bus stops on Burial Ground Lane. This reinforces the above requirement for linkages between the sites to be facilitated.

The Transport Assessment acknowledges that cycle provision in accordance with adopted standards will be required.

Trip Generation

The trip generation forecasts in the Transport Assessment indicate that the proposed development will generate 456 trips per day, of which 44 will occur in the AM peak hour and 49 in the PM peak hour.

These are compared against the trip generation potential of the permitted B2/B8 site uses, which have been based on floor areas of 1,921 sq.m (B2) and 6,373 sq.m (B8). These permitted uses are estimated to generate 444 trips per day, of which 68 will occur in the AM peak hour and 45 in the PM peak hour.

The differential between the permitted and proposed land uses is an increase 12 trips per day, a decrease of 24 trips in the AM peak hour and an increase of 4 trips in the PM peak hour.

The assumptions underpinning the trip forecasts follow an identical methodology to that previously accepted in relation to MA/12/2022. The trip rates have also been updated to reflect the revised scale of proposed development. They therefore provide an appropriate basis for assessment.

It is notable that the proposed development is estimated to achieve a reduction of 76 HGV daily movements when compared against the permitted B2/B8 uses. This is beneficial to nearby local residents and other, more vulnerable, road users.

Traffic Impact

The Transport Assessment assumes that the vast majority of development trips will route via the Straw Mill Hill/Farleigh Hill junction. This has ensured that the capacity assessment of the junction is sufficiently robust, given that it also accounts for traffic growth over the period to 2025 and approved residential development MA/01/0686 on the adjacent site.

The results of the capacity assessment demonstrate that the junction operation will satisfactorily accommodate the development traffic in the 2025 design year.

On a wider scale it is likely that many of the additional traffic movements will gravitate to/from the A229 corridor, given that this forms the nearest major road. KCC Highways has concerns regarding the cumulative effects of further traffic on congestion and delays to road users on this route. In this instance however, the Transport Assessment has demonstrated that the scale of any increase will be small and is therefore unlikely to exceed the variations in traffic volumes that occur on a day-to-day basis. The impact is not therefore regarded to be severe when viewed in the context of the current conditions.

The Transport Assessment has included an analysis of crash data on the road network local to the site over the three year period to 31/12/14. This has identified a cluster of three reported injury crashes at the Straw Mill Hill/Farleigh Hill junction. Two of the crashes were slight injury vehicle collisions with motorcyclists, whilst the other incident involved a collision where a vehicle had not been seen having turned around at the nearby Albert Reed Gardens junction.

On application MA/12/2022 KCC Highways has previously expressed concerns regarding the restricted visibility sightlines at this junction. The confined road layout, proximity of other side road junctions and pedestrian activity also contribute to road conditions that could be perceived as hazardous, although this is not substantiated by the crash data.

A requirement to reconfigure or upgrade the junction cannot be justified in view of this crash record and the modest change in road conditions arising as a direct consequence of the proposed development. It is recommended that the S278 Agreement includes a provision for road markings and/or coloured surfacing to be provided on the Farleigh Hill/Tovil Hill approaches that will encourage motorists to adopt caution in this area.

Car Parking

The applicant has proposed a total of 118 car parking spaces. The rates of provision applied to the 2/3 bedroom houses fall below the minimum thresholds specified in Interim Guidance Note 3.

This results in a substantial shortfall when compared against the required minimum of 136 spaces (excluding visitor parking). The disposition of parking spaces also results in some apartment blocks having limited convenient provision, with blocks H and J at a particular disadvantage.

It is recommended that the layout proposals are reviewed and amended, with a view to achieving compliance with the residential parking standards and avoiding a situation where large amounts of on-street parking are prevalent. Waste collection arrangements should also be clarified.

Following any revisions, the road design and construction will need to be subject to a Section 38 Agreement to secure adoption as publicly maintainable highway.

3) KCC Highway comments on the revised Outline Application and Tovil Parish Council's representation

It is noted that the application has been amended to seek outline permission for 108 residential units, with access to be considered in detail at this stage.

The comments previously submitted by KCC Highways on 11th September 2015 remain pertinent in respect of the site access, trip generation and traffic impact.

All works associated with the site access will require technical approval from this authority as part of a Section 278 Agreement. KCC Highways is satisfied that the swept path analysis previously submitted in relation to application MA/12/2022 supports the currently proposed site access design.

The upgrading of the bus stop on Farleigh Hill can be limited to the provision of bus boarders to assist passenger boarding and alighting, given that a bus shelter and timetable information are already available at this location.

Those issues previously raised by KCC Highways in relation to the site layout and car parking provision will need to be addressed as part of any future reserved matters application.

KCC Highways has reviewed and noted the report on access and transport that has been submitted on behalf of Tovil Parish Council.

Summary

KCC Highways raise no objection to this outline planning application subject to a Section 278 Agreement to secure the requisite site access and footway works on Straw Mill Hill, the bus boarders at the Farleigh Hill bus stop and the provision of improvements to signing, road markings and kerbing at the Straw Mill Hill/Farleigh Lane junction.

4) KCC Sustainable Drainage Officer

The application is accompanied by a Flood Risk Assessment prepared by RSK (June 2015) which describes a drainage strategy with attenuation on site and ultimate discharge to a surface water sewer system. It is assumed based on desk study that infiltration is not appropriate and is noted that pumping may be required.

We agree with the principle of the drainage strategy as presented but would recommend as detailed design is undertaken that further information is provided on the following:

1. The drainage strategy is based on an assumed 40% site coverage but must be confirmed. There is sufficient space within the development to accommodate any additional storage which may be required if this number is under-estimated so is assessed not to be critical or to impact drainage provision.
2. The topographical survey is not complete and will need to be extended to the outflow or connection point to the public sewer. Confirmation will be required from Southern Water as to acceptance of flows from the site prior to commencement. Pumping would not be a preferred solution but it is understood that given levels and site conditions this may not be avoided.
3. The drainage system is designed for the 1 in 30 year storm event with storage at surface of the 1 in 100 year surface water flows. Given the local topography, it is important that exceedance routes are demonstrated to the satisfaction of the LPA and LLFA prior to commencement.
4. Given that the site is significantly lower than the surrounding ground, it would be beneficial to confirm the likelihood of off-site flows entering into the "quarry" area. Mitigation may be required to intercept any off-site flows.
5. The drainage strategy proposed attenuation within the carriageway. This may impact any future highway adoption. Information must be submitted as to the intention for adoption and maintenance responsibilities.

This information can be conditioned for review and approval in later stages of planning.

As LLFA KCC have no objections to this proposal we would recommend that the:

Development shall not begin until a detailed surface water drainage scheme based on details provided within the Flood Risk Assessment (RSK June 2015) has been submitted to and approved in writing by the local planning authority. The surface water strategy should also be compliant with the Non-Statutory Technical Standards for Sustainable Drainage (March 2015), and should demonstrate the surface water run-off generated up to and including the 100yr critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event, so as not to increase the risk of flooding both on- or off-site. The strategy should also include details for the provision of long term maintenance of all surface water drainage infrastructure on the site.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

Officer Response

1- With respect to the NHS contribution sought it is considered that having regard to the viability of this development, the contribution asked for by NHS Properties cannot be secured in this instance.

2- With regard to highway improvement asked by KCC and the terms of the condition no 9. It is considered that in the light of the fact that bus shelter on Farleigh Hill has already been provided, this element of point (ii) of condition no 9 be deleted and condition no 9 to be replaced as follow:-

There shall be no occupation of the dwellings hereby permitted until the provision by way of a Section 278 Agreement between the applicant and Kent Country Council Highways, of the works identified in the application and agreed with the applicant and Highway Authorities until the following works have been constructed and completed.

i) The provision of the highway works and footpath on Straw Mill Hill as shown on drawing no. 21156B_007 Rev A

ii) The provision of improvements to the existing bus stop in Farleigh Hill shall include the provision of bus boarders to assist passenger boarding and alighting.

iii) The provision of a junction warning sign on the northeast bound approach to Straw Mill Hill on Farleigh Hill together with a 'slow' carriage marking and amendment of the radius kerbing on the southwest side of this junction to bring the 'give way' line forward.

Reason: In the interests of highway and pedestrian safety.

The committee report has covered the other issues raised by the KCC Highway Officer.

3- Having regard to the comments received from the KCC sustainable Drainage Officer it is recommended that the following condition be added as condition no 23 to the Section 11.0, Recommendation of the report as condition no 23:-

Development shall not begin until a detailed surface water drainage scheme based on details provided within the Flood Risk Assessment (RSK June 2015) has been submitted to and approved in writing by the local planning authority. The surface water strategy should also be compliant with the Non-Statutory Technical Standards for Sustainable Drainage (March 2015), and should demonstrate the surface water run-off generated up to and including the 100yr critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event, so as not to increase the risk of flooding both on- or off-site. The strategy should also include details for the provision of long term maintenance of all surface water drainage infrastructure on the site.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

4- The second reason stated in error for condition number 22

“In the interests of pollution control and stability” shall be deleted in its entirety.

Having regard to the above my recommendation remains the same and the application is recommended for approval as set out in Section 16 of the committee report.

HIGHWAYS TECHNICAL NOTE

Site: Land at Straw Mill Hill, Tovil

Client: Skillcrown Homes

Prepared by: DHA Transport
Eclipse House
Eclipse Park
Sittingbourne Road
Maidstone ME14 3EN

Date: April 2016

1.1 Introduction

- 1.1.1 This report has been prepared to provide additional technical information to Maidstone Borough Council (the LPA) and Kent County Council Highways and Transportation (the highway authority) regarding matters relating to highways and transportation associated with the proposed residential development at the above site.
- 1.1.2 A planning application has been submitted for the above site (ref: 15/505441/OUT) and went before the planning committee to be determined on Thursday 24th March 2016. The application was deferred to be considered at a later committee meeting for 'further discussion of potential highway improvements specifically in Straw Mill Hill and to circulate the viability report to Members'.
- 1.1.3 A meeting was held on site with Members of the Planning Committee, Brendan Wright of KCC Highways and Transportation and James Bailey of Maidstone Borough Council on Monday 11th April 2016 to understand the perceived issues they had. This Highways Technical Note shall provide evidence to Officer's and Committee members on three distinctive issues which are:
- Achievement of access and works to Straw Mill Hill;
 - Improvements to Straw Mill Hill / Farleigh Hill junction; and
 - Access to the adjacent development site.
- 1.1.4 Each shall be addressed in turn below in addition to other points to be considered and noted by all.

1.2 Achievement of Access and Works to Straw Mill Hill

- 1.2.1 Drawings of the proposed access arrangement as appended to the Transport Assessment submitted as part of the planning application (ref: CC/10664, dated June 2015) were used to inform all of the locations of the proposed vehicular and pedestrian access arrangement to better understand the changes proposed to the public highway.
- 1.2.2 It was raised that the proposed access was subject to a Stage 1 Road Safety Audit and following extensive consultation with the Highway Authority, including the KCC Developments Agreements Manager. The proposed means of access is identical to that proposed as part of the previous planning application for the site which was agreed in principle as part of the resolution to grant planning permission.
- 1.2.3 It has been recommended to note that during later Road Safety Audits, Auditors should review whether additional signage would be necessary on the westbound approach to the proposed vehicular access to provide greater forewarning of the access to approaching drivers. It is proposed that this motion is placed as an Informative on the planning permission should it be granted to ensure that it is suitably acknowledged in the future.

1.3 Improvements to Straw Mill Hill / Farleigh Hill Junction

- 1.3.1 As part of the previous planning application for the site which had a resolution to grant planning subject to S106, it was requested that the applicant would undertake S278 works to improve the existing situation at the junction between Straw Mill Hill and Farleigh Hill. There is local concern regarding the junction with the primary cause being that of safety. This is primarily borne as a consequence of the limited visibility afforded to egressing vehicles from Straw Mill Hill looking west along Farleigh Hill.
- 1.3.2 Whilst these matters would have previously been addressed at a post application stage, the applicant now wishes to outline proposed works that would suitably address the concerns of the planning committee.
- 1.3.3 It is noted that at present, it is possible to achieve a 2.4m x 43m visibility splay to the west up Farleigh Hill if taken to the centre line of the carriageway. Given the location of the traffic islands along the length of the road, it is considered that there is no opportunity for vehicles to perform overtaking manoeuvres and therefore visibility to the centre line as opposed to the nearside kerb would normally be acceptable. This demonstrates that the necessary visibility can be achieved for a 30mph road from the access. This can be seen in drawing DHA/10664-T-04/P1 as included at **Appendix A** of this report.
- 1.3.4 Vehicles approaching the Straw Mill Hill junction in a Maidstone-bound (eastbound) direction along Farleigh Hill are afforded ample forward visibility to the junction to observe vehicles seeking to egress and therefore prepare to slow down should a vehicle egress. This can be seen in Figure 0-1 below where visibility in excess of 140m is achievable.



Figure 0-1: Forward Visibility for Eastbound Vehicles Approaching Straw Mill Hill Junction
(courtesy of Google)

- 1.3.5 Nevertheless, the junction is acknowledged to be difficult to manoeuvre from when egressing from Straw Mill Hill onto Farleigh Hill and consequently it is proposed that some alterations are made to assist drivers and improve safety. Albeit it has been demonstrated within the Transport Assessment that there is no existing pattern of incidents that would be exacerbated by the proposed development.
- 1.3.6 The geometry of the junction has been reviewed extensively and unfortunately it is not possible to improve the existing visibility at the junction to the west without narrowing the width of the carriageway or the footways along Farleigh Hill. At present, the vehicle running lanes measure approximately 3 metres in width and it would be unacceptable to reduce this width given the need to accommodate Heavy Goods Vehicles, particularly when consideration is given to the local commercial properties in this area.
- 1.3.7 As such, it is proposed that the approach to the junction is significantly enhanced in a manner that clearly accentuates the approaches to the junction. It is proposed that high-friction surfacing is installed along an approximate 115m length along Farleigh Hill on either side of Straw Mill Hill. High-friction surfacing is of a different colour to tarmacadam and as such provides a clear visual aid to approaching vehicles, and highlights the existence of a junction ahead. Furthermore, the surfacing will act to significantly improve the skid resistance value of the road, allowing vehicles to brake in a shorter distance and far safer controlled manner should a vehicle unexpectedly egress from Straw Mill Hill. This treatment is particularly beneficial in wet or icy weather.

- 1.3.8 To further accentuate the approaching junction, it is proposed that a warning, right turn ahead sign is installed on the nearside of the carriageway across the frontage of Aldi in accordance with the Traffic Signs Manual, diagram 506.1.
- 1.3.9 Drawing DHA/10664-T-04/P1 has been prepared and included at **Appendix A** of this report which shows the proposed mitigation clearly.

Signalisation

- 1.3.10 It has been the request of interested parties to consider the potential to signalise the junction in question.
- 1.3.11 It is considered that the residual vehicle generation of the site (when comparing it to that which could be exhibited in planning terms) cannot reasonably justify the mitigation that would be proposed by the signalisation of the junction.
- 1.3.12 The operation of the junction in its current form has been modelled using industry standard junction capacity modelling software (PICADY) which was outlined within the supporting Transport Assessment in Section 6. It was clearly demonstrated that the junction would continue to operate well within its design capacity with no excessive queuing whatsoever.
- 1.3.13 Paragraph 204 of the NPPF relates to this issue specifically whereby:

"Planning obligations should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;*
- Directly related to the development; and*
- Fairly and reasonably related in scale and kind to the development."*

- 1.3.14 It is considered that the signalisation of the junction would not meet any of the above tests in relation to the proposed development and therefore the need to signalise would contravene the policy stipulations of the NPPF.
- 1.3.15 Notwithstanding the above, it is considered that for the future consideration of the planning committee and the highway authority, the amount of highway land available at the junction is not sufficient to accommodate all of the infrastructure necessary to install traffic signals. The constrained carriageway and footway widths on the eastbound Farleigh Hill approach to the junction is too narrow to accommodate the signalisation equipment necessary without undue narrowing of the footway and impact on pedestrians, and therefore it is found to be unfeasible.

1.4 Other Outstanding Points

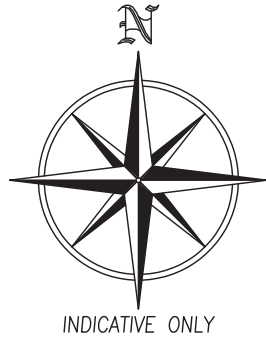
- 1.4.1 In addition to the information set out above, it is noted that the applicant is willing to have a condition upon the planning application to deliver a point of access which could be linked to the adjacent site also known as 'Land off Farleigh Hill' for 272 dwellings.

-
- 1.4.2 The applicant is willing to construct an access suitable for vehicles, cycles and pedestrians up to the point where it adjoins the neighbouring site at a point to be determined by Maidstone Borough Council.
 - 1.4.3 This will not be a primary means of access but will seek to provide choice between the two sites and improve permeability should it be constructed. This in turn should seek to further reduce traffic along Straw Mill Hill and at the junction with Farleigh Hill.

1.5 Conclusions

- 1.5.1 It is therefore concluded that the proposed mitigation works as outlined above provide significant improvement to the junction between Farleigh Hill and Straw Mill Hill.
- 1.5.2 Therefore, it is believed that there are no grounds by which to object to the proposed means of access for either pedestrians or vehicles in terms of highway safety, amenity and capacity.

Appendix A
Drawing DHA/10664-T-04/P1 Proposed Junction Improvements

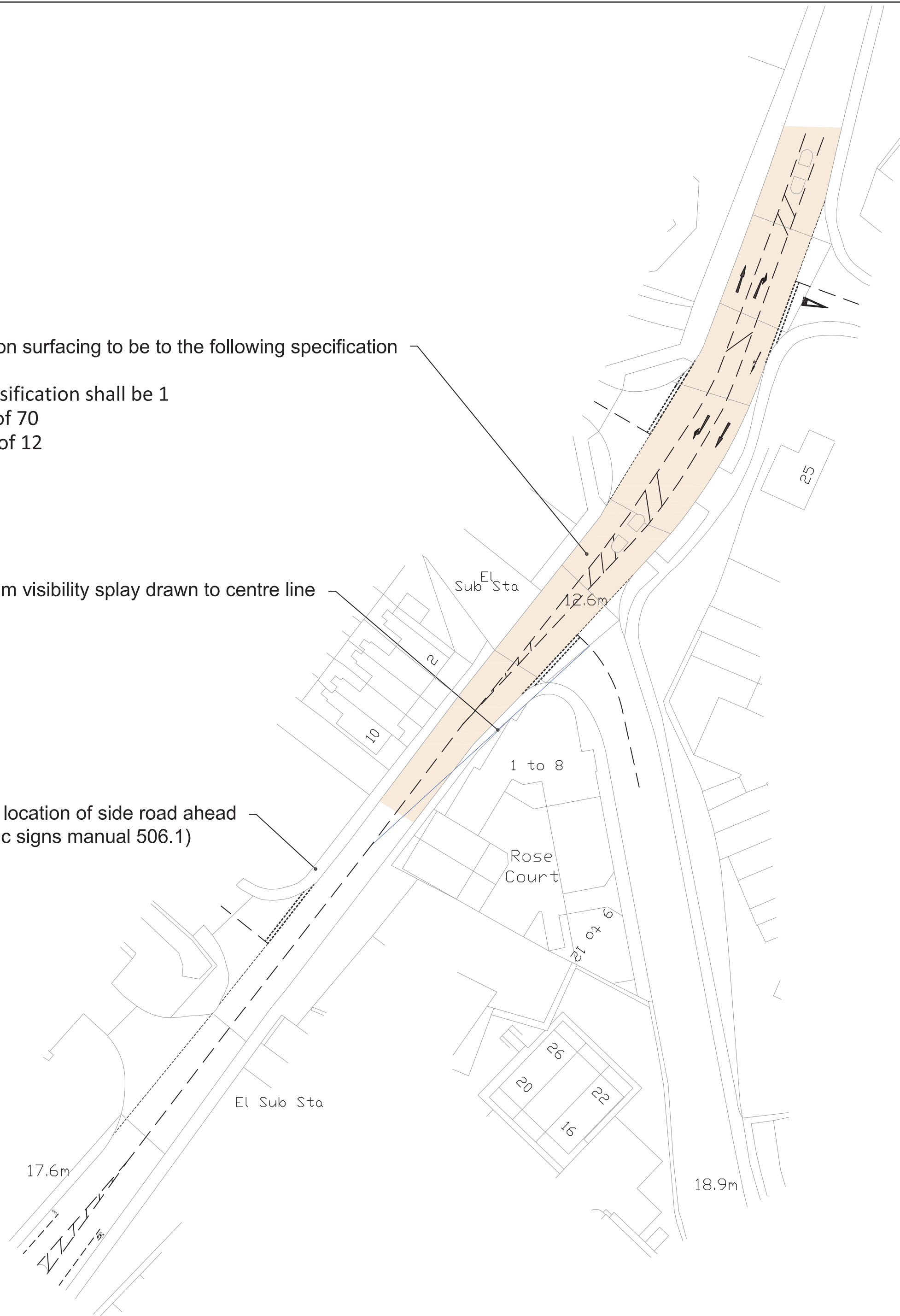


High friction surfacing to be to the following specification

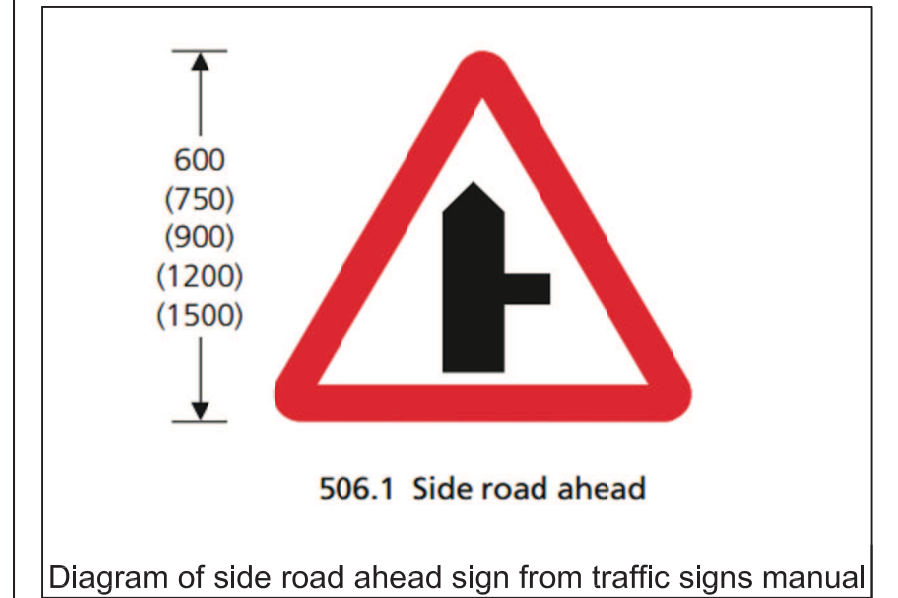
Type Classification shall be 1
Min PSV of 70
Min AAV of 12

2.4m x 43m visibility splay drawn to centre line

Proposed location of side road ahead sign (traffic signs manual 506.1)



NOTES



P1	First issue	12.04.16	CC
REV	AMENDMENTS	DATE	CHK

Client
SKILLCROWN HOMES

Project
**LAND AT STRAW MILL HILL,
TOVIL, MAIDSTONE**

Title
PROPOSED JUNCTION IMPROVEMENTS

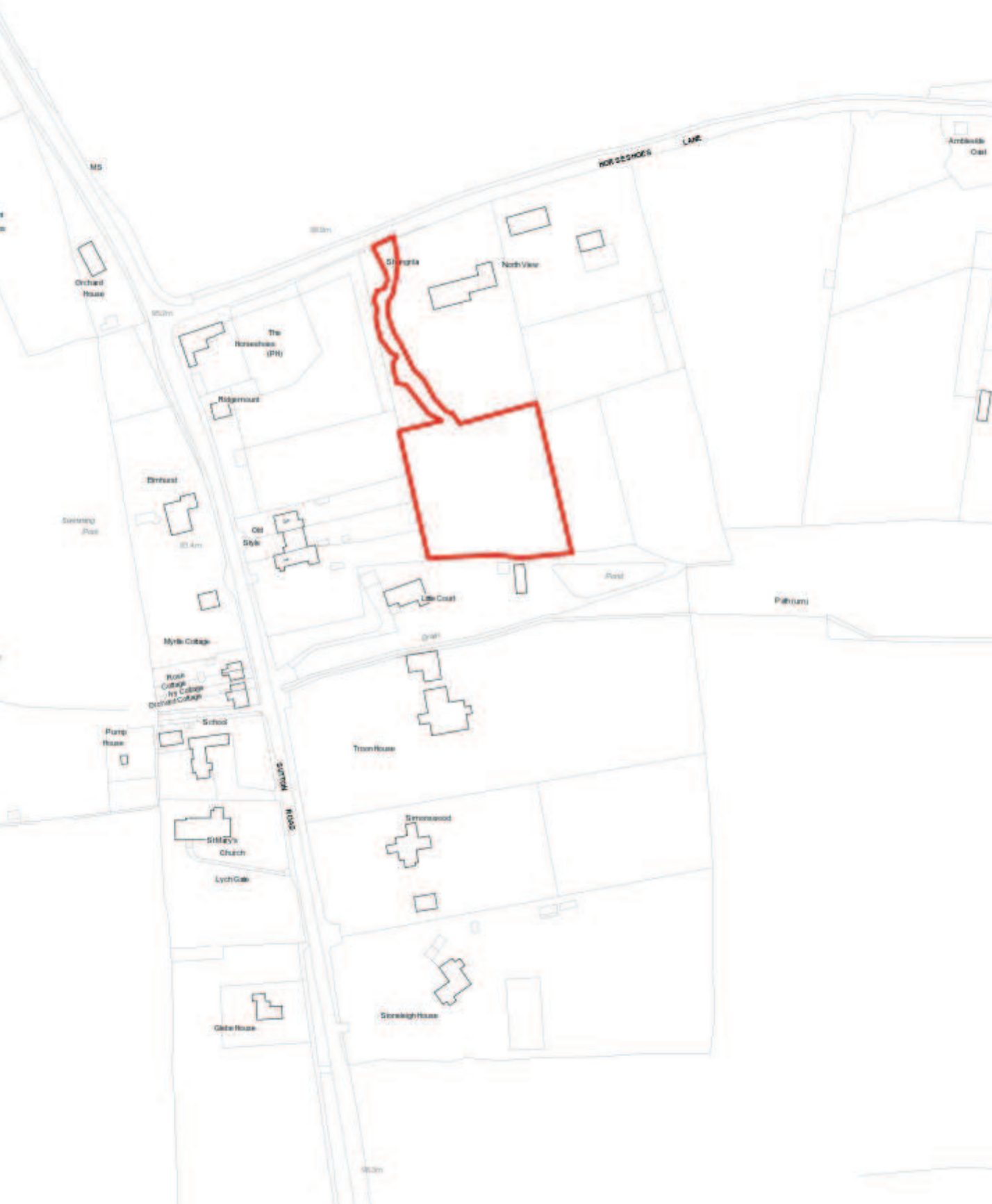
Drwg	Rev	Scale	Date
10664-T-04	P1	1:500	12.04.16

dha transport
integrated transport & travel planning

Eclipse House, Eclipse Park, Sittingbourne Road
Maidstone, Kent. ME14 3EN

t: 01622 776226 f: 01622 776227
e: info@dhaplanning.co.uk w: www.dhatransport.co.uk

CAD Reference: **A2**



15/508298 Shangri La

Scale: 1:2500

Printed on: 20/4/2016 at 10:14 AM

© Ordnance Survey Maps - Maidstone
Borough Council Licence No. 100019636, 2015

© Maidstone Borough Council

REPORT SUMMARY

REFERENCE NO - 15/508298/OUT		
APPLICATION PROPOSAL Outline application with all matters reserved for the construction of 5no. dwellings with associated parking, access and landscaping works on the land to the south of Shangri-La, Horseshoes Lane, Langley		
ADDRESS Shangri La Horseshoes Lane Langley Kent ME17 3NA		
RECOMMENDATION		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development, subject to imposition of the recommended conditions , is considered to comply with the policies of the Development Plan (Maidstone Borough Wide Local Plan 2000) and there are no overriding material planning considerations justifying a refusal of planning permission.		
REASON FOR REFERRAL TO COMMITTEE		
RECOMMENDATION CONTRARY TO THE VIEWS OF LANGLEY PARISH COUNCIL		
WARD Sutton Valence And Langley Ward	PARISH/TOWN COUNCIL Langley	APPLICANT Mr & Mrs E Goode AGENT DHA Planning
DECISION DUE DATE 16/12/15	PUBLICITY EXPIRY DATE 16/12/15	OFFICER SITE VISIT DATE
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

There is no relevant planning history directly relating to the application site. However there are two applications at the following sites, both refused but subsequently allowed on appeal, which are considered to represent material considerations in the determination of this application.

Land Adj 3 Old Style, Sutton Road, Langley, Maidstone, Kent, ME17 3LZ

MA/13/1965: Erection of a 4 bedroom detached dwelling and 1 bedroom integral annexe

Land South Of Horseshoes Lane, Langley. Kent

MA/15/501236: Outline application for the erection of 5no. dwellings with access, parking, landscaping and associated infrastructure on land to the south of Horseshoes Lane, Langley (all matters reserved)

The location of these sites relative to the application site are shown on plan attached as **APPENDIX 1**.

MAIN REPORT

1.0 SITE DESCRIPTION

- 1.01 The application site, which has an area of 0.48 ha, apart from the access, is rectangular in shape and comprises the southern part of the rear garden of Shangri La, a wide frontaged detached house fronting Horseshoes Lane. The application site falls away from Horseshoes Lane in a north to south direction and is enclosed on its east, west and southern boundaries by high evergreen hedgerows.
- 1.02 Shangri La is sited just under 130 metres to the east of the junction of Horseshoes Lane with Sutton Road and is sited in open countryside forming part of the Southern Anti Coalescence Belt.
- 1.03 In a wider context Shangri La and its garden partly provides the eastern definition of an area of sporadic, widely spaced mainly housing development comprising a mix of detached and terraced houses, running up to Sutton Road to the west.

2.0 PROPOSAL

- 2.01 Outline planning permission with all matters reserved at this stage, is sought for the erection of 5 detached dwellings. In seeking to demonstrate the site is capable of accommodating this scale of development, illustrative access, site layout and design plans have been submitted. The illustrative site layout plan shows use of an existing access to service the development with provision of a new access road looping to the west of the Shangri La before entering the developed area of the site. The proposed illustrative layout shows an inward facing cul de sac of 5 houses all with detached garages. The illustrative design details show a mix of chalet style detached houses with low eaves heights with accommodation in the roof areas with small dormers and the use of half hip roof treatments.
- 2.02 The application is also accompanied by a flood risk assessment carried out in connection with development proposed at Little Court, Sutton Road, Langley which the applicants consider to be relevant to this site, a phase 1 desk study into site contamination and an ecological scoping survey.
- 2.03 The following has also been submitted in support of the application .
- The application site occupies a sustainable location given its proximity to Langley (0.4 miles); Langley Heath (0.6 mile); Leeds (1.6 miles); Five Wents (0.7 miles) and Parkwood (1.5 miles).
 - These settlements provide a number of services being Leeds Kent House B&B; Amora Flowers; St. Nicholas Church; Leeds and Broomfield Cricket Club; Leeds Village Primary School; Langley Rumwood Nurseries and Garden Centre; Langley Heath GP Surgery (The Orchard Surgery); The Village Hall and Recreation Ground and Manning Autos; Five Wents The Plough at Langley Public House; Murco Petrol Station; Warmlake Car Centre; Young and Partners Motors Limited Parkwood Parkwood Industrial Park; Morrisons Superstore/petrol station; Holy Family RC School.
 - This demonstrates there are a range of services within walking distance of the site.
 - The site is connected by local bus services nos. 12, 13 and 64 with the nearest bus stop being less than 100 metres from the application site. These buses provide services to Maidstone, Hollingbourne, Linton and other surrounding service centres.
 - At an appeal at The Oak in Sutton Valence (reference APP/U2235/A/14/2228989) the Planning Inspector acknowledged the site was located some 400 metres outside the settlement confines. He considered the appeal site was well served by bus stops

and local shops within close proximity to the appeal site and therefore sustainably located and well connected to surrounding settlements.

- An appeal at 3 Old Style, Sutton Road immediately west of the application site was allowed for the erection of a two-storey, four bedroom dwelling with associated parking and access has been allowed. The Inspector confirmed the proposed dwelling would be in a sustainable location and would not be harmful to the character and appearance of the countryside.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV32, T13,
Maidstone Borough Council Draft Local Plan: SS1, DM1, DM2, DM4, DM6, DM10, DM12.

- 3.01 As set out in paragraph 1.01 above the application site lies outside any defined settlement in open countryside forming part of the Southern Anti Coalescence Belt as defined in the Maidstone Borough-Wide Local Plan 2000. As such it is subject to policies ENV28 and ENV32 of the adopted local plan.
- 3.02 The Council has recently finished its Regulation 19 consultation on its emerging Local Plan and representations from that consultation are currently being assessed. The emerging plan is a material consideration and can, however, be given some weight when considering planning applications by virtue of its progress through the stages in the adoption process.

4.0 LOCAL REPRESENTATIONS

- 4.01 A site notice was displayed at the site on 21st January 2016.
- 4.02 Ten neighbouring properties were notified of the application and two objections have been received which are summarised below:
- Will harm the rural character of the area and result in loss of views across the site.
 - The development allowed on appeal at 3 Old Style has had an adverse effect on the character of the area.
 - Will result in harm to the free flow of traffic and highway safety along Horseshoes Lane.
 - Use of the proposed access road will result in harm to aural amenity along with increased light pollution harmful to the rural character of the area.

5.0 CONSULTATIONS

- 5.01 **Langley Parish Council:** Object to the proposal on the following grounds:
- The village has well defined boundaries and proposal will appear as a discordant incursion into open countryside beyond the existing defined boundaries.
 - The proposal is contrary to the provision of paragraph 55 of the NPPF seeking to avoid isolated residential development in the countryside.
 - The proposal will significantly harm the landscape setting and character of Langley and erode the existing separation between Langley and the continuing outward expansion of Maidstone while harming the function of the Southern Anti Coalescence Belt.

- Will generate additional traffic placing additional pressure on existing overloaded roads within the locality while the access onto Horseshoes Lane will result in harm to the free flow of traffic and highway safety.
- Housing allocation H1(10) being land to the south of Sutton Road is the subject of a formal objection from Kent Highways. No further dwellings should be permitted along the A274 Sutton Road until this has been resolved.
- There is no housing justification for the proposed dwellings given the housing provision being made within the locality.
- If permitted the proposal will set a precedent for similar harmful development in the locality while resulting in the erosion of Langley's identity as a separate rural settlement and be harmful to its setting as a consequence.
- Particularly concerned regarding the impact of application ref: 15/508415 on land At Little Court , Sutton Road, to the south of the application site being an outline application with all matters reserved for the demolition of the existing structures on the site and construction of 4no. dwellings with associated parking, access and landscaping.

5.03 **KCC Highway Services** : No objection subject to imposition of conditions to secure on site parking and turning both pre and post the construction process.

5.04 **KCC Biodiversity Officer**: Satisfied that sufficient information has been provided to determine the planning application and that the potential for Great Crested Newts (GCN) to be present within the site and the surrounding area has been properly assessed. The ecological survey carried out for the adjacent site includes an assessment of the pond which is located within 9 metres of the proposed development site. However this waterbody is a seasonal stream rather than a pond which regularly dries out and at the time of the survey was polluted by agricultural waste. Therefore satisfied that GCN are unlikely to be present within the pond.

Another other pond is located at Sheiling Hall. However are satisfied there is no requirement for an Habitat Suitability Index or GCN survey to be carried out on this pond.

To accord with the provisions of the NPPF opportunities to incorporate biodiversity in and around developments should be encouraged which should be secured by condition.

5.05 **Natural England**: Have no comment to make advising it is for the Local Planning Authority to determine whether the application is consistent with national and local policies on the Natural Environment.

5.06 **KCC Heritage**: The site lies within an area of post medieval activity. Shieling Hall, to the east, is considered to be a 15th century farmhouse and remains associated with post medieval activity may be encountered during groundworks. However raise no objection subject to imposition of a condition to secure a watching brief.

5.07 **Environment Agency**: No objection though noting that while the majority of the site lies within Flood Zone 1 proposed plots 2 and 3 are very close to Flood Zone 3. Therefore recommend condition relating to the finished floor levels of the units on plots 2 and 3.

5.08 **Maidstone Borough Council Environmental Health Manager**: No objections

5.09 **Southern Water**: No objection

6.0 BACKGROUND PAPERS AND PLANS

- 6.01 The development proposals are shown on drawing numbers DHA/10870/01-08 (consec).
- 6.02 The application is supported by a Planning Statement, Design and Access Statement, Phase 1 Desk Study ref:1465/GH/9-2015/384 and Flood Risk Assessment by Herrington Consulting Ltd both dated September 2015 and Ecological Scoping survey carried out by Martin Newcombe Wildlife Consultancy dated the 23rd August 2015.

7.0 APPRAISAL

Principle of Development

- 7.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. In this case the Development Plan comprises the Maidstone Borough-Wide Local Plan 2000. As the site lies within open countryside forming part of the Southern Anti Coalescence Belt the proposal is specifically subject to policies ENV28 and ENV32 of the adopted local plan. Policy states ENV 28 states that:

"In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to:

- (1) that which is reasonably necessary for the purposes of agriculture and forestry; or*
- (2) the winning of minerals; or*
- (3) open air recreation and ancillary buildings providing operational uses only; or*
- (4) the provision of public or institutional uses for which a rural location is justified; or*
- (5) such other exceptions as indicated by policies elsewhere in this plan."*

- 7.02 None exceptions against the general policy of restraint apply to this application which therefore represents a departure from the Development Plan. In such circumstances it falls to consider whether there are any overriding material considerations justifying a decision not in accordance with the Development Plan and whether granting planning permission would result in unacceptable demonstrable harm which is incapable of being acceptably mitigated.
- 7.03 As a further consideration the application site comprises part of the acknowledged garden curtilage of Shangri La. The definition of previously developed land (pdl) set out in the NPPF specifically excludes land in built up areas such as private residential gardens from being pdl. The inference from this is that garden land falling outside built up areas fall within the definition of pdl and the applicants have sought to place particular emphasis on this.
- 7.04 Notwithstanding the above, this does not mean the presumption in favour of development on pdl overrides the provisions of policy ENV28 as the commitment of existing built mass in considering development proposals in the countryside is already acknowledged. As such the approach to development in the countryside is not materially altered by the inclusion of rural residential curtilages as pdl.

- 7.05 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should;

'identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;'

- 7.06 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge and Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Local Plan (2011 -31). The SHMA (January 2014) found that there is the objectively assessed need (OAN) for some 19, 600 additional new homes over this period which was agreed by Cabinet in January 2014. Following the publication of updated population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014. Since that date revised household projection figures have been published by the Government and as a result the SHMA has been re-assessed. At the meeting of the Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Councillors agreed a new OAN figure of 18,560 dwellings.
- 7.07 The new Local Plan has advanced and is out to Regulation 19 publication being the Plan that the Council considers is ready for examination. The Plan is scheduled for submission to the Planning Inspectorate for examination in May 2016, with the examination expected to follow in September. The Plan allocates housing sites considered to be in the most appropriate locations for the Borough to meet the OAN figure, and will enable the Council to demonstrate a 5 year supply of deliverable housing sites when it is submitted to the Inspectorate in May. Clearly the Local Plan is gathering weight as it moves forward, but it is not considered to have sufficient weight to rely solely on to refuse or approve a planning application.
- 7.08 Notwithstanding this, it remains the case the most recently calculated supply of housing, which assesses extant permissions and expected delivery, is from April 2015. This demonstrates a 3.3 year supply of housing assessed against the OAN of 18,560 dwellings. A desk based review of housing supply undertaken in January 2016 to support the Regulation 19 Local Plan housing trajectory suggests that there remains a clear and significant shortfall of supply against the five year requirements.
- 7.09 The Council's five year supply position will be formally reviewed in April/May in order to support the submission of the Local Plan to examination in May. Before the Local Plan is submitted however, the Council will remain unable to demonstrate a 5 year supply of deliverable housing sites.
- 7.10 This lack of a five year supply is a significant factor and at paragraph 49 of the NPPF it is stated that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the

supply of housing (such as policy ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a five year supply cannot be demonstrated. This position has been reflected in recent appeal decisions issued since the publication of the NPPF. In this policy context, the presumption in favour of sustainable development identified in paragraph 14 of the NPPF means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.

Sustainability:

- 7.11 Given the presumption in favour of sustainable development set out in the NPPF, the key assessment in principle terms is whether the application site can be considered to be sustainably located in relation to public transport provision and other services. The application site lies outside any built up area in open countryside and as such would not normally fall to be considered as a candidate for sustainable development. However the recent appeal in June 2014 on land adjoining 3 Old Style, Sutton Road, Langley allowed the erection of a 4 bedroom detached dwelling and 1 bedroom integral annexe immediately abutting the application site to the west and is relevant in determining whether the current proposal can be considered to represent an example of sustainable development.
- 7.12 In allowing the above appeal the Inspector concluded, amongst other things, at paragraph 4 of the decision that:
- “The largest part of the settlement of Langley lies across the fields to the east of the appeal site and the village of Sutton Valence, with its schools and limited range of shops and services is about 2.5 km to the south. Sutton Road is on a bus route with frequent services to Maidstone and Headcorn which both have opportunities for employment, shops and services and railway stations. Taking into account the public transport links I consider that the appeal site is in a location where day-to-day journeys could reasonably be made without reliance on the private car.”*
- 7.13 It is considered the above comments represent a recent and unequivocal statement regarding the sustainability of this site. In terms of its relevance to the current application, this site immediately abuts the western site boundary while though the application site does not front Sutton Road the proposed access is just under 130metres to the east of Sutton Road. As such given this appeal decision it is considered it would be difficult to seek to argue the current application site occupies an unsustainable location given its close proximity to a site that has already been judged to be sustainable.
- 7.14 It is recognised that in reaching the above conclusion Members may be aware of the dismissed appeal in connection with land to the south of Horseshoes Lane which is referred to on the plan attached as **Appendix 1** to this report.
- 7.15 Paragraph 19 of this appeal decision is set out below
- “I have been referred to two appeal decisions by the appellant, relating to development at The Oaks, Maidstone Road, Sutton Valence and 3 Old Style, Sutton Road. On the evidence before me these sites appear to be in more sustainable locations, with greater accessibility to services and public transport. In the case of The Oaks, the Inspector also concluded that residents would be able to access a reasonable range of services on foot and that would not be the case here. Overall,*

different conclusions on the sustainability of their location were reached by the Inspectors and I also note that a different conclusion was reached in terms of the harm to the character and appearance of the area and the effect on the significance of a heritage asset was not a consideration for the Inspectors."

- 7.16 Given the specific reference to the allowed appeal at 3 Old Style and the comments made on its sustainability, it is not considered this appeal gives any support to the view that the current application site occupies an unsustainable location.
- 7.17 In the circumstances it is considered the application site occupies a sustainable location when the applying the criteria set out in the NPPF and draft Local Plan given its proximity to a site allowed on appeal that has already been judged to be sustainable.
- 7.18 The Council is not in a position to demonstrate a five year housing land supply while the normal restraints on residential development in the open countryside do not currently apply as the adopted Local Plan is considered out of date. In such circumstances the NPPF advises that when planning for development through the Local Plan process and the determination of planning applications, the focus should be on existing service centres and on land within or adjoining existing settlements. Though the development does not strictly meet these siting preference, for the reasons set out above it is nevertheless still considered to represent an example of sustainable development in location terms.
- 7.19 As such it is considered there is no objection to the principle of the development given the provisions of the NPPF and local planning policy as set out in the emerging Local Plan. Consideration therefore turns on the detailed impacts of the proposal and whether this reveals an unacceptable demonstrable harm for other reasons outweighing the presumption in favour of sustainable development set out in the NPPF.
- 7.20 Detailed considerations in connection with this application are considered to be the visual impact of the development on the rural character of the locality including whether the function of anti coalescence belt will be compromised, design and layout considerations, residential amenity, access/highway safety and ecology.

Visual Impact

- 7.21 The proposal has been submitted in outline form with all matters reserved. However in seeking to demonstrate the site is capable of accommodating the scale of development proposed (in a manner meeting the Councils normal design and layout standards while minimising its impact on the wider landscape) illustrative design and layout plans have been submitted along with long section plans and details of the visibility splays to the access onto Horseshoes Lane to serve the development.
- 7.22 The development has two key visual impacts being those related to the access and its impact on Horseshoes Lane and the housing element of the proposal.
- 7.23 Dealing first with the impact of the access, an existing access onto Horseshoes Lane will be widened to secure improvements to visibility. Taking into account the existing nature of the frontage being a low brick wall topped by railings and based on the submitted illustrative details, it is not considered increasing the width of the access will have any material visual impact. Turning to the line of the access road running to the west of Shangri La for over 80 metres before entering the housing sector of the

proposal, subject to the use of an appropriate rural wearing surface such as gravel hot rolled into a tarmac base, it is not considered this will have any material impact though the impact of any lighting should be controlled should be controlled by condition. As such it is not considered improvements to the access and provision of the access road will, on their own, or combination with the proposed housing to the rear of the site have any material significance in contributing to the overall visual impact of the proposal.

- 7.24 Turning to the impact of the proposed housing sited just under 60 metres from the rear of Shangri La, cross section details show the site falling away in a north to south direction such that the lowest part of the site is just under 3.5 metres lower than the slab level of Shangri La. The net effect of these cross falls is that when viewed from Horseshoes Lane just under 90 metres to the north, the submitted illustrative details show that glimpse views will only be available to roof profiles which by their very nature are recessive details minimising any impression of bulk. As such given (a) the set back of proposed houses from Horseshoes Lane (b) additional native species screening along the northern site boundary and (c) that the proposed houses will be built at the levels shown, it is considered the impact of the proposed development when viewed from Horseshoes Lane will not result in any significant increase impression of built mass that may be viewed as being harmful to the rural character of the area.
- 7.25 Regarding the impact of the development when viewed from surrounding land, the application site on all boundaries is enclosed by high hedgerows which are to be retained and this will be secured by condition. Taking into account the site cross-falls, enclosed inward looking nature of the development and the illustrative design and siting details showing low profile houses set on average over 10 metres from site boundaries, it is considered the impact of the development will be contained within the site. As such the limited impression of built mass outside the site will not result in material harm to the character or openness of the adjoining countryside contrary to the provisions of policy ENV28 of the adopted local plan.
- 7.26 As the development will be largely imperceptible in the wider landscape it is considered it would be difficult to sustain an objection based on any material impact on the function of the anti coalescence belt contrary to the provisions of policy ENV32 of the adopted local plan.
- 7.27 Concerns have been raised that the proposal will consolidate existing adhoc and scattered development in the locality setting a precedent for similar development resulting in the erosion of Langley's identity as a separate rural settlement and harming its setting as a consequence. Members are reminded that precedent is not a reason for objecting to an application as one of the key principles underpinning the planning process is that each application must be dealt with on its merits. When applying this test it is considered for the reasons set out the proposed development is acceptable in its own right and will not have any material impact in eroding the character, setting or settlement integrity of Langley.

Design and layout considerations

- 7.28 The illustrative design details show detached houses all with low eaves capped by pitched roofs with accommodation in the roof. The details show elements of the local rural vernacular with the use of waney edge barge boards, half hip roofs, small dormers and the design, siting and proportions of doors and windows amongst other things. As such the submitted illustrative designs are considered acceptable.

- 7.29 The layout shows a 'typical' inward looking cul de sac which it is considered to meet the Councils normal block spacing, privacy and amenity space standards. While the layout is acceptable in its own right it has a suburban quality and density which materially departs from the more spacious character of nearby development. However the self-contained and enclosed nature of the site means the site lacks outside reference points enabling such a wider comparison to be made. In the circumstances no objection is raised to the proposed illustrative layout which is considered to show the site is capable of accommodating the scale of development sought.

Residential amenity

- 7.30 For the reasons set out above it is considered the illustrative layout is capable of achieving an acceptable residential environment for future residents. Regarding any impact on properties overlooking and abutting the site, though concerns have been raised regarding loss of views (which is not a consideration that can be taken into account), given the illustrative design and siting of the proposed houses, retention of boundary hedgerows and separation distances to houses abutting the site, it is considered that no material loss of amenity can be identified.

Highways

- 7.31 Concerns have been raised (a) that the proposal will result in harm to the free flow of traffic and highway safety along Horseshoes Lane and surrounding road network due to the additional traffic generated using roads already operating over capacity and (b) that as housing allocation H1(10) (being land to the south of Sutton Road) is the subject of a formal objection from Kent Highways no further dwellings should be permitted along the A274 Sutton Road until this has been resolved.
- 7.32 Dealing with point (a) additional traffic generated by this development of 5 houses will be nominal. Furthermore taking into account adequate on-site turning will be provided enabling vehicles to leave the site in a forward direction along with the proposed improvements to the visibility splays to the proposed access, it is considered in the absence of objection from Kent Highways no objection is identified based on harm to highway safety and the free flow of traffic.
- 7.33 Turning to point (b) as the proposal will have little impact in traffic generation terms and again in the absence of objection from Kent Highways, such a moratorium could not be justified in the circumstances of this application.

Biodiversity

- 7.34 The application site comprises a large mown area forming part of the garden curtilage of Shangri La with the site perimeters defined by evergreen hedgerows. Given its use as a mowed, maintained and relatively level grassed area with no features which might provide wildlife habitats, in its current form the site has little/no intrinsic wildlife potential. However given its location abutting open countryside having features capable of sustaining wildlife and that it is likely to be visited by wildlife, an ecological survey was undertaken.
- 7.35 The ecological survey mainly of adjoining land revealed a total of 90 species of plants and animals. No notable species of plant were found. A total of 10 bird species were recorded but there was localised potential nesting bird habitat in the hedges and garden shrubs on the site.

- 7.36 There was no evidence of any species which are specifically protected under wildlife legislation. However house sparrows were evident though the sites only current value to this species is as a possible occasional feeding area. If appropriate mitigation measures such as house sparrow nesting boxes are incorporated into any new development there will be a slight increase in potential nesting and possibly feeding habitat of higher quality than presently exists and there would therefore be no long term impact on this species.
- 7.37 No evidence of bats were identified in nearby buildings, nor badgers, dormice or common reptiles.
- 7.38 Regarding the potential presence of Great Crested Newts (GCN) in nearby ponds one pond was more of a seasonal stream than a pond and was polluted by manure from nearby stables. As a consequence no GCN were identified nor was it considered these ponds were likely future habitats. It was therefore concluded there was little potential for protected species on the site.
- 7.39 KCC ecology are satisfied no protected species will be materially affected by the development and subject to the wildlife mitigation measures set out, being the provision of house sparrow nesting boxes and taking in to account the additional native species planting and retention of existing boundary hedgerows, it is considered the requirement to safeguard, make provision for and to improve wildlife habitats set out in the NPPF is met.

Flood risk, drainage and contaminated land

- 7.40 The EA advise that it has no objection on flooding grounds as the majority of the site lies within Flood Zone 1. However as proposed plots 2 and 3 are close to Flood Zone 3 it recommends a condition relating to the finished floor levels of the units on plots 2 and 3. Subject to this being conditioned along with the provision of a SUDS it is considered the proposal is acceptable in flood risk grounds.
- 7.41 With regards to foul drainage, Southern Water raise no objection to the proposal on these grounds though it recommends an informative advising of the possibility of a public sewer crossing the site.
- 7.42 Regarding contamination, the site survey did not reveal any obvious risk of contamination which might prove harmful to human health or be a source of pollution if disturbed. Nevertheless the report recommends that in the course of groundworks the condition of the ground is regularly checked for signs of potentially localised contamination. This reflects the possibility that past uses of the site may have resulted in some residual contamination which may be revealed as part of the construction process. In the circumstances it is considered appropriate to impose a condition to address this eventuality.

Other Matters

- 7.43 The Council now seeks to ensure that at least 10% of the energy demands of new development is met from renewable sources to secure a more sustainable form of development in accordance with the provisions of the NPPF. It is appropriate to address this matter by condition.
- 7.44 Regarding the Parish Councils concern at the impact of application ref: 15/508415 (being land At Little Court , Sutton Road lying to the south of the application site and an outline application with all matters reserved for the demolition of the existing

structures on the site and construction of 4no. dwellings with associated parking, access and landscaping), this application is currently undetermined. In the event of a positive officer recommendation the application will be brought before the Planning Committee for determination.

8.0 CONCLUSIONS

- 8.01 It is acknowledged the proposal is contrary to adopted Maidstone Borough-Wide Local Plan 2000. However for the reasons set out above, being the absence of a five year housing land supply and that the site is considered to occupy a sustainable location taking into account the recent appeal decision on the adjoining site, it is considered the proposal is acceptable in principle and accords with the NPPF.
- 8.02 Turning to the details of the proposal, it is considered the submitted illustrative details demonstrate the site is capable of accommodating the scale of development proposed in a manner meeting the Councils normal design and layout standards to secure an acceptable residential environment. In addition taking into account the site topography and that it is surrounded by high existing hedgerows, it is considered the main impact of the proposal will be contained within the site. As such it will not result in any material increase in the impression of built mass harmful to the open character of the adjoining countryside or function of the Southern Anti Coalescence Belt. The proposal is also considered to be acceptable in its impact on adjoining properties, will not result in any material harm to the free flow of traffic or highway safety on the local road network while safeguarding the interests of wildlife nor contribute to or be at risk of flooding while safeguarding public safety and possible pollution risks.
- 8.03 In the circumstances it is considered that any harm that would otherwise arise from the proposal has been mitigated to an acceptable level while resulting in a contribution in towards meeting housing need in the Borough and on balance it is considered the proposal should be granted planning permission.

RECOMMENDATION:

CONDITIONS

1. The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority for :-

a. Access b. Layout c. Scale d. Appearance and e. Landscaping

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. The details of landscaping submitted pursuant to condition 1 shall provide for the retention of existing mature hedging running along the whole length of the south, west and east site boundaries.

Reason: In the interests of visual amenity.

3. The development hereby approved shall not commence until details of all fencing, walling and other boundary treatments have been submitted to the Local Planning Authority and approved in writing. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

4. Details submitted pursuant to condition 1 shall show details of the access onto Horseshoes Lane, sight lines to this access along with the details of internal access and highway arrangements, on site parking and turning to serve the development hereby approved. None of the dwellings hereby approved shall be occupied until the approved measures are in place which shall be retained at all times thereafter with no impediment to their intended use.

Reason: In the interests of the free flow of traffic and highway safety.

5. Prior to commencement of the of development hereby approved construction vehicle loading/unloading and turning, parking facilities for site personnel and visitors and wheelwashing shall be provided. These measures shall be maintained on site throughout the construction phase of the development,

Reason: In the interests of the free flow of traffic and highway safety.

6. No surface water shall discharge onto the public highway while a bound surface shall be provided for at least the first 5 metres of the access from the highway edge of Horseshoes Lane.

Reason: In the interests of the free flow of traffic and highway safety.

7. The development hereby approved shall not commence until written details and samples of the materials to be used in the construction of the external surfaces, including hard surfaces, of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The materials shall include, inter alia, swift and bat bricks. The development shall thereafter be constructed using the approved materials unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to provide wildlife habitat to accord with the provisions of the NPPF.

8. Before first occupation of any of the dwellings hereby permitted a scheme of landscaping, using indigenous species shall be submitted for prior approval in writing by the Local Planning Authority. An indigenous species planting belt shall also be planted along the north site boundary of the area shown to be developed for housing. In addition all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development along with a programme for the approved scheme's implementation and long term management shall also be submitted for prior approval in writing by the Local Planning Authority.

The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details over the period specified.

Reason: In the interests of visual amenity.

9. All planting, seeding or turfing comprised in the approved landscaping details shall be carried out in the first planting and seeding seasons following first occupation of any of the dwellings hereby approved. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory external appearance to the development.

10. The development shall not commence until an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) including details of any tree works that would be necessary to implement the proposal, which shall include details of all trees to be retained and the proposed measures of protection, undertaken in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations" has been submitted to and approved in writing by the Local Planning Authority. The AMS shall include full details of areas of hard surfacing within the root protection areas of retained trees which should be of permeable, no-dig construction and full details of foundation design for all buildings within root protection zones, where the AMS identifies that specialist foundations are required. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

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

11. No external lighting whatsoever shall be placed on any part of the site without first obtaining the prior approval in writing of the Local Planning Authority. Lighting shall only be installed in accordance with the approved details and retained as such at all times thereafter.

Reason: To safeguard the night-time rural environment in the interests of visual amenity.

12. The development hereby permitted shall not commence until a detailed surface water drainage scheme for the site based on sustainable drainage principles has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of sustainable development and flood protection.

13. 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 Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority for its prior approval in writing. The remediation strategy shall be implemented as approved.

Reason: In the interests of pollution prevention.

14. The development hereby approved shall be carried out at the levels shown on drawing no:DHA/10870/07. In addition the height of any buildings shall not exceed that shown on this plan.

Reason: In the interests of visual amenity.

15. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

16. The development hereby permitted shall not be commenced until details demonstrating the finished floor levels of plots 2 and 3 will be a minimum of 600mm above existing ground level, have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of flood protection.

17. Before first occupation of any of the houses the size, design and siting of two house sparrow boxes and two open fronted bird boxes shall be submitted for prior approval in writing by the Local Planning Authority. The boxes shall be installed within 3 months of approval and retained as such at all times thereafter.

Reason: To ensure that adequate provision is made for wildlife in accordance with the provisions of the NPPF.

18. The development hereby approved shall not commence until details have been submitted for prior approval in writing by the Local Planning Authority of decentralised and renewable or low-carbon sources of energy and how they will be incorporated into the development. The approved details will be in place before first occupation of the development hereby approved and maintained as such at all times thereafter.

Reason: To secure an energy efficient and sustainable form of development to accord with the provision of the NPPF.

19. The development hereby approved shall be carried out in accordance with the following submitted details being drawing nos: DHA/10870/01-08 (consec).

Reason: In the interests of amenity.

INFORMATIVES

Highways:

Planning permission does not convey any approval for any works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council – Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

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. 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.

Foul Water:

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

Investigations indicate there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development is required. This should not involve disposal to a public foul sewer.

Due to changes in legislation that came in to force on 1 st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 3030119) or www.southernwater.co.uk".

Pollution Prevention

Please note that all precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention, the applicant should refer to our guidance "PPG1 – General guide to prevention of pollution", which can be found at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/290124/LIT_1

Waste

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2), provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste.

Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore its handling, transport, treatment and disposal is subject to waste management legislation which includes:

- i. Duty of Care Regulations 1991
- ii. The Waste (England and Wales) Regulations 2011

- iii. Hazardous Waste (England and Wales) Regulations 2005
 - iv. Pollution Prevention and Control Regulations (England and Wales) 2000
 - v. Environmental Permitting (England and Wales) Regulations 2010
- Method of Construction

As the development involves construction compliance with the Mid Kent Environmental Code of Development Practice is expected.

Wildlife:

You are reminded of the legal protection afforded to nesting birds and to ensure that no development is carried which might affect these.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

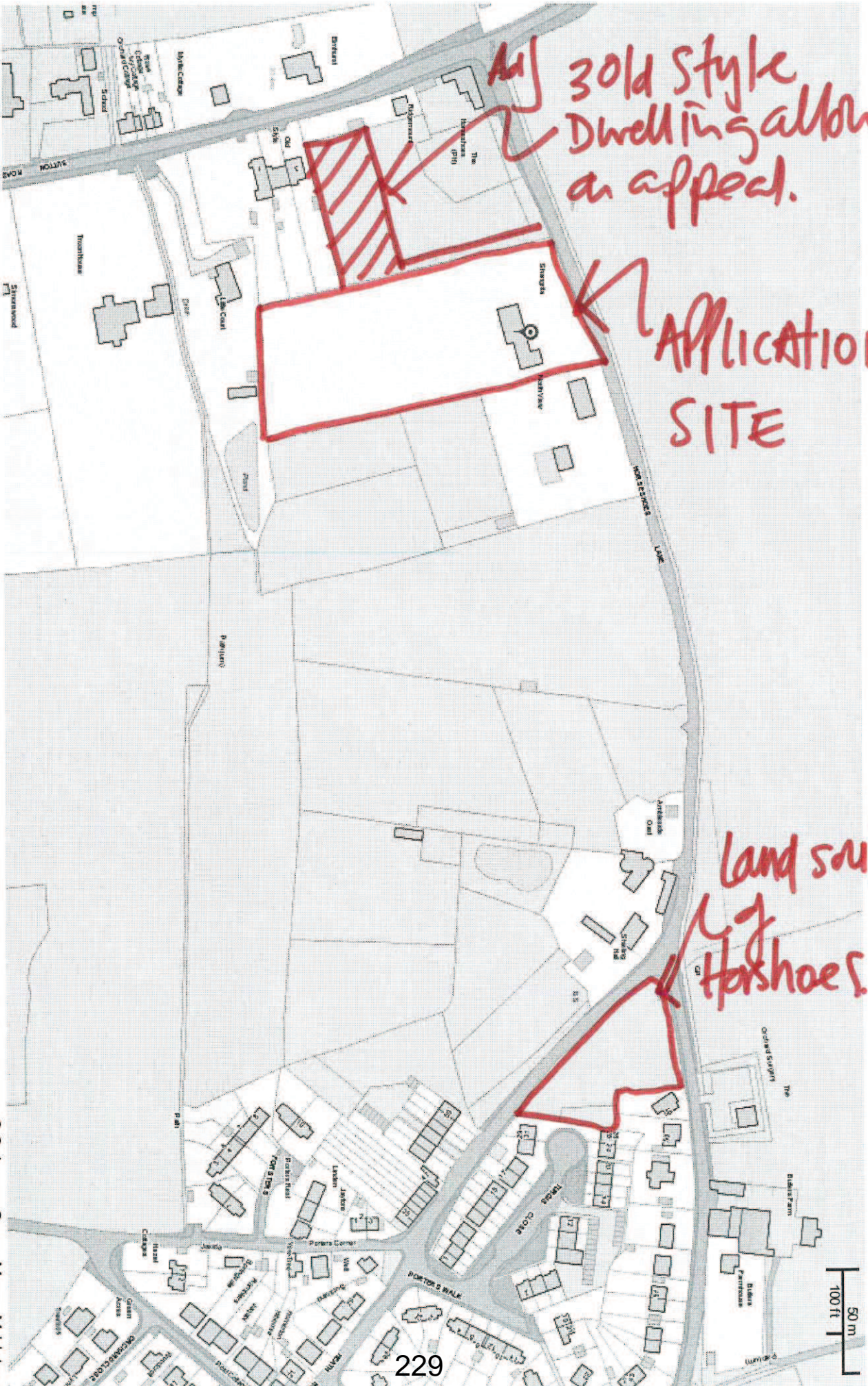
In this instance:

The application, following receipt of further information was acceptable.

Case Officer: Graham Parkinson

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

APPENDIX 1





REPORT SUMMARY

REFERENCE NO - 15/509275/OUT			
APPLICATION PROPOSAL Outline application with access matters reserved for proposed residential development following demolition of existing buildings with replacement storage building.			
ADDRESS Land South West To The Gables Marden Road Staplehurst Kent TN12 0PE			
RECOMMENDATION: Approve			
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development is at a sustainable location, and is not considered to result in significant planning harm. Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan.			
REASON FOR REFERRAL TO COMMITTEE This application is a departure from the Local Plan. This application has been called in by Cllrs Brice and Perry for the following reasons: Concern from local residents, harmful to the open countryside, sewage, flooding, relationship with neighbouring use of land.			
WARD Staplehurst Ward	PARISH/TOWN COUNCIL Staplehurst	APPLICANT Mr P R Garrod AGENT D. C. Hudson & Partner	
DECISION DUE DATE 5/5/16	PUBLICITY EXPIRY DATE 31/12/15	OFFICER SITE VISIT DATE Various	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
15/506076/PNP	Prior Notification for a change of use from a storage or distribution building (Class B8) and any land within the curtilage to a dwellinghouse (Class C3).	Granted	22.09.2015

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 This site is accessed from Marden Road and is located to the rear of the existing residential property of The Gables. The main parcel of land is set back from the road by approximately 73m and is accessed by a narrow track that runs parallel to the curtilage of The Gables.
- 1.2 The site is currently occupied by a collection of pole barns and agricultural storage building. In the centre of the site is an area of concrete hardstanding that covers the

width of the site. These structures and area of hardstanding and are set within mown grassland.

- 1.3 To the east of the site is a crane storage depot and to the south and west is open countryside. Immediately to the south of the application site is an area of grassland under the same ownership, which appears to have been regularly mown.
- 1.4 The site is located within the open countryside, although no other designations apply. It is not located within a flood zone and there are no listed buildings in the immediate vicinity.
- 1.5 The site benefits from the grant of prior notification for the change of use from a storage distribution building to a dwellinghouse. This was granted through permitted development rights and therefore an appraisal against the development plan was not required. Outline planning permission, on the other hand will need to be assessed against the relevant development plan policies.

2.0 PROPOSAL

- 2.1 This is an outline application for a residential development with appearance, landscaping, layout and scale reserved for future consideration.
- 2.2 The approval of access details is being sought. This indicates that the access would be from Marden Road, using the existing access adjacent to The Gables.
- 2.3 An indicative layout has been provided, although this does not form part of the decision as the layout is reserved for future consideration. It indicatively demonstrates that there would be four detached properties on the site with a central service strip in the centre of the site. The existing tree screen would be retained to the east of the site and field access would be retained to the south of the site, in the south west corner.

3.0 PLANNING CONSTRAINTS

- 3.1 None relevant

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF):
National Planning Practice Guidance (NPPG):
Development Plan: ENV28

5.0 LOCAL REPRESENTATIONS

	COMMENTS RECEIVED
Parish/Town Council	<p>Councillors voted to recommend refusal and request that the application be referred to MBC.Planning Committee for the following reasons:</p> <ul style="list-style-type: none"> - the site is outside the village envelope and not proposed for development in either the Staplehurst Neighbourhood Plan or the draft Maidstone Local Plan; - contravention of Policy ENV 28 proved grounds for refusal of application 14/0700 Bramleys, Marden Road, and such grounds apply equally in this case;

	<ul style="list-style-type: none"> - there are known drainage and sewage management issues in Marden Road - according to the Staplehurst Surface Water Management Plan project leader, the area experiences the worst drainage in the village; - the proposed access road is too narrow and a passing place appears to encroach on neighbouring property; - the layout does not take into account the proximity of fuel storage and provides insufficient area for large vehicles to manoeuvre; - councillors could find no case for the proposed replacement storage building; councillors had previously indicated they did not wish to see a change of use from storage and distribution to a single residential building the proposal to build four houses on a larger site multiplies their concerns.
Residential Objections Number received: 2	<ul style="list-style-type: none"> - Inappropriate scale of development - Overshadowing of vegetable patch - Unacceptable loss of privacy - Noise along driveway as a result of additional cars - Loss of tree that acts as a wind barrier and is home to wildlife - Water runoff - Concerns over sewage disposal - Adjacent to storage depot could be a health hazard - The adjacent site generates considerable noise on a 24/7 basis are required to attend at very short notice many emergency operations. Noises associated with this work can be considerable, such as the use of heavy air spanners removing and refitting wheels and major components. - Flashing lights from adjacent occupier - Overlooking from the high level cabs of the vehicles to the depot - Noise report underestimates the actual noise levels generated by the proposals
Residential Support Number received: 0	None received

6.0 CONSULTATIONS

KCC Highways: no objection (27th November 2015)

The access is existing with a good crash record at the junction. The access is proposed to be widened at the junction, which is welcomed to prevent vehicles having to reverse out onto Marden Road. There are adequate parking and turning facilities within the site. The local refuse collection authority should be consulted on the proposals. For the reasons outlined above and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority subject to:

- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.

- Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.

Environmental Health: no objection

(15th April 2016)

It is hard to do an acoustic assessment given the irregular use so a sort of worst case scenario is a reasonable way forward. I do not see any justification for refusing this application on noise grounds and feel that the proposals for mitigation (headlined below) are acceptable:

1. The double glazing will be 6-12-6 glazing.
2. There will be whole house ventilation to all rooms, rather than individual mechanical ventilation to each room. This is a much quieter system and more efficient and gives the occupants constant fresh air and heat recovery, but still the option of opening windows should they so wish.
3. There will be no windows to habitable rooms on the elevation to the houses facing the yard, whatever the final layout.
4. The fence between the proposed housing and yard will be 2.4 metres in height. Not only will this help reduce noise, but also give some visual screening, even if the existing hedge is finally removed.

(10th March 2016)

The site is in a semi-rural area, and traffic noise is unlikely to be a significant problem for this particular site. The site is outside the Maidstone Town Air Quality Management Area, and I do not consider the scale of this development and/or its site position warrants either an air quality assessment or an Air Quality Emissions Reduction condition applied to it.

The historical/current use of the site for commercial processes leads me to consider that there is potential for land contamination and so a relevant condition should be attached to any permission granted. According to the latest British Geological Survey maps, the site is in a "radon affected area" and has a 3-5% chance of having high radon concentrations. Radon is a naturally occurring radioactive gas which enters buildings from the ground, the British Research Establishment code requires that new buildings in radon affected areas to be constructed with basic preventative measures i.e. protective membrane and suitable underfloor ventilation.

The application form states that foul sewage will be dealt with via mains system; and there are no known Private Water Supplies in the vicinity.

Any demolition or construction activities may have an impact on local residents and so the usual informatives should apply in this respect. The parts of the building being demolished/converted should be checked for the presence of asbestos and any found should only be removed by a licensed contractor.

No objection, subject to comments above plus conditions as listed:

1. HOURS OF WORKING (DEMOLITION/CONSTRUCTION)

No demolition/construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.

[In addition to these hours of working the Local Planning Authority may approve in writing a schedule of activities where it is necessary for safety reasons to conduct works during a railway possession or road closure, outside the hours specified in this condition].

2. LAND CONTAMINATION

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

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

3. NOISE MITIGATION

The developer should have regard to the mitigation report carried out by MRL Acoustics dated March 2016, ref MRL/100/996.1v2, and shall submit for approval written evidence that the development meets all the recommendations specified in the report prior to occupation.

Southern Water: no objection subject to details of drainage (9th December 2015)

7.0 BACKGROUND PAPERS AND PLANS

1945/01; 1945/04; 1945/06

Noise Mitigation Report: MRL Acoustics dated March 2016, ref MRL/100/996.1v2

8.0 APPRAISAL

Visual impact in the countryside

- 8.1 This site is located in the open countryside, which means that save policy ENV28 is of relevance. This policy is a restrictive development policy that seeks to resist inappropriate development in the countryside when there would be a detrimental impact on the character and appearance of the landscape.
- 8.2 This site comprises three existing structures and an area of concrete hardstanding to the centre. One of the structures on site already benefits from permission through the permitted development rights to convert it into a single dwelling house.
- 8.3 The access track from Marden Road is already in place, and although may require a surface treatment, would not require any amendments in terms of width or positioning. The access point is directly adjacent to, and partly shared by, The Gables; a large two storey detached property. I would not consider that the shared use of this access point for additional dwellings to the rear would have a detrimental impact on the open countryside from Marden Road.
- 8.4 At present, there is an established hedgerow to the western boundary of the site and a close boarded fence to the east. To the rear of the site, there is currently no boundary and the site opens to mown grassland.
- 8.5 With the present landscaping in place, there may be glimpses of the proposed development when travelling east along Marden Road. I am satisfied, however, that with an appropriate design of the development and the incorporation of the necessary additional landscaping, then this could be addressed satisfactorily. At this stage, with appearance, landscaping, layout and scale reserved for future consideration I would consider that the harm caused to the open countryside in this location could be mitigated at a later stage when these details are submitted.
- 8.6 To the south of the site by approximately 300m is a public footpath, but this is screened by a treeline that prevents intervisibility between the site and the footpath. I am therefore not concerned about visual impact from this direction.
- 8.7 Although the pattern of development along Marden Road is characterised by large detached properties directly adjacent to the road; it is acknowledged that these become gradually more spread apart further to the west. This proposal would be only 200m from the access to the Hen & Duckhurst site to the east on Marden Road (ref: 14/502010/OUT), which was approved at planning committee subject to a legal agreement. It is an outline application for up to 250 new dwellings. Although this has not yet been built, it will have the effect of altering the development pattern in the immediate vicinity of the site. As a result, I would not consider that this pattern of proposed development would appear incongruous in this location on Marden Road.
- 8.8 The upheld appeal decision APP/U2235/A/14/2224793 at The Bramleys, which is 130m to the west of the site along Marden Road is relevant to this application. It was acknowledged by the Inspector in this decision that, “there is development near the appeal site, but it is sporadic and it becomes more so travelling to the west along the road. The character is rural and the gaps between built form increases with roadside vegetation and an agricultural character becoming more dominant”. It was also stated by the Inspector that the “development of the site would consolidate the presence of buildings and activity in an area where the dominance of domestic uses is diminishing

and would alter the character and appearance to that of an overly-urban form of development.”

- 8.9 Whilst each case must be assessed on its own merits, I would consider that the points raised by the Inspector in the above appeal decision do not apply to this current application for reasons set out above. In summary, I do not consider that the proposal would have a significant visual impact on the open countryside. The site already has structures and the access is already in place; the houses would not be visible from Marden Road or any public footpath as a result of the set back from the road.
- 8.10 Whilst the indicative plans submitted alongside this application show a quantity of four dwellings, I would consider this to be excessive in this location and would result in a cramped form of development. It must be noted, however, that this outline application does not specify the quantity of units proposed and therefore this is something that can be addressed at reserved matters stage when the details of the scheme will be secured.

Sustainability of the site

- 8.11 It must be acknowledged that the NPPF places its emphasis in favour of sustainable development at Paragraph 49, which states that, “housing applications should be considered in the context of the presumption of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.
- 8.12 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should;
- 8.13 *‘Identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;’*
- 8.14 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge and Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Local Plan (2011 -31). The SHMA (January 2014) found that there is the objectively assessed need (OAN) for some 19, 600 additional new homes over this period which was agreed by Cabinet in January 2014. Following the publication of updated population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014. Since that date revised household projection figures have been published by the Government and as a result the SHMA has been re-assessed. At the meeting of the Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Councillors agreed a new OAN figure of 18,560 dwellings.

- 8.15 The new Local Plan has advanced and has been out to Regulation 19 publication being the Plan that the Council considers is ready for examination. The Plan is scheduled for submission to the Planning Inspectorate for examination in May 2016, with the examination expected to follow in September. The Plan allocates housing sites considered to be in the most appropriate locations for the Borough to meet the OAN figure, and will enable the Council to demonstrate a 5 year supply of deliverable housing sites when it is submitted to the Inspectorate in May. Clearly the Local Plan is gathering weight as it moves forward, but it is not considered to have sufficient weight to rely solely on to refuse or approve a planning application.
- 8.16 Notwithstanding this, it remains the case the most recently calculated supply of housing, which assesses extant permissions and expected delivery, is from April 2015. This demonstrates a 3.3 year supply of housing assessed against the OAN of 18,560 dwellings. A desk based review of housing supply undertaken in January 2016 to support the Regulation 19 Local Plan housing trajectory suggests that there remains a clear and significant shortfall of supply against the five year requirements.
- 8.17 The Council's five year supply position will be formally reviewed in April/May in order to support the submission of the Local Plan to examination in May. Before the Local Plan is submitted however, the Council will remain unable to demonstrate a 5 year supply of deliverable housing sites.
- 8.18 It is therefore necessary to assess whether this proposal would be considered to be sustainable.
- 8.19 The site is located outside of the settlement boundary of Staplehurst. The village itself has a number of key services and facilities expected of a larger village. It has a local shop, post office and GP surgery. Staplehurst is served by a nearby train station (approximately 1km north east of the site) and has connections by bus to Maidstone town centre.
- 8.20 As mentioned above, the approved Hen & Duckhurst permission would extend the settlement boundary of Staplehurst further to the west and the application site would be within 200m of this. This would provide direct access to the facilities and the station in Staplehurst. As a result, I do not consider there would be grounds to refuse this application based on the unsustainable location.
- 8.21 Even if the Hen & Duckhurst site is not developed, the closest public footpath would only be 250m from the site entrance, with grass verges up to this point to provide adequate accessibility to Staplehurst.
- 8.22 Referring back to the appeal decision APP/U2235/A/14/2224793 at The Bramleys, the Inspector also raised concern relating to the poor links to Staplehurst, which would result on a reliance on the private car. For the reasons set out above, however, I would consider this site to be within a sustainable location and would amount to sustainable development, therefore meets the requirements of the NPPF.

Residential Amenity

- 8.23 The site is located to the south of The Gables, which is located adjacent to the road. The potential new houses would be approximately 45m from the main house and therefore I would not consider it to have a detrimental impact on the private amenity of these neighbours. Whilst these neighbours have raised concerns over the impact upon the vegetable patch at the end of their garden, this is not a material consideration.

- 8.24 Additionally, whilst there would be an increase in the quantity of traffic along the access road, I would not consider this would amount to an unacceptable level of noise and disturbance.
- 8.25 Concerns have been raised in relation to the neighbouring use of the property by the current occupiers of this site, which is industrial in its nature. Their concerns relate to the noise levels generated from this site can be large and during unsociable hours. I have no reason to question this concern as the planning history demonstrates there is no restriction on the hours of the use. An established use certificate for “storage of materials, plant and equipment, the ancillary repair of same and for the storage of lorries necessary to transport the same” was awarded in 1989 (ref 89 1681), and aerial photos demonstrate that this has been a continuous use.
- 8.26 In consultation with Environmental Health and to address the concerns raised, it has been agreed by the applicant that the following will be incorporated:
- The double glazing will be 6-12-6 glazing.
 - There will be whole house ventilation to all rooms, rather than individual mechanical ventilation to each room.
 - There will be no windows to habitable rooms on the elevation to the houses facing the yard, whatever the final layout.
 - The fence between the proposed housing and yard will be 2.4 metres in height.
- 8.27 Based on the above, which can be secured by way of condition, Environmental Health has confirmed that these would address their concerns to create acceptable living conditions for future occupiers. I have specifically raised the issues that the adjacent site has a lawful and unfettered use for the ‘storage of materials, plant and equipment, the ancillary repair of same and for the storage of lorries necessary to transport the same’, and could operate on a 24/7 basis. It has been confirmed by Environmental Health that there are no objections despite this use.
- 8.28 With this in mind, I would consider that the proposal would provide for an acceptable living condition for future occupants.

Access

- 8.29 It has been confirmed by KCC Highways that the access provisions in this location would not raise any significant concerns. For this reason, I am satisfied that the access would be acceptable.

Ecology

- 8.30 Given the previous use of the continued maintenance of the land (which has meant that the grass has been consistently mown) and the location of the site adjacent to the crane site, I would not consider that there would be a reasonable likelihood of protected species being present and affected by the proposals.
- 8.31 The National Planning Policy Framework (the Framework) and Circular 06/2005: Biodiversity and Geological Conservation confirm that surveys should be carried out prior to planning permission being granted where there is a reasonable likelihood of a protected species being present and affected.

- 8.32 I would recommend that any permission on this site would be subject to a condition requiring ecological enhancements within the proposal.

Drainage

- 8.33 Concerns have been raised in relation to the drainage in this area. The proposal is to contain any surface drainage within the site using sustainable urban drainage and a condition can be attached to secure this.
- 8.34 Southern Water supports this stance and seeks, through appropriate planning conditions, to ensure that appropriate means of surface water disposal are proposed for each development.
- 8.35 Southern Water have confirmed that a formal application for a connection to the foul sewer must be made by the applicant or developer, but subject to this there is no objection relating to foul drainage.
- 8.36 With the above in mind and the drainage for this site is considered to be acceptable.

Summary

- 9.0 Whilst the proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000, it is in a sustainable location, and is not considered to result in significant planning harm. Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan.

RECOMMENDATION – GRANT planning permission following the necessary advertisement as a departure from the Local Plan and subject to the following conditions

CONDITIONS

1. The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:- a. Layout , b. Scale, c. Appearance, d. Landscaping. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. The details of landscaping submitted as reserved matters pursuant to Condition 1 of this grant of outline planning permission shall include a scheme of hard and soft landscaping, including details of the treatment of all hardsurfacing within the site and boundary treatments, using indigenous species which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together

with measures for their protection during the course of development and a programme for the approved schemes implementation and long term management. This plan shall also incorporate ecological enhancements, including bat boxes and log piles. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. The development shall be carried out in accordance with the approved scheme of hard and soft landscaping and boundary treatments;

Reason: No such details have been submitted and to ensure a satisfactory appearance to the development and to promote ecological enhancements.

3. All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the development or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory external appearance to the development.

4. Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: In the interests of public amenity

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

- 1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

- 2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- 3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

- 4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: To ensure an acceptable

6. The developer should have regard to the mitigation report carried out by MRL Acoustics dated March 2016, ref MRL/100/996.1v2, and shall submit for approval written evidence that the development meets all the recommendations specified in the report prior to occupation. This shall include details of the double glazing, whole house ventilation systems, 2.4m high fence to the eastern boundary of the site and a layout that has no windows to habitable rooms on the elevation to the houses facing the yard to the east.

Reason: In the interests of residential amenity.

7. Prior to the commencement of the development hereby permitted, samples of the materials to be used in the external surfaces of the building must be submitted and approved, in writing, by the Local Planning Authority. The development shall then be constructed using the approved materials.

Reason: For reasons of visual amenity.

8. The development shall not commence 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 maintained thereafter;

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

INFORMATIVES

1. A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW or www.southernwater.co.uk

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

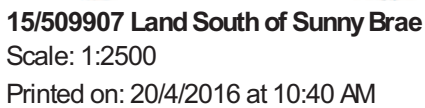
In this instance:

The application was considered to be fundamentally contrary to the provisions of the Development Plan and the NPPF, and these were not considered to be any solutions to resolve this conflict.

It is noted that the applicant/agent did not engage in any formal pre-application discussion.

Case Officer: Flora MacLeod

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.



REPORT SUMMARY

REFERENCE NO - 15/509907/OUT		
APPLICATION PROPOSAL Outline application for the erection of 8 dwellings (access and layout being sought).		
ADDRESS Land South Of Sunny Brae Hubbards Lane Boughton Monchelsea Kent ME17 4HY		
RECOMMENDATION Permit		
SUMMARY OF REASONS FOR RECOMMENDATION -Given the current shortfall in the required five-year housing supply, the impacts of the development do not significantly outweigh its benefits. As such the development is in compliance with the National Planning Policy Framework and there are sufficient grounds to depart from the Local Plan. -The site is on land allocated for residential use in the draft Regulation 19 Local Plan, notwithstanding the fact that the plan is yet to be examined the site is considered acceptable for residential development. -The site represents a sustainable location with accessible links to local settlements. -The application would not cause significant harm to highways safety, residential or visual amenity.		
REASON FOR REFERRAL TO COMMITTEE The proposal represents a departure from the provisions of the Development Plan.		
WARD Coxheath And Hunton Ward	PARISH/TOWN COUNCIL Linton	APPLICANT Mrs F Beardswell & Mrs R Sand AGENT Consilium Town Planning Services Limited
DECISION DUE DATE 04/02/16	PUBLICITY EXPIRY DATE 04/02/16	OFFICER SITE VISIT DATE 12/1/16
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): None directly relevant		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is a roughly rectangular area of farmland with an area of approx. 0.45ha. It is located off the east side of Hubbards Lane, directly to the south of a line of housing and opposite part of the grounds of Cornwallis School. There are no existing buildings on the site (other than agricultural polytunnels) or any existing access direct to this parcel of land. There is a traditional field hedge along the road frontage behind the roadside footway.
- 1.02 The site is outside any settlement boundary; however it adjoins the rural settlement boundary of Loose (as defined in the Local Plan) to the north. This is land within the Southern Anti-Coalescence Belt (which is the subject of Local Plan Policy ENV32).

2.0 PROPOSAL

- 2.01 Outline planning permission is sought to develop the site for 8 dwellings. Access arrangements and layout are to be determined at this stage, with scale, appearance and landscaping as reserved matters.
- 2.02 Vehicular access would be via a new access to Hubbards Lane towards the southern end of the site. This would lead to a central 'spine road' running north/south down the central portion of the site with four detached dwellings on the western side (forming a frontage development to Hubbards Lane) and four detached houses (linked by their garages) to the west of that central drive. All of the Hubbards Lane frontage housing would have access and garaging to the rear. Plots 5 and 6 of the frontage housing would have pedestrian access paths to the front, necessitating small breaches of the roadside hedge.
- 2.03 Whilst landscaping is a reserved matter, the submitted plans and information show the retention of existing hedging along the northern boundary and new lines of hedgerow planting along the southern and eastern boundaries.
- 2.04 Illustrative plans have been submitted (not for formal determination here) that show a four-bedroomed, detached dwelling, over two stories, for plot 8.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Development Plan: Maidstone Borough Wide Local Plan 2000: Policies ENV6, ENV28 and ENV32.

Maidstone Borough Local Plan Publication (Regulation 19) February 2016:

Policy SP11: Larger villages
Policy SP12: Boughton Monchelsea Larger Village
Policy H1: Housing site allocations
Policy H1(57): Hubbards Lane, Loose
Policy DM1: Principles of good design
Policy DM2: Sustainable design
Policy DM11: Housing Mix
Policy DM12: Density of housing development
Policy DM24: Sustainable transport
Policy DM25: Public transport
Policy DM27: Parking standards

4.0 LOCAL REPRESENTATIONS

- 4.01 Loose Parish Council: "Loose Parish Council met to discuss this application. They have agreed that it should be approved without referral to the MBC planning committee. However, they also wish to make comment on the unimaginative layout of the plan and hope that conditions would be put on the developer to enhance the site with considered landscaping."
- 4.02 Boughton Monchelsea Parish Council: "Would like to see the application approved".

- 4.03 Linton Parish Council: "The Parish Council has no objections to this application, however we believe that the estimated 64 additional trips generated each day adds to the urgency and priority for traffic flow improvements at Linton Crossroads."
- 4.04 One local resident has no objection per se but questions whether agricultural land should be developed and points out that the site plan is somewhat outdated.
- 4.05 One local resident has no objection but requires her privacy to be preserved and a fence erected to mark the boundary between properties.

5.0 CONSULTATIONS

5.1 KCC Highways and Transportation comments:

"The proposed access has good visibility and there is a good crash record along Hubbards Lane. There are adequate turning facilities within the site.

The parking provision proposed does not meet our standards set out in IGN3. This document stipulates that 4+ bedroom houses require 2x independently accessible spaces. The fact that large garages are proposed as parking spaces may lead to parking problems within the site. Whilst this is not ideal and would prefer 2x independently accessible spaces, I do not feel that this will create a highway safety problem. For these reasons I do not wish to raise objection on behalf of the local highway authority subject to:

- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision and permanent retention of the vehicle parking spaces and garages shown on the submitted plans prior to the use of the site commencing.

Please note that the access will require the applicant to enter into a Section 278 Agreement with the Highway Authority for works on the highway."

5.2 The KCC Senior Archaeological Officer has no comment.

5.3 Southern Water has no objection.

5.4 The MBC Landscape Officer comments:

"There are no protected trees on, or immediately adjacent to, the development site.

The site is located within Maidstone Landscape Character Area 29, Boughton Monchelsea to Chart Sutton Plateau. The Maidstone Landscape Capacity Study: Sensitivity Assessment, January 2015, assesses this area as being of low overall landscape sensitivity and therefore tolerant of change.

It advises that housing development should be focussed within and immediately adjacent to existing settlements, in keeping with existing. The guidelines and mitigation requirements are as follows:

- Consider the generic guidelines for Greensand Orchards and Mixed Farmlands in the Maidstone Landscape Character Assessment 2012
- New development should respect the local vernacular in scale, density and materials
- Conserve and improve the extent of woodland cover
- Improve hedgerows and therefore habitat connectivity and landscape structure by gapping up where practicable
- Improve the sense of place by maintaining remaining open space between swathes of development
- New development should respect and reinforce the existing field pattern rather than sub-divide or amalgamate existing land parcels.

Although I appreciate that this is an outline application, I am concerned about the number of accesses shown through the hedgerow onto Hubbards Lane. Therefore, whilst I raise no objection on arboricultural grounds I would want to see a detailed scheme which omits the pedestrian accesses. Landscape details will clearly also be required.”

6.0 APPRAISAL

Principle of Development

Local Plan Policy

- 6.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. In this case the Development Plan comprises the Maidstone Borough-Wide Local Plan 2000, and as such the starting point for consideration of the proposal is Policy ENV28 which relates to development within the open countryside. The policy states that:
- 6.02 *“In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to:*
- (1) that which is reasonably necessary for the purposes of agriculture and forestry; or*
(2) the winning of minerals; or
(3) open air recreation and ancillary buildings providing operational uses only; or
(4) the provision of public or institutional uses for which a rural location is justified; or
(5) such other exceptions as indicated by policies elsewhere in this plan.”
- 6.03 In this case, none of the exceptions against the general policy of restraint apply, and therefore the proposal represents a departure from the Development Plan. It then falls to be considered firstly whether there are any material considerations which indicate that a decision not in accordance with the Development Plan is justified in the circumstances of this case, and (if so) secondly whether a grant of planning permission would result in unacceptable harm, such that notwithstanding any material justification for a decision contrary to the Development Plan, the proposal is unacceptable.

- 6.04 The key material consideration outside of the Development Plan in the determination of applications for residential development in the open countryside is national planning policy as set out in the National Planning Policy Framework 2012 (NPPF) and the Council's position in respect of a five year housing land supply.

Five year housing land supply

- 6.05 The National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should;

"identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;"

- 6.06 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge and Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Local Plan (2011 -31). The SHMA (January 2014) found that there is the objectively assessed need (OAN) for some 19, 600 additional new homes over this period which was agreed by Cabinet in January 2014. Following the publication of updated population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014. Since that date revised household projection figures have been published by the Government and as a result the SHMA has been re-assessed. At the meeting of the Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Councillors agreed a new OAN figure of 18,560 dwellings.
- 6.07 The new Local Plan has advanced and is out to Regulation 19 publication being the Plan that the Council considers is ready for examination. The Plan is scheduled for submission to the Planning Inspectorate for examination in May 2016, with the examination expected to follow in September. The Plan allocates housing sites considered to be in the most appropriate locations for the Borough to meet the OAN figure, and will enable the Council to demonstrate a 5 year supply of deliverable housing sites when it is submitted to the Inspectorate in May. Clearly the Local Plan is gathering weight as it moves forward, but it is not considered to have sufficient weight to rely solely on to refuse or approve a planning application.
- 6.08 Notwithstanding this, it remains the case the most recently calculated supply of housing, which assesses extant permissions and expected delivery, is from April 2015. This demonstrates a 3.3 year supply of housing assessed against the OAN of 18,560 dwellings. A desk based review of housing supply undertaken in January 2016 to support the Regulation 19 Local Plan housing trajectory suggests that there remains a clear and significant shortfall of supply against the five year requirements.

- 6.09 The Council's five year supply position will be formally reviewed in April/May in order to support the submission of the Local Plan to examination in May. Before the Local Plan is submitted however, the Council will remain unable to demonstrate a 5 year supply of deliverable housing sites.

Sustainable development

- 6.10 Paragraph 14 of the NPPF states that the "...presumption is favour of sustainable development...should be seen as a golden thread running through...decision making".
- 6.11 The application site is located adjacent to an existing settlement boundary. There is an existing footway along the full extent of Hubbard's Lane and Haste Hill Road with access to both Boughton Monchelsea and Loose. Boughton Monchelsea is considered as a larger village within the Draft Local Plan, considered as a sustainable location for limited new housing and an increase in population would help to support village services and facilities. The policy allows for new housing on allocated sites. The policy is yet to be adopted; however it is considered that the site meets sustainability credentials.
- 6.12 Paragraph 55 of the NPPF states: "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities." Although outside the settlement boundary, the scheme adjoins it and due to the numerous houses and buildings close by it is not considered that the proposed dwellings would be 'isolated' as defined by Paragraph 55 of the NPPF.

Draft housing allocation

- 6.13 Policy H1(57) of the Maidstone Borough Local Plan, Publication (Regulation 19) seeks to allocate the application site for residential development. The policy would allocate the site for approximately 8 dwellings, with the allocation seeking structural landscaping on the eastern and southern boundaries of the site to provide a suitable buffer between the site and the agricultural land to the east and the retention of the existing western boundary hedging. Access is to be from Hubbards Lane. The policy is yet to be adopted and carries limited weight; however some consideration of the policy in respect to the application is considered appropriate.
- 6.14 As stated earlier, the application is for 8 dwellings, with access from Hubbard's Lane. The northern and western boundary hedging would be retained and new hedging put in place on the southern and eastern boundaries. The development is therefore generally in accord with the framework provided by emerging Policy H1(57).
- 6.15 It is considered that the development of the site for housing would represent a sustainable form of development and in principle the scheme would be acceptable subject to an assessment of whether the impacts of development would demonstrably outweigh the benefits in accordance with Paragraph 14 of the NPPF. Further consideration in this respect is discussed below.

Visual Impact (including landscaping)

- 6.16 The site is outside a settlement boundary and as such is defined as being within the countryside. Guidance and Development Plan policy generally seek to protect the character of the countryside. Policy ENV28 of the Local plan states: *'In the countryside planning permission will not be given for development which harms the*

character and appearance of the area. The development would effectively represent an extension of Loose village into undeveloped agricultural land to the south. The housing and associated development would be clearly visible from Hubbards Lane; and to a lesser extent in more distant views from Heath Road. In my consideration this must cause some moderate harm to the character of the countryside, albeit ameliorated by the retention of existing and the planting of new hedgerows. This situation must also erode the openness of the Southern Anti-Coalescence Belt. Clearly these negative impacts need to be balanced against the emerging housing allocation and the need to boost housing land supply.

- 6.17 The current application seeks outline planning permission; as such the issue of appearance, scale, and landscaping are for future consideration. The layout presented, effectively with a 'double line' of housing, on either side of a central access road is acceptable in terms of visual impact. A single line, frontage development would be highly unlikely to achieve the yield of 8 dwellings put forward through the allocation. The architectural detail of the housing is for future consideration, as is landscaping, however the indication as to the retention and supplementation of boundary hedgerows is to be welcomed. I see that the Landscape Officer is concerned as to the breach of the front hedgerow by pathways but it seems to me that such access is necessary to provide frontage housing with direct access to the highway in the interests of sustainability.
- 6.18 In summary whilst the loss of open green space is always regrettable the loss of this space would not '*demonstrably outweigh the benefits*' gained through the provision of housing. The proposal would retain existing boundary planting and the scheme can be designed to reflect the prevailing character of existing built form. The number of dwellings proposed can be reasonably accommodated given the size of the application site. The impact on visual amenity would be acceptable and it cannot be argued that the scheme would demonstrably outweigh the benefit of new housing in accordance with the policies set out in the NPPF.

Residential Amenity

- 6.19 There is nothing in the access and layout details presented to indicate that the housing would cause any significant loss of amenity to neighbours through loss of light, outlook or privacy; or through excessive noise and disturbance. Design detail would be controlled through a future application. Given the layout, the occupants of the prospective dwellings should enjoy at least a reasonable standard of amenity.

Highways

- 6.20 The Highways Officer raises no objection and I agree that access, parking and turning arrangements are such that there is no justifiable reason to object. The layout shows 2 parking spaces per dwelling which is appropriate for this locality. The emerging allocation requires attention be paid for the potential for car parking associated with the Academy to affect the development: I have contacted the Highways Officer on this point and received a response to the effect that the new access would need to be the subject of a Section 278 Agreement with the Highway Authority and, at that stage, a Traffic Regulation Order would be considered and a review of car parking restrictions along Hubbards lane would take place. I consider this satisfactory and recommend that no objection be raised on this issue.

Ecology

- 6.21 The submitted planning application is not accompanied by an ecological survey. Advice within National Planning Policy Guidance states that ecological surveys "...should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity". In view this intensively managed piece of agricultural land, currently under polytunnels, is unlikely to be of significant ecological interest. With the principle of development of the application site for residential development supported in the Regulation 19 Local Plan and the outline nature of the application it is considered that ecological information, mitigation and enhancement can be required through a planning condition.

7.0 CONCLUSION

- 7.01 Given the current shortfall in the required five-year housing supply, the impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan.
- 7.02 The site is proposed to be allocated as part of the Local Plan and has been assessed to meet the criteria for allocation, notwithstanding the prematurity and the plan is yet to be examined the site is consider acceptable for residential development.
- 7.03 The site represents a sustainable location with accessible links to local settlements.
- 7.04 The application would not cause significant harm to highways safety, residential or visual amenity.

8.0 RECOMMENDATION – GRANT Subject to the following conditions:

- (1) The development hereby approved shall not commence until approval for the following reserved matters has been obtained in writing from the Local Planning Authority being:-

(a) appearance (b) landscaping and (c) scale

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

- (2) Prior to the development reaching damp proof course level details of all external materials (including wearing surfaces for the roads, turning and parking areas), shall have been submitted in writing for the approval of the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

- (3) 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 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.

- (4) The details submitted in pursuance of Condition 1 shall include a Phase 1 Ecological Survey and any additional reports identified in the survey. These details shall include a scheme for any mitigation and enhancement of biodiversity on the site. The approved scheme shall take account of any protected species that have been identified on the site, and in addition shall have regard to the enhancement of biodiversity generally. It shall be implemented in accordance with the approved proposals within it and shall be carried out in perpetuity.

Reason: To protect and enhance existing species and habitat on the site in the future and to ensure that the enhancement methods can be successfully implemented prior, during or post development. This information is required prior to commencement as any site works have the potential to harm any protected species that may be present.

- (5) Prior to development commencing the following shall be submitted to and approved in writing by the Local Planning Authority:
- details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances at the application site. The approved facilities shall then be provided prior to the works commencing on site and thereafter shall be maintained in an effective working condition and used before vehicles exit the site and enter onto the adopted highway for the duration of the construction works.
 - details of construction vehicle loading/unloading and turning facilities.
 - details of parking facilities for site personnel and visitors during construction phase.

The works shall be carried out in accordance with the approved details and retained for the duration of the construction works.

Reason: To ensure that no mud or other material is taken from the site on to the neighbouring highway by wheels of vehicles leaving the site to the detriment of highway safety and the amenities of local residents and to ensure that adequate space is available on site to ensure construction phase can be carried out without a detrimental impact on highway safety and local amenities. This information is required prior to commencement as any works may result in the nuisance that this condition seeks to prevent.

- (6) Prior to development commencing, the proposed access shall be provided and the area of land within the vision splays shown on the approved plan shall be reduced in level as necessary and cleared of any obstruction exceeding a height of 0.6 metres above the level of the nearest part of the carriageway and be so retained in accordance with the approved plan.

Reason: In the interests of highway safety. This is necessary prior to commencement of development as construction vehicles will use the existing access.

- (7) Development shall not begin until a sustainable surface water drainage scheme, has been submitted to and approved in writing by the local planning authority. The surface water strategy should also be compliant with the Non-Statutory Technical Standards for Sustainable Drainage (March 2015). The strategy should also include details for the provision of long term maintenance of all surface water drainage infrastructure on the site.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site. This information is required prior to commencement as any construction work may restrict the extent of a drainage scheme.

- (8) No surface water shall discharge onto the public highway.

Reason: In the interests of the free flow of traffic of traffic and highway safety.

- (9) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

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

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

1:1250 Site Location Plan
Drawing number 2332/1

Reason: To clarify which plans have been approved.

- (11) The development shall not commence until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter;

Reason: To ensure an energy efficient form of development.

Case Officer: Geoff Brown

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

This map displays a residential neighborhood with a large red-outlined area indicating a specific site. The site is located between Cripple Street to the west and Buckton Close to the east. To the south of the site is Orchard End, and to the north is a road labeled P-6. The surrounding area includes several other streets and buildings, such as Hayle Cottage, Little Buckington, and The Old Coach House. A scale bar at the top right shows distances of 50 meters and 100 feet.

Printed on: 20/4/2016 at 10:51 AM

© Maidstone Borough Council

REPORT SUMMARY

REFERENCE NO - 15/510461/FULL			
APPLICATION PROPOSAL Minor material amendment to application 14/503167/FULL for residential development for 36 units and re-alignment of Cripple Street - with amendment to proposed plans as shown on drawing numbers 14032/C102F, 14032/C101D, 14032 P199 B, 14032 P132 B, 14032 P131 C, 14032 P129 B, 14032 P128 C, 14032 P127 D, 14032 P126 A, 14032 P124 B, 14032 P122 B, 14032 P120 A, 14032 P118 B, 14032 P116 F, 14032 P113 C, 14032 P111 C, 14032 P110 B, 14032 P102 R; received on 17.12.2016 and 14032 P133 C; received on 7.01.2016			
ADDRESS Land At Cripple Street, Cripple Street, Maidstone, Kent, ME15 6BA			
RECOMMENDATION			
SUMMARY OF REASONS FOR RECOMMENDATION The proposals constitute minor material amendments to the previously approved scheme on this site for 36 residential units and the changes proposed are not considered to result in significant planning harm.			
REASON FOR REFERRAL TO COMMITTEE Councillor Derek Mortimer has requested the application be reported to Committee for the reasons set out below.			
WARD South Ward	PARISH/TOWN COUNCIL Tovil	APPLICANT Millwood Designer Homes Ltd AGENT	
DECISION DUE DATE 04/04/16	PUBLICITY EXPIRY DATE 04/04/16	OFFICER SITE VISIT DATE	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
14/503167/FULL	Residential development for 36 units and re-alignment of Cripple Street.	Approved at appeal	5.10.2015
<i>Summarise Reasons</i> Approved at appeal. The Inspectors decision and conditions are attached at appendix 1			

MAIN REPORT**1.0 DESCRIPTION OF SITE**

- 1.1 The site is located to the west of the urban boundary and lies within a countryside location. The site comprises a broadly rectangular shaped plot sited to the west of Bockingford Farmhouse, a Grade II listed building which is located within the urban boundary. The site is located within the open countryside, an Area of Local Landscape Importance and to the east of the Loose Valley Conservation Area.
- 1.2 The site comprises rough grassland with established landscaped borders and is adjacent to the urban area and the properties of Broadoak Avenue, Buxton Close and Richmond Way. The land has a gently sloping topography with the land sloping west towards the Loose Valley. This is a slight gradient which increases further to the west of the site.

- 1.3 Within the vicinity to the west there are a small number of residential properties sporadically placed with most fronting Cripple Street including the grade II listed Bockingford House and Little Bockingford. The area to the west of the site is designated as the Loose Valley Conservation Area.
- 1.4 The area to the east of the site comprises a residential area of 1960's construction with the houses on Broadoak Avenue, Buxton Close and Richmond Way backing onto the PROW which abuts the application site. Bockingford Farmhouse is the exception with frontage onto the PROW and faces toward the application site. This residential area is a mixed area of single storey and two storey properties with the scale and density reducing to the west of this area.
- 1.5 To the north of the site is an area which received planning permission under 12/1848 for a residential development of 127 dwellings and landscape works. This area only was allocated under policy H1 of the MBWLP 2000. Beyond this the urban area extends north with further urban residential development. The area directly north of the site is comprises Site Allocation H1 (20) as mentioned above.
- 1.6 A public right of way (PROW) abuts the north and east boundary of the application site running from north to south and east to west.

2.0 PROPOSAL

- 2.1 Minor material amendment to application 14/503167/FULL for residential development for 36 units and re-alignment of Cripple Street - with amendment to the approved plans.
- 2.2 The following minor material amendments are proposed:
 - Replace Plots 2 & 35 with new house type
 - Hand Plot 8
 - Revise garage arrangement for Plots 9 & 11
 - Replace Plot 11 with new house type
 - Replace semi-detached Plots 12 & 13 and 24 & 25 with link-detached units
 - Raise eaves line to Plots 29 & 30 while maintaining consented ridge level
 - Plot 1, 4, 10, 22, 36 - chimney deleted at minor internal ground floor alterations
 - Plot 16 and 17 - barn hip omitted and porch canopy removed
 - Plot 26 barn hip omitted
 - Plot 28 roof height raised
- 2.3 The above changes are considered to constitute minor material amendments and can be considered under the Section 73 application.

3.0 POLICY AND OTHER CONSIDERATIONS

- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV26, ENV28, ENV35, T13
- Supplementary Planning Documents: Affordable Housing Development Plan Document (2006), Open Space Development Plan Document (2006)
- Maidstone Borough Local Plan Publication (Regulation 19) February 2016
- North Loose Neighbourhood Development Plan

4.0 LOCAL REPRESENTATIONS

- 4.1 **Cllr Derek Mortimer:** *'Should you be minded to approve I wish it called in to committee for the following reasons.*

- 1. Plots 29 & 30 increased height of the eaves would impact directly upon the surrounding properties.*
- 2. Plots 2 & 35 proposed increase in size would have a detrimental impact upon the street scene and make them more visible from the other side of the valley.*

I would also add that local associations, Tovil parish council, councillors and many local residents have fought to protect this field from development but we finally lost the battle at appeal. In all representations the impact upon amenity and views across the surrounding countryside have been paramount. So increasing eave heights and mass of properties will impact further. This area is also classified in the new emerging Landscape of Local Value and I would expect this now to carry significant weight since the Local Plan went to Regulation 19'.

- 4.2 **North Loose Association:** No objections.

- 4.3 **Local Residents:** Eight letters of objection have been received from neighbouring properties. Valley Conservation Society also objects. Comments are summarised as follows:

- Increased eaves and rooflines would harm amenity value.
- Impact on Cripple Street from larger housing units.
- Highways safety along Cripple Street.
- Congestion.
- Housing need in the borough is met in Local Plan Regulation 19.
- Development on a greenfield site.
- Lack of infrastructure.
- Impact on drainage.
- Loss of a view (*not a material planning consideration*)
- Impact on Loose Valley conservation area.
- Loss of wildlife.
- Development would be out of keeping with surrounding area.

5.0 CONSULTATIONS

- 5.1 **KCC Highways:** No objections

- 5.2 **MBC Conservation Officer:** *'These amendments will cause no additional harm to the setting of the adjacent listed building or to the setting of the nearby conservation area'.*

6.0 APPRAISAL

- 6.1 The applicant has applied to vary the approved drawings (condition 15) of planning permission 14/503167/FULL to include the above changes. Under the terms of the Section 73 application only the above proposed changes will be assessed. The principle of the housing development, including (inter alia) the highways impacts, landscaping, ecology, drainage and planning obligations, will not be revisited as these aspects are not considered to be affected by the proposed amendments. As such I consider the key considerations to be design, heritage impact, amenity impacts and parking provision.

Visual impact

Replace Plots 2 & 35 with new house type

- 6.2 The houses would be visible from the re-aligned Cripple Street and would have an impact on the character of the streetscape. The amendments are considered to represent an acceptable design standard (subject to material samples) and the front elevation and flank wall adjacent the public roads would have active frontages at the entrance to the site. The replacement houses would be higher than the two approved properties, however, it is considered the additional height could be successfully accommodated in this location given the set back from the street and proposed roof form. The height of the two replacement houses would be comparable to the houses on either side along Cripple Street and the additional height is not considered to have a significant visual or harmful impact on the countryside.

Hand Plot 8

- 6.3 Plot 8 is located centrally within the site and the changes to this property would not be significantly visible from any public vantage points save from within the site. The design of the house remains as previously approved and is considered to be acceptable within the context of the housing development.

Revised garage arrangement for Plots 9 & 11

- 6.4 The approved scheme sees Plot 9 and plot 11 share a double garage. The amendments propose a single bay garage with parking at the front for Plot 9 and forecourt parking for plot 11. The proposals would result in a reduction of built development in this section of the site and the design of the new single bay garage would be in keeping with other garage units in the development.

Replace Plot 11 with new house type

- 6.5 The amended design would have an active east flank facing the access road to give an appropriate frontage onto the streetscene. The revised design is considered to be of an acceptable standard and would be in keeping with other houses in the development.

Replace semi-detached Plots 12 & 13 and 24 & 25 with link-detached units

- 6.6 The garages would be relocated from the side of each house and would instead be centrally located forming a link between the semi-detached houses. The proposed amendments would reduce the roof mass as originally proposed and would open up views through the site from east to west and reduces the visual impact of these units from the PROW running parallel to the east boundary of the site.

Raise eaves line to Plots 29 & 30 while maintaining consented ridge level

- 6.7 Plot 29 and plot 30 would be visible from the PROW running parallel to the east of the site. The overall height of the units would not increase and the proposed design is considered to be of an acceptable standard. The additional roof bulk at eaves level is not considered to have a harmful impact on the surrounding countryside and would be in keeping with the context of the housing development.

Plot 1, 4, 10, 22, 36 - Chimney deleted at minor internal ground floor alterations

- 6.8 These are considered to be acceptable minor material amendments and would not have a harmful design or visual impact on the countryside.

Plot 16 and 17, 26 and Plot 28

The changes to the house design are considered to be acceptable in the overall context of the site and the increased ridge height at plot 28 would not be readily discernible when viewed from the PROW and could be successfully accommodated

in this location of the site. Plot 28 would be an affordable unit with parking at ground level and living accommodation in the roof space.

Residential Amenity

- 6.8 The proposed amendments, by reason of the acceptable design, scale and separation distances, would respect the amenities of adjoining residents regarding privacy, daylight, sunlight and maintenance of a pleasant outlook.

Highways

- 6.9 The proposed changes to the garage and parking provision / turning areas would be in accordance with KCC parking standards. The proposal would not result in any unacceptable highway safety issues compared to the approved scheme. KCC Highways has been consulted and do not raise any objections on highways safety or parking grounds.

Heritage Assets

- 6.10 The conservation officer has advised that the amendments would cause no additional harm to the setting of the adjacent listed building or to the setting of the nearby conservation area'.

7.0 CONCLUSION

- 7.1 The principle of residential development at this site has been accepted by the Planning Inspectorate and it is considered that the development of the site for residential purposes is acceptable and it is recommended subject to completion of a section 106 agreement (Deed of Variation) planning permission be granted. The S106 Deed of Variation will tie the decision for this application to the previously agreed and signed S106 in order to secure the agreed contributions / obligations.
- 7.2 Where an application under Section 73 is granted, the effect is the issue of a fresh grant of permission. A decision notice describing the new permission should be issued, setting out all the conditions pertaining to it.

- 8.0 RECOMMENDATION – GRANT** Subject to the following conditions and Deed of Variation and Supplemental Deed linking the varied agreement to the Section 73 Application.

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) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg. furniture, play equipment, signs, lighting etc); proposed and existing functional services above and below ground (eg. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.

Reason: To ensure a satisfactory appearance.

- (3) Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme. Details shall include indications of all existing trees and hedgerows on the land and details of those to be retained, together with measures for their protection during construction. The details shall also include the long term management, design objectives, management responsibilities and maintenance for all landscaped areas, other than small, privately owned domestic gardens.

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

- (4) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a satisfactory external appearance to the development.

- (5) The development shall not commence until an Arboricultural Method Statement in accordance with BS5837:2012 has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory external appearance to the development and to safeguard the trees on site.

- (6) The development shall not commence until there has been submitted to and approved in writing by the local planning authority a habitat management plan detailing how all ecological enhancements and protected species mitigation will be managed in the long term. The site shall be managed in accordance with the approved habitat management plan thereafter.

Reason: To ensure a satisfactory appearance and setting to the development and in the interests of biodiversity protection and enhancement.

- (7) If ground works do not commence within 2 years of the Ecology Report dated August 2014, a further reptile survey of the site shall be undertaken and submitted to and approved in writing by the local planning authority. Any works required shall be undertaken in accordance with a timetable to be agreed in writing by the local planning authority.

Reason: To ensure a satisfactory appearance and setting to the development and in the interests of biodiversity protection and enhancement

- (8) The development shall not commence until details for the provision of cycle storage have been submitted to and approved in writing by the local planning authority. The cycle storage shall be provided in accordance with the approved details prior to the first occupation of the development and thereafter retained.

Reason: To provide adequate transport arrangements.

- (9) The development shall not commence until details for the provision of refuse/recycling storage as well as site access design arrangements for waste collection have been submitted to and approved in writing by the local planning authority. The refuse/recycling storage and access arrangements shall be provided in accordance with the approved details prior to the first occupation of the development and thereafter retained.

Reason: In the interests of amenity and to safeguard the appearance of the area.

- (10) The development shall not commence until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.

Reason: In order to secure a satisfactory form of development.

- (11) No development shall take place until the implementation of a programme of archaeological works has been secured, the details and timing of which shall have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

- (12) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.

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

- (13) None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason: To ensure suitable foul and surface water sewerage disposal is provided.

- (14) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development.

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

14032/C102F, 14032/C101D, 14032 P199 B, 14032 P132 B, 14032 P131 C, 14032 P129 B, 14032 P128 C, 14032 P127 D, 14032 P126 A, 14032 P124 B, 14032 P122 B, 14032 P120 A, 14032 P118 B, 14032 P116 F, 14032 P113 C, 14032 P111 C, 14032 P110 B, 14032 P102 R; received on 17.12.2016 and 14032 P133 C; received on 7.01.2016

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

- (16) No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

Case Officer: Andrew Jolly

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.



15/510628 Land at Church Rd, Harrietsham

Scale: 1:2500

Printed on: 20/4/2016 at 10:25 AM

© Ordnance Survey Maps - Maidstone
Borough Council Licence No. 100019636, 2015

REPORT SUMMARY

REFERENCE NO - 15/510628/OUT		
APPLICATION PROPOSAL Variation of Condition (06) of planning permission 14/0095 - Outline application for residential development with access considered at this stage and all other matters reserved for future consideration. Full application for a change of use and conversion of oast house to a single dwelling with garaging. (The reserved matters submitted pursuant to condition 1 shall show no more than 96 dwellings at the site).		
ADDRESS Land At Church Road Harrietsham Kent		
RECOMMENDATION – GRANT OUTLINE PLANNING PERMISSION SUBJECT TO PRIOR COMPLETION OF AN APPROPRIATE LEGAL MECHANISM AND CONDITIONS		
SUMMARY OF REASONS FOR RECOMMENDATION The principle for residential development of up to 80 houses has been accepted under MA/14/0095 and the up lift in houses to 96 is considered acceptable.		
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none"> - Harrietsham Parish Council has requested the application be reported to Committee for the reasons set out below. - Councillors J & T Sams have called the application in to Planning Committee. 		
WARD Harrietsham And Lenham Ward	PARISH COUNCIL Harrietsham	APPLICANT Crest Nicholson AGENT
DECISION DUE DATE 04/05/16	PUBLICITY EXPIRY DATE 04/05/16	OFFICER SITE VISIT DATE 15/03/16
RELEVANT PLANNING HISTORY:		

- MA/14/0095 – Outline application for residential development with access considered at this stage and all other matters reserved for future consideration. Full application for a change of use and conversion of oast house to a single dwelling with garaging - Approved

MAIN REPORT

1.0 Site description

- 1.01 The proposal site comprises two separate agricultural fields immediately south of the A20 and divided by Church Road with a total area of approximately 4 hectares. The site is near the centre of the village but for planning purposes the site is within the designated countryside with no special landscape designation.
- 1.02 The western field has an oast house and other dilapidated agricultural buildings on the east side, and the eastern field is undeveloped and open. The 'East Street' Conservation Area runs along the southern edge of the eastern field and extends into a small part of the southeast corner of the western field. There are numerous listed buildings within the Conservation Area. To the north beyond the A20 are houses within the settlement boundary, and to the northeast the Ashford to London railway line which is raised and runs over the A20 on a bridge. To the east are a small group of houses on Rectory Lane. To the south of the eastern field is an area of woodland and houses within the Conservation Area, and to the south of the western field are detached houses on East Street. To the west is a caravan sales business with buildings and an open sales area.

- 1.03 Boundaries are made up of a line of tall trees along most of the A20 frontage and otherwise hedge/tree lines with breaks in places. Both fields slope gently to the south from the A20. The edge of the North Downs AONB is just over 400m to the north with built development between.

2.0 Background history

- 2.01 Near to the site, some 180m to the west on the south side of the A20, there is an extant permission for 113/114 dwellings and retail store (MA/14/0828 - Land South Of Ashford Road); around 250m to the east there is an outline application for 49 houses that is waiting the completion of the legal agreement (MA/13/1823 – ‘Mayfield Nursery’); and there is an outline application under consideration to the immediate south of the proposal site (behind ‘Malthouse’) that is proposing up to 45 dwellings (land at Bell Farm).

3.0 Proposal

- 3.01 Planning permission MA/14/0095 was approved on 10th December 2015. This hybrid application was part in outline, for residential development with access considered and all other matters reserved for future consideration; and the detailed part was for the change of use and conversion of the oast house to a single dwelling. For clarification, the approved access would be from the existing Church Road access onto the A20, altering the alignment of Church Road so it is perpendicular to the A20. The majority of the remainder of Church Road is not to be altered and would also provide access to the site from East Street to the south.

- 3.01 Condition 6 of MA/14/0095 states:

The reserved matters submitted pursuant to condition 1 shall show no more than 80 dwellings at the site.

Reason: To ensure an appropriate density of development at the site.

- 3.02 This application now seeks to vary this condition so that no more than 96 dwellings are at the site. This is an increase of 16 residential units from what has already been approved.
- 3.03 The submitted illustrative plan that has been provided to demonstrate that the site can accommodate this level of residential development, shows the same vehicle access as previously approved; a similar road layout within the site; similar sized and positioned open space at the eastern end of the site; properties facing onto the access road from the A20 and onto Church Road from the southern access point; and soft buffers along the northern and eastern boundaries of the site.

4.0 Policy and other considerations

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV45, T13, T21, T23, CF1
- MBC Affordable Housing DPD (2006)
- MBC Open Space DPD (2006)
- Draft Maidstone Borough Local Plan (Reg 19)

5.0 Consultee responses

5.01 Councillor Tom and Janetta Sams: Have called application in;

“Over intensification of sensitive site adjacent to a conservation area of particular public interest.”

5.02 Harrietsham Parish Council: Wish to see the application refused and reported to Planning Committee;

“Having reviewed the documentation submitted for the original application, DHA Urban Design stated in their Design and Access statement Vision a high quality, low density residential development that maximizes energy efficiency and sustainability. Harrietsham Parish Council feels that a density uplift from 25 to 29+ dwellings per hectare is at odds with the vision upon which the application was originally granted.

This application is contrary to the Borough Councils Local Plan, which is currently out for public consultation, which states that this site is suitable for 25 dwellings per hectare.

The Parish Council previously raised concerns at the impact that any development would have on the East Street Conservation Area and the Grade One listed Almshouses. The proposed increase in the number of dwellings within this application will only exacerbate these concerns.

The Parish Council is also concerned with the additional volume of vehicle movements which will arise from an increase in dwellings and the negative impact they will have in an area which is already struggling to cope with the volume of traffic.”

5.03 KCC Highways: Raise no objection.

5.04 Landscape Officer: Raises no objection.

5.05 Conservation Officer: Raises no objection on heritage grounds.

5.06 Environmental Health Officer: Raises no further objections.

5.07 Natural England: Has no comment to make.

5.08 Southern Water: Raises no objection and comments remain unchanged.

5.09 KCC Archaeology Officer: Raises no further objections.

5.10 Historic England: Raise no objection.

5.11 UK Power Networks: Raise no objection.

5.12 Scottish Gas Network: Has no comments to make.

5.13 Housing Team: Raises no objection to the continued provision of 40% affordable housing (38 dwellings).

5.14 **Parks and Open Space:** Contribution requested of £238.26 per dwelling (Total: £22872.96) to be put towards the repair, renewal, replacement and improvement of outdoor sports facilities and equipped areas at Booth Field and Glebe Field both within 400m of the development.

5.15 **KCC Education:** Contributions requested:

- *Contribution of £590.24 per applicable flat and £2360.96 per applicable house sought towards Phase 2 expansion of Harrietsham Primary School.*
- *Contribution of £48.02 per household sought to be used towards the additional bookstock required to mitigate the impact of the additional borrowers generated from this development.*
- *Contribution of £8.49 per household sought to be used towards provision of Youth services supplied to Swadelands Youth Centre.*

5.16 **NHS:** Contribution of £48,859 requested to be related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity of Glebe Medical Centre and Len Valley Practice which are within a 2 mile radius of the site.

6.0 Neighbour responses:

6.01 16 representations received (including from 'Harrietsham Against Reckless Development' raising concerns over:

- Impact upon community infrastructure;
- Highway safety/congestion/impact upon local road infrastructure;
- Cramped development;
- Visual impact and encroachment into and impact upon setting of conservation area; and impact upon setting of listed buildings;
- Residential amenity;
- Drainage and sewerage;
- Flood risk;
- No details of design to comment upon;
- Greenfield sites should not be development upon;
- Unsustainable location;
- Cumulative impact of this development and others in locality.

CONSIDERATIONS

7.0 Principle of development

7.01 The principle of up to 80 dwellings on this location (with access considered and all other matters reserved) has already been accepted under outline application MA/14/0095. This application is therefore only concerned with assessing the impact of 16 additional houses within the site.

7.02 Policy H1(35) of the Regulation 19 draft Local Plan allocates this site for residential development of approximately 80 dwellings. Whilst this proposed development would be of a higher density, it must be stressed that all proposals need to be considered on their own merits and significant harm needs to be identified to justify any reason for refusal.

7.03 The pre-submission consultation for the Harrietsham Neighbourhood plan ended in December 2013. As such, there is no draft Neighbourhood Plan in place.

8.0 Visual/landscape impact

- 8.01 It was accepted under the previous outline application that development of this site would inevitably result in a visual and character change from the current agricultural fields, but that this change was not considered so harmful as to warrant refusal. This current proposal is not amending the site area, and I am satisfied that the site can accommodate 16 additional houses without resulting in any more significant visual harm when viewed from any public vantage point; and that no further protrusion into the countryside would be had.

9.0 Design issues

- 9.01 Details of layout, scale and appearance are not being considered at this stage. However, development would continue to be excluded within the open space area on the east edge of the site, which although amended slightly along its western edge is around the same size and the Conservation Officer raises no objection in terms of its impact upon the setting of the Conservation Area. The illustrative plans show 96 dwellings (including the oast) over the remainder of the site which equates to a density of around 34 dwellings per hectare (previously it was approximately 29 dwellings per hectare). Although with the open space this equates to 26 dwellings per hectare over the whole site. This is still considered suitable for this edge of village site adjacent to the Conservation Area.
- 9.02 In my view, the illustrative plan submitted demonstrates that 96 dwellings can sit comfortably within the site, retaining a sense openness and a landscape led approach; and key features such as the boundary planting that was retained by way of condition under MA/14/0095 will still be secured again in this way again, ensuring a satisfactory appearance and setting to the development. As such, in terms of guiding any reserved matters application with the additional 16 units considered, it remains unnecessary to place any limitations or parameters on scale or appearance as variations in both could be acceptable; and apart from providing the open space on the east side, it is considered unreasonable to now place any layout parameters such as set-back distances.

10.0 Residential amenity

- 10.01 Details of layout and appearance are not being considered however my view is that the development could be designed to prevent any unacceptable impact upon nearby properties in terms of privacy, light and outlook; and I also consider the proposed properties could be designed to benefit from sufficient amenity. The previous recommendations made under MA/14/0095 from the Environmental Health officer will be carried through to this application relating to noise and contaminated land.

11.0 Highways issues & A20 improvements

- 11.01 The access from the A20, as approved under MA/14/0095, remains unaltered and the Highway Authority accepts the proposed uplift in houses from 80 to 96 in capacity and traffic generation terms. The Highway Authority continues to raise no objection to this proposal subject to the appropriate adjustments regarding the contributions to the Harrietsham A20 improvement scheme that have already been secured by way of a legal agreement. The applicant is in agreement to this.
- 11.02 Parking and layout is not being considered at this stage but I consider a suitable level of parking could be provided and balanced against achieving a well designed scheme and layout.

12.0 Community infrastructure

12.01 A development of this scale is clearly likely to place extra demands on local services and facilities and it is important to ensure that the development can be assimilated within the local community. As such suitable contributions to make the development acceptable in planning terms can be sought in line with policy CF1 of the Local Plan and the Council's Open Space DPD.

12.02 However, any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criterion that sets out that any obligation must meet the following requirements: -

It is:

- (a) necessary to make development acceptable in planning terms;*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to development.*

12.03 The following contributions have been sought, which are considered to have been sufficiently justified and comply with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the three CIL tests above:

- Contribution of £590.24 per applicable flat and £2360.96 per applicable house sought towards Phase 2 expansion of Harrietsham Primary School.
- Contribution of £48.02 per household sought to be used towards the additional bookstock required to mitigate the impact of the additional borrowers generated from this development.
- Contribution of £8.49 per household sought to be used towards provision of Youth services supplied to Swadlands Youth Centre.

12.04 In terms of open space, approximately 1ha of open space would be provided on the east part of the site. The Council's Parks & Leisure Section have outlined that whilst this amount is above that expected for this scale of development, the village is under provided in terms of Outdoor Sports Facilities and Allotments and Community Gardens. However, it is the continued view that such open space types would not be appropriate within this area due to the heritage issues and that this should remain as an open amenity green space with semi-natural areas. Based on this and a play area being provided within the development, an off-site contribution of £238.26 per dwelling is sought towards repair, renewal, replacement and improvement of outdoor sports facilities and equipped areas at Booth Field and Glebe Field both within 400m of the development. This is considered to have been sufficiently justified and complies with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the three CIL tests above.

12.05 In terms of healthcare, as before the NHS is seeking a contribution of £360 per person, which is to be invested into supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity at Glebe Medical Centre and Len Valley Practice which are within a 2 mile radius of the development. This is considered to have been sufficiently justified in order to mitigate the additional strain the development would put on health services and complies with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the three CIL tests above.

13.0 Affordable Housing

- 13.01 Affordable housing continues to be proposed at 40% (38 dwellings) in line with the 2006 DPD and emerging policy; and the Council's Housing Team accept that the final proposed type, size, tenure and location of the affordable dwellings can be agreed through the reserved matters stage and.

14.0 Other considerations

- 14.01 The Conservation Officer is satisfied that the illustrative plans indicate that the site could be developed at the higher density without any additional harm to the setting of the conservation area or nearby listed buildings and raises no objection.
- 14.02 No further objections or comments from the relevant consultees have been raised in terms of ecology; drainage; flood risk; the oast conversion; archaeology; landscape issues; impact on setting of listed buildings; and use of agricultural land; and all relevant conditions securing mitigation and/or enhancements on these issues will be duly imposed once more. Based on the illustrative layout, the Landscape Officer has advised that an Arboricultural Impact Assessment in accordance with BS5837: 2012 should be used to inform the final layout to avoid future pressure for the removal of boundary trees to be retained, and this will be duly imposed.
- 14.03 All representations received from Harrietsham Parish Council and the local residents have been considered and I would add that the principle for residential development has already been accepted under the original planning permission and that the details of layout, scale, appearance and landscaping are reserved matters for future consideration.

15.0 Conclusion

- 15.01 There is an extant outline planning permission for residential development on this site, and as set out previously, the consideration here is whether the addition of 16 residential units would now result in a harmful development. As explained, the site is in a sustainable location; the visual impact will continue to be localised and would not result in any protrusion into the open countryside; the area of on-site open space will be retained; there are no highway objections and contributions would be secured to the A20 scheme; appropriate levels of infrastructure would be provided and affordable housing; and the Conservation Officer has raised no further objection.
- 15.02 All representations received on this application have been taken into account and in considering the low level of harm caused by the proposal, I am satisfied that the addition of 16 more houses on this site would not generate further adverse impacts or cause unacceptable harm to the character and appearance of the countryside or local area hereabouts. I therefore recommend permission is approved and that Members give delegated powers to the Head of Planning to approve the application, subject to the receipt of an appropriate legal agreement and the following conditions.

16.0 RECOMMENDATION

That subject to the prior completion of a legal agreement in such terms as the Head of Legal Services may advise to secure the following:

- Provision of 40% affordable residential units within the application site.
- Contribution of £590.24 per applicable flat and £2360.96 per applicable house sought towards Phase 2 expansion of Harrietsham Primary School.
- Contribution of £48.02 per household sought to be used towards the additional bookstock required to mitigate the impact of the additional borrowers generated from this development.
- Contribution of £8.49 per household sought to be used towards provision of Youth services supplied to Swadelands Youth Centre.
- Contribution of £238.26 per dwelling to be used for the repair, renewal, replacement and improvement of outdoor sports facilities and equipped areas at Booth Field and Glebe Field.
- Contribution of £360 per person towards extension, refurbishment and/or upgrade of the Glebe Medical Centre (branch to Len Valley Practice) and Len Valley Practice.
- Contribution of £3,500 per residential unit towards highway improvement works to the A20.

The Head of Planning and Development be given DELEGATED POWERS TO GRANT outline permission subject to the conditions set out in the report:

CONDITIONS

- (1) The outline element of the development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

a. Layout b. Scale c. Appearance d. Landscaping

Application for approval of the reserved matters shall be made to the Local Planning Authority before the 10th December 2017.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

- (2) The development being the detailed element of this application (Oast conversion and works) hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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.

- (3) The details of landscaping submitted pursuant to condition 1 shall provide for the following:

- (i) Retention, strengthening and protection of the tree lines along the northern boundary of the site with the A20.
- (ii) Retention, strengthening and protection of the hedge and tree line along the eastern boundary of the site with Rectory Lane.

(iii) Retention, strengthening and protection, or replacement of the hedge line along the southern boundary of the western field with East Street.

(iv) Retention, strengthening and protection of the hedge and tree lines along the sides of Church Road from the curtilage of the Oast house southwards to East Street.

Reason: To ensure a satisfactory appearance and setting to the development and in the interest of biodiversity.

- (4) The details of layout as required under condition 1 shall not show any housing development within the eastern part of the site as outlined in green on drawing no. CN065-PL-08 Rev 00 (Open Space Plan) and this area of land shall be used for natural/semi-natural public open space.

Reason: In order to protect the setting of the Conservation Area and listed buildings.

- (5) The development shall not be occupied until details of the long-term management and maintenance of the public open space required under condition 4, including details of mechanisms by which the long-term implementation of the open space will be secured by the developer with the management body(ies) responsible for its delivery, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented and maintained.

Reason: In the interests of adequate open space provision and visual amenity.

- (6) The reserved matters submitted pursuant to condition 1 shall show no more than 96 dwellings at the site.

Reason: To ensure an appropriate density of development at the site.

- (7) The reserved matters submitted pursuant to condition 1 shall incorporate decentralised and renewable or low-carbon sources of energy into the detailed design of the development.

Reason: To ensure an energy efficient form of development.

- (8) The details of landscaping submitted pursuant to condition 1 shall include details of a scheme for the preparation, laying out and equipping of a play/amenity area and the land shall be laid out in accordance with the approved details.

Reason: To ensure a satisfactory external appearance to the development and the provision of adequate facilities to meet the recreational needs of prospective occupiers.

- (9) The development being the detailed element of this application (Oast conversion and works) shall not commence until, full details of the following matters have been submitted to and approved in writing by the Local Planning Authority:-

a) New external joinery in the form of large scale drawings.

The development shall be carried out in accordance with the approved details.

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

- (10) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines.

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

- (11) The development shall not commence until a landscape and ecological management plan (LEMP) for the site has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed
 - b) Ecological trends and constraints on the site that might influence management
 - c) Aims and objectives of management:
 - d) Appropriate management options for achieving aims and objectives
 - e) Prescriptions for management actions
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
 - g) Details of the body or organisation responsible for implementation of the plan
 - h) Ongoing monitoring and remedial measures
 - i) Specific details and locations of the biodiversity enhancement measures outlined at table WM03 of the Phase 1 Habitat Survey and to include enhancement measures within the structure of buildings, and appropriate enhancement for farm land birds.
 - j) Details of the management of the open space area to provide biodiversity enhancement.

The approved plan will be implemented in accordance with the approved details.

Reason: To ensure a satisfactory appearance and setting to the development and in the interests of biodiversity protection and enhancement.

- (12) No development shall commence until details of a precautionary reptile mitigation strategy have been submitted to and approved in writing by the Local Planning Authority. It shall include the following:

Details of the precautionary mitigation

Timings of any proposed works

Map showing the following

Areas of any suitable reptile habitat to be impacted by the development works

If any reptiles are present - the location of where they will be translocated to.
Clarification that any translocation area is suitable for reptiles and will not be impacted by the development works. The approved strategy shall be carried out in full.

Reason: In the interests of biodiversity.

- (13) The development shall not commence until an Arboricultural Method Statement and an Arboricultural Impact Assessment in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory external appearance to the development.

- (14) The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

- (15) The development shall not commence 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 maintained thereafter.

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

- (16) The development shall not commence until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off-site. The details shall include, inter alia, a long term management and maintenance plan for the SUDS included in the approved scheme. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

- (17) The development shall not commence until details of foul water drainage, which shall include details of any necessary off-site improvements to the local network, have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The approved details and off-site works shall be implemented in full prior to the first occupation of the development.

Reason: In the interest of pollution and flood prevention.

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

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

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

Reason: To ensure that features of archaeological interest are properly examined and recorded.

- (20) The development shall not commence until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels.

Reason: In order to secure a satisfactory form of development.

- (21) The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the Local Planning Authority:

1) A site investigation scheme, based on the GEA Desk Study and Ground Investigation Report reference J13245 received 7th November 2013, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (1). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

3) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 2. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented in full as approved.

Reason: To prevent pollution of the environment.

- (22) The approved details of the access, new footways and pedestrian crossing as shown on drawing no. T0180-02P2 within the 'Transport Assessment' at Appendix F under MA/14/0095 shall be completed before the commencement of the use of the land and be maintained thereafter.

Reason: In the interests of road safety.

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

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

- (24) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory external appearance to the development.

- (25) The development shall be designed taken into account the Noise Assessment carried out by 'Grant Acoustics' dated January 2013, and shall fulfil the recommendations specified in the report.

Reason: In the interests of residential amenity.

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

With regard to the outline element and with respect to the open space provision on the east edge of the site only: Drawing no. CN065-PL-08 Rev 00 (Open Space Plan)

With regard to the detailed element only: Drawing nos. DHA/7973/03, DHA/7973/05, DHA/7973/07, DHA/7973/08, DHA/7973/09, and DHA/7973/10 submitted under MA/14/0095

Reason: To ensure the quality of the development is maintained and in order to protect the setting of the Conservation Area and listed buildings.

Case Officer: Kathryn Altieri

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website. The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 28th April 2016**

APPEAL DECISIONS:

- | | |
|---------------------|--|
| 1. 15/507132 | <p>Removal of condition 02 and 03 of (MA/98/1360 Retrospective application for change of use of agricultural building to tourist accommodation) from tourist accommodation to residential dwelling.</p> <p>APPEAL: Allowed with Conditions</p> <p>Little Poplar Farm, Ulcombe Road, Headcorn, Kent, TN27 9LB</p> <p>(Delegated)</p> <hr/> |
| 2. 15/504237 | <p>Construction of detached 3-bedroom dwelling and detached garage to rear of existing dwelling</p> <p>APPEAL: Allowed with Conditions</p> <p>103 Eythorne Street, Hollingbourne, Kent, ME17 1TX</p> <p>(Delegated)</p> <hr/> |
| 3. 15/504845 | <p>Erection of detached dwelling in rear garden. Conversion and change of use of existing ground floor former public house, accommodation wing and upper floor flat to 8No residential apartments, including internal and external alterations. Subdivide ground floor to retain 2No retail units. New parking and landscaping.</p> <p>APPEAL: Allowed with Conditions</p> <p>The Kings Arms Public House, High Street, Headcorn, Kent, TN27 9NH</p> <p>(Committee)</p> <hr/> |
| 4. 15/500464 | <p>Redevelopment of former garden nursery to provide 6 dwellings with associated garaging and access.</p> <p>APPEAL: Allowed with Conditions.</p> |

Land Adjoining Four Wents Orchard, Chartway Street, Sutton Valence, Kent, ME17 3JA

(Delegated)

5. 15/504451

Outline application for 5No 2 to 3 bedroom houses in the former car park and gardens of 75 and 75A College Road (with all matters reserved).

APPEAL: Dismissed

Land Rear Of 75 And 75A College Road, Maidstone, Kent, ME15 6TF

(Delegated)

6. 15/506746

Outline (Access and layout not reserved) – Demolition of existing dwelling to facilitate erection of 3 No. detached dwellings and new accessway.

APPEAL: Dismissed

16 Trapham Road, Maidstone, Kent, ME16 0EL

(Delegated)

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted