

PLANNING COMMITTEE MEETING

Date: Thursday 24 June 2021
Time: 6.00 p.m.
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Brindle, Coates, Cox, English, Eves, Harwood, Holmes, Kimmance, Munford, Parfitt-Reid, Perry (Vice-Chairman), Spooner (Chairman) and Young

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

AGENDA

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 1 July 2021
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 27 May 2021 adjourned to 3 June 2021 1 - 12
11. Presentation of Petitions (if any)
12. Deferred Items 13 - 14
13. 21/502008/FULL - Lockmeadow Leisure Complex, Barker Road, Maidstone, Kent 15 - 20

Issued on Wednesday 16 June 2021

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

14.	21/500105/FULL - Pancake Old Apple Store, Boyton Court Road, Sutton Valence, Kent	21 - 31
15.	19/500769/EIOUT - Land South West of London Road and West of Castor Park, Beaver Road, Allington, Maidstone, Kent	32 - 45
16.	21/501790/REM - Plot 3 Maidstone Innovation Centre, Newnham Court Way, Weaving, Maidstone, Kent	46 - 54
17.	21/500866/FULL - Wickes, St Peters Street, Maidstone, Kent	55 - 67
18.	21/502845/FULL - Weald Cottage, Maidstone Road, Staplehurst, Tonbridge, Kent	68 - 76
19.	21/501770/FULL - Wealden Court, Church Street, Teston, Maidstone, Kent	77 - 91
20.	21/500768/FULL - Pine Cottage, Ashford Road, Hollingbourne, Maidstone, Kent	92 - 100
21.	21/501192/FULL - 237 Tonbridge Road, Maidstone, Kent,	101 - 106
22.	20/505891/TPOA - Woodland off Foxglove Rise and The Mallows, Maidstone, Kent	107 - 112
23.	21/500489/TPOA - 43 Bargrove Road, Maidstone, Kent,	113 - 117
24.	21/501019/FULL - 301 Loose Road, Maidstone, Kent	118 - 129
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PLEASE NOTE

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

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

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

PUBLIC SPEAKING AND ALTERNATIVE FORMATS

In order to speak at the meeting in person or by remote means, please call 01622 602899 or email committee@maidstone.gov.uk by 4 p.m. on Wednesday 23 June 2021. You will need to tell us which agenda item you wish to speak on. Please note that slots will be allocated for each application on a first come, first served basis.

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MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 27 MAY 2021

ADJOURNED TO 3 JUNE 2021

Present: Councillor Spooner (Chairman) and
27 May Councillors Brindle, Coates, Cox, English, Eves,
2021 Harwood, Holmes, Kimmance, Munford, Parfitt-Reid,
Perry and Young

Also Councillors Forecast, Harper, Hinder, Mrs Robertson
Present: and T Sams

1. **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

2. **NOTIFICATION OF SUBSTITUTE MEMBERS**

There were no Substitute Members.

3. **ELECTION OF CHAIRMAN**

RESOLVED: That Councillor Spooner be elected as Chairman of the Committee for the Municipal Year 2021/22.

4. **ELECTION OF VICE-CHAIRMAN**

RESOLVED: That Councillor Perry be elected as Vice-Chairman of the Committee for the Municipal Year 2021/22.

5. **COUNCILLOR CLIVE ENGLISH**

RESOLVED: That Councillor Clive English be thanked for his services as Chairman of the Committee over the last four years.

6. **NOTIFICATION OF VISITING MEMBERS**

Councillors Forecast and Mrs Robertson had given notice of their wish to speak on the report of the Head of Planning and Development relating to application 19/500769/EIOUT (Land South West of London Road and West of Castor Park, Beaver Road, Allington, Maidstone, Kent), and attended the meeting remotely.

Councillor Harper had given notice of his wish to speak on the report of the Head of Planning and Development relating to application 21/500927/FULL (80 Oakwood Road, Maidstone, Kent), and attended the meeting in person.

Councillor Hinder had given notice of his wish to speak on the report of the Head of Planning and Development relating to application 20/506127/FULL (10 Tollgate Way, Sandling, Maidstone, Kent), and attended the meeting remotely.

Councillor T Sams had given notice of his wish to speak on the report of the Head of Planning and Development relating to application 21/500564/FULL (Runham Farm, Runham Lane, Harrietsham, Kent), and attended the meeting remotely.

7. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

8. URGENT ITEMS

The Chairman said that, in his opinion, the update reports of the Head of Planning and Development and the updates to be included in the Officer presentations should be taken as urgent items as they contained further information relating to the applications to be considered at the meeting.

9. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Brindle said that, since she was a Member of Boxley Parish Council which had made representations on application 20/506127/FULL (10 Tollgate Way, Sandling, Maidstone, Kent), she would not participate in the discussion or the voting when the application was considered.

10. DISCLOSURES OF LOBBYING

The following disclosures of lobbying were noted:

Item 15.	Deferred Items	Councillor Young
Item 16.	19/500769/EIOUT - Land South West of London Road and West of Castor Park, Beaver Road, Allington, Maidstone, Kent	Councillors Brindle, English, Eves, Harwood, Holmes, Kimmance, Parfitt-Reid, Perry and Young
Item 17.	20/505745/LBC - Bicknor Farm, Sutton Road, Langley, Maidstone, Kent	Councillor Brindle
Item 18.	20/505350/FULL - Warmlake Nursery, Maidstone Road, Sutton Valence, Maidstone, Kent	Councillors Brindle, Eves, Harwood and Parfitt-Reid
Item 19.	21/501467/FULL - The Trinity Foyer, 20 Church Street, Maidstone, Kent	Councillor English

Item 20.	20/506127/FULL - 10 Tollgate Way, Sandling, Maidstone, Kent	Councillor Eves and Young
Item 21.	20/505808/FULL - Land Adjacent 2 School Lane, Maidstone, Kent	Councillor Harwood
Item 22.	21/500564/FULL - Runham Farm, Runham Lane, Harrietsham, Maidstone, Kent	None
Item 23.	21/500927/FULL - 80 Oakwood Road, Maidstone, Kent	Councillors Brindle, Coates, Cox, English, Eves, Harwood, Holmes, Kimmance, Munford, Parfitt-Reid, Perry, Spooner and Young
Item 24.	5009/2020/TPO - Uptons Farmhouse, Lees Road, Laddingford, Kent	Councillors Brindle and Young

11. EXEMPT ITEMS

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

12. MINUTES OF THE MEETING HELD ON 22 APRIL 2021 ADJOURNED TO 26 APRIL 2021

RESOLVED: That the Minutes of the meeting held on 22 April 2021 adjourned to 26 April 2021 be approved as a correct record and signed.

13. APPOINTMENT OF POLITICAL GROUP SPOKESPERSONS

Members discussed the role of the Political Group Spokespersons in the work of the Committee.

RESOLVED: That the following Members be appointed as Spokespersons for their respective Political Groups for the Municipal Year 2021/22 with the proviso that if there are reservations about the need for the appointments, then these be looked at in due course:

Councillor Brindle	Conservative
Councillor Coates	Labour
Councillor Harwood	Liberal Democrat
Councillor Munford	Independent

14. PRESENTATION OF PETITIONS

There were no petitions.

15. DEFERRED ITEMS

20/504386/FULL - CHANGE OF USE OF THE LAND FOR THE SITING OF 3 NO. STATIC CARAVANS AND 3 NO. TOURING CARAVANS FOR GYPSY/TRAVELLER OCCUPATION (REVISED SCHEME TO 18/506342/FULL) - THE ORCHARD PLACE, BENOVER ROAD, YALDING, KENT

20/505710/FULL - ERECTION OF 1 NO. FOUR BEDROOM CHALET BUNGALOW WITH INTEGRAL GARAGE AND ASSOCIATED PARKING (RE-SUBMISSION OF 20/503671/FULL) - 15 AMSBURY ROAD, COXHEATH, MAIDSTONE, KENT

The Development Manager advised the Committee that he had nothing further to report in respect of these applications at present.

16. 21/500927/FULL - ERECTION OF ANNEXE IN REAR GARDEN, ANCILLARY TO MAIN DWELLING - 80 OAKWOOD ROAD, MAIDSTONE, KENT

The Committee considered the report of the Head of Planning and Development.

Mrs Kehily of the Oakwood Park Community Group, an objector, Mrs Booth, the applicant, and Councillor Harper (Visiting Member) addressed the meeting.

RESOLVED:

1. That permission be granted subject to the conditions and informatives set out in the report with:

An additional condition stipulating a renewable energy source together with an informative advising the applicant that a ground source heat pump should be investigated as an alternative to biomass;

An additional informative advising the applicant that, in terms of biodiversity enhancements, bat tubes would be the most appropriate option for a wooden structure; and

An additional informative encouraging the applicant to consider the use of obscure glazing in the 2 flank windows.

2. That the Head of Planning and Development be given delegated powers to finalise the wording of the additional condition and informatives and to amend any other conditions as a consequence.

Voting: 12 – For 0 – Against 1 – Abstention

17. 19/500769/EIOUT - OUTLINE APPLICATION FOR A RESIDENTIAL DEVELOPMENT 106 UNITS COMPRISING A MIX OF 1, 2, 3 AND 4 BEDROOM DWELLINGS (INCLUDING BUNGALOWS, HOUSES AND APARTMENTS), ASSOCIATED ACCESS AND INFRASTRUCTURE (ACCESS

BEING SOUGHT) - LAND SOUTH WEST OF LONDON ROAD AND WEST OF CASTOR PARK, BEAVER ROAD, ALLINGTON, MAIDSTONE, KENT

The Committee considered the report of the Head of Planning and Development.

In presenting the application, the Principal Planning Officer advised the Committee that since publication of the agenda, three additional representations had been received, but they did not raise any new material planning issues.

Mrs Poletti of the New Allington Action Group, an objector, and Councillors Mrs Robertson and Forecast (Visiting Members) addressed the meeting remotely.

RESOLVED: That consideration of this application be deferred to enable the Officers to:

Request the attendance of a representative of KCC Highways to answer Members' questions regarding the traffic impacts; and

Draw up a list of potential informatives advising the applicant and Tonbridge and Malling Borough Council of the design and landscape safeguards that this Local Planning Authority would expect from the development; these to include an informative seeking to ensure that where possible green linkages, footways and cycle ways do connect across the Borough boundaries.

Voting: 13 – For 0 – Against 0 – Abstentions

Note: Councillor Parfitt-Reid left the meeting after consideration of this application (7.55 p.m.).

18. 5009/2020/TREE PRESERVATION ORDER - UPTONS FARMHOUSE, LEES ROAD, LADDINGFORD, KENT

The Committee considered the report of the Head of Planning and Development.

The Landscape Officer advised the Committee that:

- The Council received a request to assess trees at Uptons Farmhouse, Lees Road, Laddingford for potential Tree Preservation Order (TPO) protection. Following an assessment, a provisional TPO was made on 14 December 2020 to protect one Lime tree and one Yew tree. The Council had received an objection to the making of the Order.
- It was considered that the two trees merited protection on amenity grounds and that it was expedient to confirm the Order due to the threat of inappropriate future management that would be harmful to the trees' amenity value or life expectancy.

- It was not considered that the reasons for objection to the making of the Order demonstrated that the trees did not merit protection nor that it was inappropriate for the Council to seek to retain control over future works proposals.
- It was therefore recommended that the Order be confirmed without modification.

Mr Stokes addressed the meeting, objecting to the making of the Tree Preservation Order.

Dr Wetton addressed the meeting in support of the making of the Tree Preservation Order.

RESOLVED: That Tree Preservation Order No. 5009/2020/TPO be confirmed without modification.

Voting: 12 – For 0 – Against 0 – Abstentions

19. 21/500564/FULL - REDEVELOPMENT OF AGRICULTURAL YARD COMPRISING OF THE DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 4 NO. DWELLINGS, INCORPORATING ENVIRONMENTAL AND VISUAL ENHANCEMENT SCHEME - RUNHAM FARM, RUNHAM LANE, HARRIETSHAM, KENT

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

In presenting the application, the Senior Planning Officer sought delegated powers to amend recommended condition 4 (Hard and Soft Landscaping) so that the landscaping scheme includes planting schedules for the ecological enhancement area.

Lady Monckton, an objector, and Councillor T Sams (on behalf of Lenham Parish Council) addressed the meeting remotely.

RESOLVED:

1. That permission be granted subject to the conditions and informatives set out in the report with:

The amendment of condition 4 (Hard and Soft Landscaping) to specify that the landscaping scheme shall comprise 100% native species and shall include planting schedules for the ecological enhancement area;

The strengthening of condition 18 (Renewables) to ensure the installation of whatever is most technically feasible in terms of air source or ground source heat pumps;

An additional informative advising the applicant to implement a wood pasture landscaping approach to the ecological enhancement area (Condition 4); and

An additional informative advising the applicant that details of the materials (Condition 2) and landscaping scheme (Condition 4) are to be reported to the Planning Committee for approval.

2. That the Head of Planning and Development be given delegated powers to finalise the wording of the amended conditions and additional informatives and to amend any other conditions as a consequence.

Voting: 11 – For 0 – Against 1 – Abstention

20. 20/505350/FULL - REDEVELOPMENT OF EXISTING GARDEN CENTRE/NURSERY TO PROVIDE 18 DWELLINGS, INCLUDING 7 AFFORDABLE HOUSES, WITH ASSOCIATED LANDSCAPING, FLOOD STORAGE MEASURES, ACCESS AND PARKING - WARMLAKE NURSERY, MAIDSTONE ROAD, SUTTON VALENCE, MAIDSTONE, KENT

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

Arising from the debate, the Major Projects Manager said that the Ward Member would be included in the discussions to explore the potential to improve speed awareness and advance pedestrian signage in the vicinity of Warmlake crossroads.

RESOLVED: That subject to:

- A. The prior completion of a legal agreement in such terms as the Head of Legal Partnership may advise to secure the Heads of Terms set out in the report; AND
- B. The conditions set out in the report, as amended by the urgent update report,

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

Voting: 11 – For 0 – Against 0 – Abstentions

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

21. 20/506127/FULL - ERECTION OF 1 NO. ADDITIONAL DWELLING AND RETENTION OF EXISTING DWELLING, INCLUDING ERECTION OF A TWO STOREY FRONT, SIDE AND REAR EXTENSION AND SINGLE STOREY

FRONT EXTENSION (RE-SUBMISSION OF 20/500019/FULL) - 10
TOLLGATE WAY, SANDLING, MAIDSTONE, KENT

The Committee considered the report of the Head of Planning and Development.

In presenting the application, the Team Leader, Development Management, advised the Committee that:

- Since the publication of the agenda, a further representation had been received from a local resident objecting strongly to the application on the basis that it would result in an increase in on-road parking and on-pavement parking in Tollgate Way and make use of the pavement in the vicinity impracticable. Nine bedrooms on the same plot was out of keeping with surrounding properties and would impact severely on access to and egress from surrounding properties.
- These comments had been considered, the issues had been addressed in the report, and the recommendation remained unchanged.

Councillor Hinder, attending the meeting remotely, read out a statement on behalf of Boxley Parish Council and then addressed the Committee in his capacity as Ward Member.

RESOLVED:

1. That permission be granted subject to the conditions and informatives set out in the report with the amendment of condition 15 (Landscape Scheme) to specify that the boundary hedging to Tollgate Way shall include native Dogwood and native Purging Buckthorn.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the amended condition and to amend any other conditions as a consequence.

Voting: 10 – For 0 – Against 1 – Abstention

Note: Having stated that she was a Member of Boxley Parish Council which had made representations on this application, Councillor Brindle did not participate in the discussion or the voting.

22. 20/505808/FULL - SECTION 73 - APPLICATION FOR VARIATION OF CONDITION 2 (MATERIALS) AND MINOR MATERIAL AMENDMENT TO APPROVED PLANS CONDITION 9 (TO ALLOW CHANGES TO MATERIALS AND FENESTRATION, THE ADDITION OF SOLAR PANELS AND REPLACEMENT OF REAR GABLE WITH REAR DORMER) PURSUANT TO 15/506025/FULL FOR NEW ATTACHED SINGLE RESIDENTIAL DEVELOPMENT - LAND ADJACENT 2 SCHOOL LANE, MAIDSTONE, KENT

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

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

Voting: 12 – For 0 – Against 0 – Abstentions

23. ADJOURNMENT OF MEETING

At 10.00 p.m., following consideration of the report of the Head of Planning and Development relating to application 20/505808/FULL (Land Adjacent 2 School Lane, Maidstone, Kent), the Committee:

RESOLVED: That the meeting be adjourned until 6.00 p.m. on Thursday 3 June 2021 when the remaining items on the agenda will be discussed.

24. DURATION OF MEETING

6.00 p.m. to 10.00 p.m.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 27 MAY 2021

ADJOURNED TO 3 JUNE 2021

Present: **Councillor Spooner (Chairman) and**
3 June **Councillors Brindle, Cox, English, Harwood, Holmes,**
2021 **Kimmanche, Munford, Perry, Round, Springett and**
 Young

25. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Eves and Parfitt-Reid.

26. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Round for Councillor Eves.
Councillor Springett for Councillor Parfitt-Reid.

27. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

28. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

29. URGENT ITEMS

The Chairman said that, in his opinion, any updates to be included in the Officer presentations should be taken as urgent items as they would contain further information relating to the applications to be considered at the meeting.

30. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

31. DISCLOSURES OF LOBBYING

Councillors Brindle and Harwood stated that they had been lobbied on the report of the Head of Planning and Development relating to application 20/505745/LBC (Bicknor Farm, Sutton Road, Langley, Maidstone, Kent).

32. EXEMPT ITEMS

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

33. 20/505745/LBC - LISTED BUILDING CONSENT FOR THE DEMOLITION OF A CURTILAGE LISTED BUILDING AT BICKNOR FARM TO ALLOW FOR A NEW RESIDENTIAL DEVELOPMENT GRANTED UNDER PLANNING APPLICATION 20/500713/FULL - BICKNOR FARM, SUTTON ROAD, LANGLEY, MAIDSTONE, KENT

The Committee considered the report of the Head of Planning and Development.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, Members considered that:

The very limited public benefits arising from the proposal did not clearly and convincingly justify the demolition of the curtilage listed building and therefore did not outweigh the less than substantial harm resulting from the demolition of the building.

The curtilage listed building still retains an important functional relationship with the setting and context of the Grade II listed farmhouse and the understanding of its relationship with the former farmyard.

The works to demolish the curtilage listed building are considered contrary to policies SP18 and DM4 of the Maidstone Borough Local Plan 2017 and paragraphs 193, 194 and 196 of the NPPF.

RESOLVED: That permission be refused and that the Head of Planning and Development be given delegated powers to finalise the reason(s) for refusal to include those key issues cited above.

Voting: 7 – For 2 – Against 2 – Abstentions

Note: Councillor English left the meeting during consideration of this application (6.41 p.m.). He returned shortly after and did not participate further in the discussion and voting on the application.

34. 21/501467/FULL - INTERNAL ALTERATIONS TO CREATE 2 NO. ADDITIONAL UNITS AT FIRST AND SECOND FLOOR OF THE TRINITY FOYER - THE TRINITY FOYER, 20 CHURCH STREET, MAIDSTONE, KENT

The Committee considered the report of the Head of Planning and Development.

RESOLVED: That permission be granted subject to the conditions and informative set out in the report.

Voting: 9 – For 2 – Against 1 – Abstention

35. APPEAL DECISIONS

The Committee considered the report of the Head of Planning and Development setting out details of appeal decisions received since the last meeting. It was noted that the decisions were disappointing given the Council's previous successful record at appeal.

Arising from consideration of this item, the Development Manager advised the Committee that a report would be submitted to the next meeting setting out a proposed planning training programme for Members, including training on enforcement and the formulation of conditions (for example, in relation to curtilages arising from case law).

RESOLVED: That the report be noted.

36. DURATION OF MEETING

6.00 p.m. to 7.30 p.m.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

24 JUNE 2021

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

DEFERRED ITEMS

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.

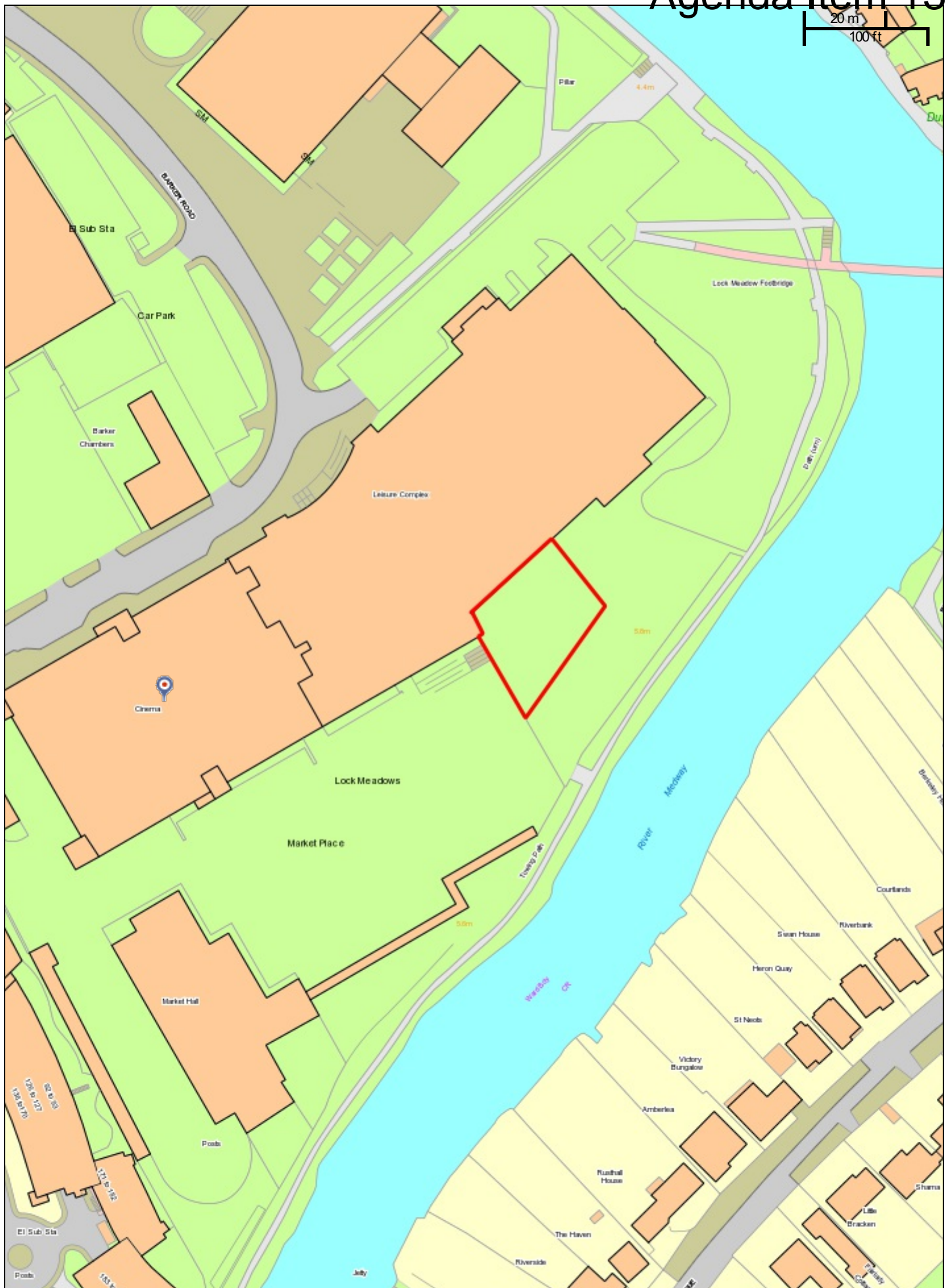
APPLICATION	DATE DEFERRED
<p><u>20/504386/FULL - CHANGE OF USE OF THE LAND FOR THE SITING OF 3 NO. STATIC CARAVANS AND 3 NO. TOURING CARAVANS FOR GYPSY/TRAVELLER OCCUPATION (REVISED SCHEME TO 18/506342/FULL) - THE ORCHARD PLACE, BENOVER ROAD, YALDING, KENT</u></p> <p>Deferred to:</p> <ul style="list-style-type: none"> Negotiate a reconfiguration of the site layout to achieve better landscaping of the pond/woodland area to enable ecological and flood amelioration; and Seek the advice of the Environment Agency specifically relating to this site. <p><u>Note:</u> The Development Manager confirmed that when the application is reported back to the Committee the additional conditions recommended by the Officers and the suggestions made by Members during the discussion regarding (1) the provision of (a) bin and cycle storage and (b) bug hotels and bat tubes in the eaves of the wooden buildings and (2) the exclusion of Sycamore trees from the landscaping scheme and the use of non-plastic guards for trees and hedgerows will be included.</p>	17 December 2020
<p><u>20/505710/FULL - ERECTION OF 1 NO. FOUR BEDROOM CHALET BUNGALOW WITH INTEGRAL GARAGE AND ASSOCIATED PARKING (RE-SUBMISSION OF 20/503671/FULL) - 15 AMSBURY ROAD, COXHEATH, MAIDSTONE, KENT</u></p>	22 April 2021 adjourned to 26 April 2021

Deferred to:

Seek comments from the Kent Fire and Rescue Service about safety, access to the dwelling for a Fire Engine, whether they can service the property in the event of a fire and whether a sprinkler system is required;

Seek confirmation as to whether the application site is located within the boundary of the larger village of Coxheath; and

Add conditions to secure biodiversity enhancements to include bird, bat and bee bricks; renewables (an exemplar scheme); and no Sycamore trees and plastic guards.



21/502008/FULL Lockmeadow Leisure Complex, Barker Road, Maidstone, Kent

Scale: 1:1250

Printed on: 9/6/2021 at 15:27 PM by JoannaW

REPORT SUMMARY

REFERENCE NO - 21/502008/FULL		
APPLICATION PROPOSAL To extend existing terrace and proposed new doors on the South East side of Lockmeadow complex.		
ADDRESS Lockmeadow Leisure Complex Barker Road Maidstone Kent		
RECOMMENDATION – APPROVE SUBJECT TO CONDITIONS		
SUMMARY OF REASONS FOR RECOMMENDATION 1. The development causes no harm and permission is therefore recommended subject to conditions.		
REASON FOR REFERRAL TO COMMITTEE The applicant is Maidstone Borough Council.		
WARD Fant	PARISH/TOWN COUNCIL	APPLICANT Alexa Kersting-Woods AGENT FL.Architects Ltd
DECISION DUE DATE 16/06/21	PUBLICITY EXPIRY DATE 14/06/21	OFFICER SITE VISIT DATE 06/05/21

Relevant Planning History

96/0537 – Full application for new market buildings, surface and semi basement car park for 670 cars, a multi-screen cinema, bowls centre, night club, restaurants, unit for bingo only or health and fitness and children’s play centre, market square, town square and town park – Approved

16/505628/FULL - Installation of a new facade to the existing leisure complex (replacement of existing), the enclosure of an existing terrace to create 180sqm of new floorspace and the installation of one internally illuminated fascia sign - Approved

20/502286/FULL - External alterations to the existing Lockmeadow Leisure Centre, including removal of gated car park entrance, cladding of existing circular columns in PPC aluminium rectangular sections, repainting of existing guttering and high level fascias, replacement of low level railings with flat bar sections, and removal of existing southern cattle market structure and car park railings – Approved

1.0 DESCRIPTION OF SITE

- 1.01 The application site is the Lockmeadow entertainment complex located within the defined town centre boundary. The Lockmeadow development was approved and implemented under planning application reference MA/96/0537.

- 1.02 The site is located in close proximity to Maidstone West Railway Station in an area with a varied mix of uses, including light industrial, retail, civic, commercial and residential. The southern and eastern boundaries of the site are adjacent to the River Medway and the River Medway Towpath.
- 1.03 The site and main pedestrian entrance to the complex face to the north onto Barker Street. The existing terrace is located adjacent to main car park to the south of the building.

2.0 PROPOSAL

- 2.01 Maidstone Borough Council has taken on the leasehold for Lockmeadow and is seeking to improve the appearance of the building and facilities to make the complex a key destination for leisure activities in the town centre.
- 2.02 The existing terrace was permitted under application reference: 11/1841 is currently used for an outdoor dining area for the existing restaurant at the rear of the Lockmeadow complex. This application seeks to extend this existing terrace from its current 96m² to 278m² to provide additional seating area for restaurants and pubs within Lockmeadow. The materials would match the existing decking and would have 3 access points, one directly from Lockmeadow, one from the car park and one directly from the restaurant.

3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017: SP4, DM1, DM29
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

4.0 LOCAL REPRESENTATIONS

Local Residents:

- 4.01 No comments received.

5.0 CONSULTATIONS

- 5.01 MBC Environmental Health – No objection
- 5.02 Kent County Council Highways – No comment
- 5.03 KCC Flood Risk – No comment
- 5.04 Environment Agency – No comment

6.0 APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Principle of Development
 - Visual Impact
 - Local Amenity

- Flood Risk
- Other Matters

Principle of Development

- 6.02 Policy SP4 of the Local Plan sets out the vision for the town centre and seeks to provide a variety of well-integrated attractions for all ages including leisure, tourism, cultural facilities and improved access for all. In addition, policy DM29 outlines that proposals for leisure in the town centre will be permitted subject to the proposal not impacting on local amenity and that the proposal retains an 'active frontage'.
- 6.03 The principle of the proposal to enhance the leisure complex is acceptable and in accordance with Local Plan policies SP4 and DM29 subject to the discussion of the material considerations below, namely visual impact and local amenity.

Visual Impact

- 6.04 Local Plan policy DM1 (principles of good design) states that proposals should provide a high quality design which responds to areas of heritage, townscape and landscape value or which uplift an area of poor environmental quality.
- 6.05 In terms of materials, the decking would match the existing with white render elevations, metal balustrade and a wooden decking surface.
- 6.06 It is considered that the extension to the rear decking area would be sympathetic to the existing building with its matching materials and would not cause harm to the visual amenity of the site or surrounding area. The proposal is therefore in accordance with policy DM1 of the Local Plan.

Local Amenity

- 6.07 Local Plan policy DM1 (principles of good design) criterion iv. requires proposals to respect the amenities of occupiers of neighbouring properties. In addition, policy DM29 (Leisure and community uses in the town centre) criterion i. states that proposals will be permitted where they will not have a significant impact on local amenity.
- 6.08 The closest residential properties are located to the south east and south west of the site and these are the most likely to be impacted as a result of the proposal due to the potential for an increase in activity and noise. However, these properties are located 130m away beyond the existing market hall, car parking and on the opposite side of the River Medway. In addition the site is located within the town centre boundary where it is not unreasonable to expect outdoor seating areas for leisure sites such as this. It is not considered that the proposal would give rise to such a level of noise and disturbance to result in a loss of amenity for any residential property. The proposal would not cause overlooking to any neighbouring property due to the separation distances.
- 6.09 It is noted that the existing terrace under condition 4 restricts the hours of use beyond 23:00 Monday to Sunday and condition 5 which states that no amplified

music can be played on the terrace area. The applicant has agreed that these conditions will be carried over for the new terrace area. The proposal is therefore in accordance with policies DM1 and DM29 of the Local Plan.

Flood Risk

- 6.10 The site is located within Flood Zone 3 and the application is supported by a Flood Risk Assessment (FRA). KCC Drainage has no comment on the application, and the Environment Agency also has no comment but refer to their 'Standing Advice'.
- 6.11 The application is classed as minor non-residential development as the extension has a proposed footprint extension of less than 250m². The submitted FRA considers that due to the raised level of the terrace it would be located above ground level by 1.8m which is the same level as 1:100+35% climate change event. As such the terrace is considered to be minor development and an extension to an existing terrace that will be above the modelled flood level for the 1:100 year level event and would have a negligible impact to flood risk elsewhere. The proposal is in accordance with policy DM1 of the Local Plan which states that proposals should avoid inappropriate development within areas at risk from flooding, or to mitigate any potential impacts.

Other Matters

- 6.12 No trees would be lost due to the nature of the proposal, scale and siting and there are considered to be no ecological issues as the site is located on hardstanding.
- 6.13 The application site is not listed, and it is not within a Conservation Area. The All Saints Conservation Area is located to the east of the River Medway 80m to the east of the application site. Due to the nature of the application to extend an existing decking area and the distance, it is not considered that the proposal would result in harm to the setting of the Conservation Area.
- 6.14 Measures to provide biodiversity net gain were included under condition 5 of application reference 20/502286/FULL and these details were subsequently discharged under application reference 20/504623/SUB. Due to the active nature of the extended terrace it is not considered to be an appropriate structure on which to create new habitat and therefore it is not considered necessary to require further additional ecological enhancements as part of this minor application.

PUBLIC SECTOR EQUALITY DUTY

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

7.0 RECOMMENDATION

GRANT planning permission subject to the following conditions:

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

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

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

Drawing No. 316(GA)001 Rev A – Site Location and Block Plans
Drawing No. 316(GA)021 Rev 2 – Proposed Ground Floor Plan
Drawing No. 316(GA)027 Rev 1 – Proposed Elevation
Drawing No. 316(GA)028 Rev 2 – Proposed Elevation
Design and Access Statement – Received 12/04/2021

Reason: To clarify which plans have been approved.

3. The materials to be used in the development hereby approved shall be as indicated on the approved plans unless otherwise approved in writing by the Local Planning Authority.

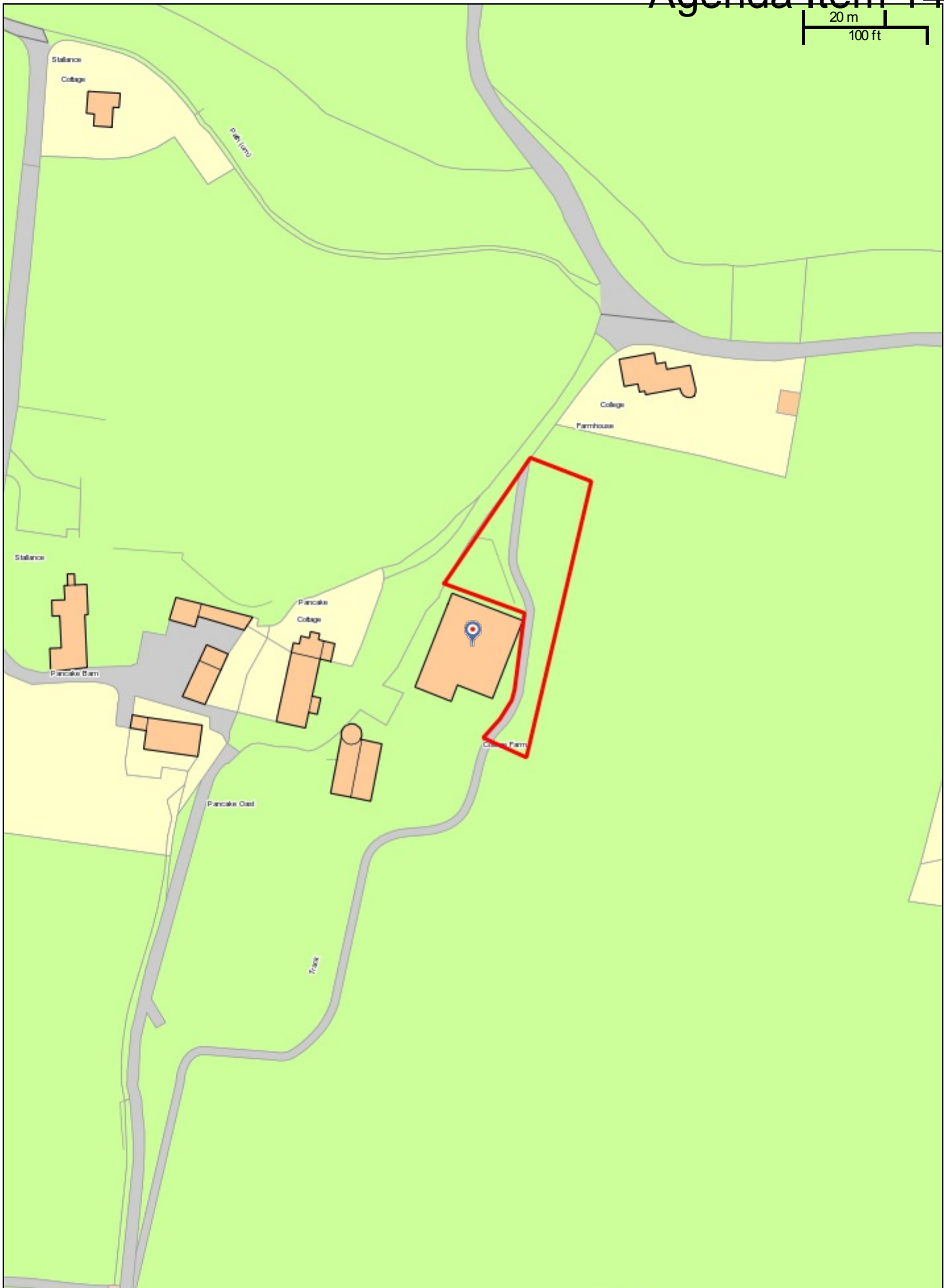
Reason: To ensure a satisfactory appearance to the development.

4. The terrace hereby permitted shall not be used outside the hours of 09:00 to 23:00 on any day.

Reason: To safeguard the enjoyment of their properties by residential occupiers.

5. No musical equipment and/or electrically amplified sound shall be so installed, maintained and operated on the terracing hereby permitted so as to prevent the transmission of noise and/or vibration to any adjacent premises;

Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers.



21/500105/FULL Pancake Old Apple Store, Boyton Court Road, Sutton Valence, Kent, ME17 3BY

Scale: 1:1250

Printed on: 9/6/2021 at 15:33 PM by JoannaW

REFERENCE NO – 21/500105/FULL		
APPLICATION PROPOSAL Part retrospective, change of use from agricultural to residential garden, erection of 3-bay carport, erection of ragstone retaining wall and creation of a temporary access.		
ADDRESS Pancake Old Apple Store, Boyton Court Road, Sutton Valence, ME17 3BY		
RECOMMENDATION Grant planning permission subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> • The visual impact of the loss of agricultural land to domestic garden is not significant due to its modest size and the provision of boundary landscape • The proposed carport is modest in scale and in keeping with the host dwelling and surrounding development • The proposed access is acceptable on temporary basis • PROW KH506 runs along the western boundary outside of the application site and would not be affected 		
REASON FOR REFERRAL TO COMMITTEE: Sutton Valence Parish Council has requested that the planning application is considered by the Planning Committee if officers are minded to approve for the reasons set out in paragraph 5.01		
WARD Sutton Valence and Langley	PARISH COUNCIL Sutton Valence	APPLICANT Mr Gary Pankhurst AGENT Mr Gregory Bunce, Prime Folio
TARGET DECISION DATE 2/7/2021 (EOT)		PUBLICITY EXPIRY DATE 18/3/2021

Relevant Planning History:

Extensive, most relevant:

Application site:

20/501356/PNQCLA: Prior notification for the change of use of agricultural building and land within its curtilage to 1no. dwellinghouses and associated operation development. For its prior approval to - Transport and Highways impacts of the development. - Contamination risks on the site. - Flooding risks on the site. - Noise impacts of the development. - Whether the location or siting of the building makes it otherwise impractical or undesirable for the use of the building to change as proposed Design and external appearance impacts on the building – PRIOR APPROVAL GRANTED

03/0445: Change of use and conversion of (i) Oast to 1No. dwelling, (ii) Barn to 1No. dwelling (iii) Barn to 1No. unit of tourist accommodation, all involving demolition of agricultural buildings, erection of garaging and associated boundary treatments (Resubmission of MA/02/1707)- APPROVED

Adjoining land at College Farmhouse:

14/500838/FULL: Retrospective application for the change of use of agricultural land to residential use, erection of decking, pergola, retaining wall, balustrade and fence – APPROVED

Opposite land at Pancake Barn:

19/500953/FULL: Erection of replacement residential barn and attached cottage, following fire damage.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site relates to agricultural land adjacent to a converted detached dwelling, namely Pancake Old Apple Store, and part curtilage of the host dwelling. The site is located within an area of open countryside and falls within a Landscape of Local Value (Greensand Ridge) as defined on the Maidstone Borough Local Plan 2017.
- 1.02 Prior Approval was granted to the host building under ref: 20/501356/PNQCLA allowing the change of use of the agricultural building and land within its curtilage to a single dwellinghouse. The host building is single storey with an attic serving as a 5-bedroom dwellinghouse.
- 1.03 The application site is irregularly shaped bounding the north and east side of the host dwelling with an area of 1,058 sqm (0.26 acres). The topography of the site slopes downward from north to south, abutting an area of orchard to the east. This is a part retrospective application and the site is currently paved with hardstanding for the proposed access. Work has started on the erection of the boundary ragstone retaining wall and the construction of the proposed carport.
- 1.04 The application building forms part of a small group of former farm buildings that have previously been converted to residential use within a large plot for private amenity purposes and the erection of detached garages. The adjoining neighbour to the north (College Farm), which is situated on elevated ground had permission granted (14/500838/FULL) for the change of use of agricultural land to residential use to extend private amenity space.
- 1.05 Running along the east (front of the dwellinghouse) is a track serving an isolated group of dwellings that leads southward from the junction with Boyton Court Road. A public right of way (PROW KH506) is located to the front of the building and runs from north to south along the access track.
- 1.06 The application site is designated Grade II agricultural land mainly consisting of orchard located to the north and east and surrounding the curtilage of the host building. A Grade II listed building, namely Pancake Barn, is situated some 40m to the south-west of the application site and opposite the host dwelling.

2. PROPOSAL

- 2.01 The current, part retrospective, planning application is for the change of use from agricultural land to residential garden, erection of a 3-bay carport, erection of 1.8m tall retaining wall and the creation of temporary access.
- 2.02 Construction work to implement prior approval ref: 20/501356/PNQCLA has commenced. A number of amendments to the approved plans are now proposed including acquiring additional agricultural land to form part of residential garden and erection of a 3-bay carport. A full planning application is required for these works.
- 2.03 The approved and proposed site plans are shown on the next page (**Fig 1**). The current proposal, a revised scheme received on 13 May 2021, in comparison to the previous approved scheme includes:
- Erection of a detached 3-bay carport to the north of the host dwelling
 - Change of use of 762sqm (about 0.19acres) agricultural land to residential garden
 - Erection of a retaining wall of varying height with a maximum of 1.8m tall along the western boundary
 - Creation of a temporary hardstanding access during the construction period

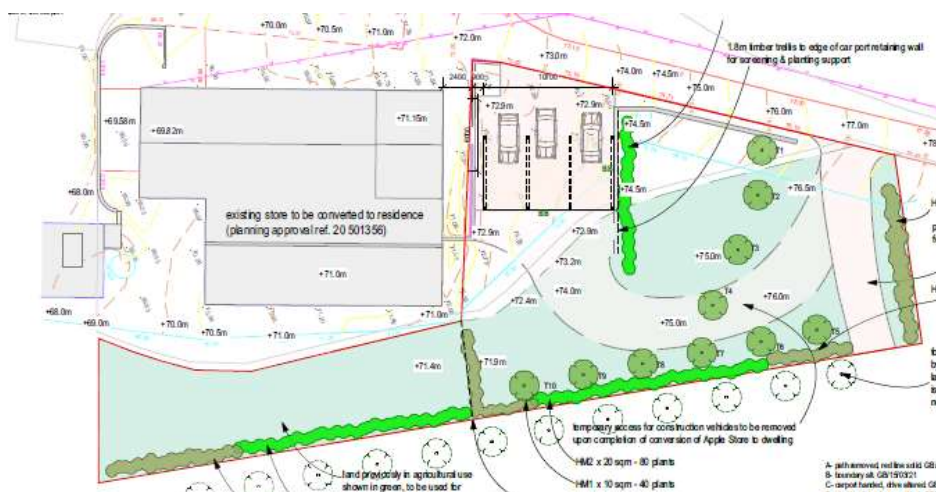
- 2.04 The proposed carport is a 3-bay front open frame side gabled roof structure with a maximum length of approximately 10.7m, a maximum width of approximately 5.6m, a ridge height of approximately 4m and an eaves height of approximately 2.4m. The carport would be constructed with a slate roof and black timber weatherboarding.
- 2.05 The application includes a landscape scheme with the planting of boundary hedge and 10nos. of trees.

Fig 1: Comparison of site plans for 20/501356/PNQCLA and current application

Approved site plan
20/501356/PNQCLA



Currently proposed revised site plan received on 13 May 2021



- 2.06 The original scheme first submitted to be considered in this application includes a 3-bay garage with attic storage above and a maximum ridge height of approximately 5.4m; the proposed access was permanent serving the garage with the front faces east towards the orchard. The final revised scheme received on 13 May 2021 was submitted to seek to address the concerns raised by the parish council.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017:

SS1: Maidstone borough spatial strategy

SP17: Countryside

SP18: Historic Environment

DM1: Principles of good design

DM2: Sustainable design

DM3: Natural environment

DM4: Development affecting designated and non-designated heritage assets

DM23: Parking Standards

DM30: Design principles in the countryside

DM33: Change of use of agricultural land to domestic garden land

National Planning Policy Framework (NPPF):

Section 2- Achieving sustainable development

Section 12- Achieving well-designed places

Section 15- Conserving and enhancing the natural environment

Supplementary Planning Documents:

Maidstone Landscape Character Assessment (2012-amended 2013)

Maidstone Landscape Capacity Study: Sensitivity Assessment (2015)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 3 representations received from local residents supporting the proposal based on the following (summarised) reasons:
- The area is being significantly improved with new roads with all buildings being kept to a beautiful standard
 - The new access can reduce traffic to the public footpath also improving the health and safety of all pedestrian
 - All properties around this development have at least 2 garages and parking for a minimum of 4 cars
 - The proposed triple garage is proportionate to the use of the 6-bedroom dwellinghouse
 - The bridal path has been re-layed and paid for by all of the owners, making visits here a pleasure
 - All the gardens that belong to the homes surrounding this development area larger than the application being requested
 - This development would brought improvement to what was a dilapidated old store
- 4.02 1 representation received from local resident raising objection to the proposal based on the following (summarised) reasons:
- No need for additional parking or driveway
 - Two storey garage is big enough to be converted into a residence later
 - The proposed block plan has incorrectly marked the boundaries including their land
 - Concur with objection reasons of the Parish Council
 - The site is widely visible given it's elevated position and there is a public footpath through the site, which contradicts to the submitted Heritage statement which states the previously listed barn is in a very private location, with very limited view of it from any public realm.

5. CONSULTATIONS

5.01 Sutton Valence Parish Council (Summarised)

Objection: recommend that the application be REFUSED and referred to MBC Planning Committee were the Planning Officer minded to approve the application for the reasons listed below.

- The issue of the PROW KH506 has not been addressed and concerned this pathway is being tarmacked.
- This area is becoming more and more developed contrary to policy SP17 para.6
- The garage is very large compared to the size of the house
- This continual development will affect the distinctive character of both the Greensand Ridge and Low Weald

5.02 MBC Landscape Officer

- Raise no objection to the proposal and the proposed soft landscaping scheme subject to conditions requesting implementation details and additional native planting to the front of the walls.

5.03 KCC PRoW officer

- Raise no objection to the proposal on comments dated 18 May 2021 and states PROW KH506 footpath runs along the eastern boundary of the site and acts as the main track to the site but should not affect the application.

6. APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Principle of the change of use
- Visual amenity
- Heritage
- Residential amenity
- Highways and parking considerations

Principle of the change of use

6.02 The application seeks part retrospective planning permission for the change of use of a strip of agricultural land (part of an orchard) adjoining the eastern boundary of the residential property at Pancake Old Apple Store to provide an extension to the existing garden curtilage to the property.

6.03 The strip of agricultural land that is the subject of the application measures approximately 70m in length and 12m in width, which gives an area of about 762sqm (0.19 acres).

6.04 Policy DM33 of the Local Plan states that planning permission will be granted for the change of use of agricultural land to domestic garden if there would be no harm to the character and appearance of the countryside and/or the loss of the best and most versatile agricultural land.

6.05 Government guidance in the National Planning Policy Framework states (para. 170) states that local planning authorities should recognise the intrinsic character and beauty of the countryside and take into account the economic and other benefits of the best and most versatile agricultural land.

6.06 It is highlighted that the application site is on land with a downward slope which potentially increases its visual prominence. After considering this topography it is concluded that the impact on the wider landscape will be minimal for the following reasons:

- the relatively small area (0.19 acres) involved,
- The location of the site close to an existing building and

- the benefit gained by the provision of a landscape scheme which will blend in with the adjoining orchard and is in keeping with the long range views from the south.
- 6.07 The site is designated as grade 2 agricultural land, which is the best and most versatile land. Regarding loss of land having agricultural potential, given the small area of land affected it is not considered that this represents a sustainable objection to the use of the land for domestic garden purposes.
- 6.08 Turning to the impact of similar development that has taken place in this area. It must be noted that a similar change of use of land has taken place at College Farm (which adjoins the northern boundary of the current application site) from agriculture to residential use, including the erection of decking, pergola, retaining wall, balustrade and fence. These works were granted retrospective planning permission on the 10.11.2014 under planning application 14/500838/FULL.
- 6.09 Whilst there has been significant change in Central Government Guidance, the adoption of Maidstone Borough Local Plan 2017 and on-site circumstances with the converted residential development in the area since the consideration of 14/500838/FULL, the key material consideration for the change of use applications are similar.
- 6.10 With that case (14/500838/FULL) it was argued that given the small area of land affected (0.07ha) it was not considered that loss of land having agricultural potential represented a sustainable objection to the use of the land for garden purposes. The size of the current host dwelling is substantially larger than College Farm, and given the similarities between the nature and area of agricultural/residential land concerned, the same arguments can be applied to the current retrospective application.

Visual amenity

- 6.11 The application site is located within a Landscape of Local Value. Policy SP17 states that development proposals within landscapes of local value should, through their siting, scale, mass, materials and design, seek to contribute positively to the conservation and enhancement of the protected landscape. In addition, policy DM30 sets out that any development proposals should maintain or where possible enhance, local distinctiveness including landscape features.
- 6.12 The Maidstone Landscape Capacity Study which formed the evidential base for the current Local Plan sets out that the proposed site is within The Sutton Valence Greensand Ridge character area. This area has a high overall landscape sensitivity, and in particular is of high visual sensitivity due to its ridgeline location and is therefore considered sensitive to change.
- 6.13 The Pancake Old Apple Store and the area of land subject of the current retrospective application is elevated sloping downward in relation to the land to the south which potentially increases its prominence.
- 6.14 The proposed carport and access are visible from the public footpath (KH506) which runs along the western boundary of the property. The triple carport, on the revised scheme, is a opened front framed structure (without an attic) and this is considered to be sympathetic to the host dwelling. The car port would be positioned inline with the front building line of the host building and constructed with matching black weatherboarding and slate roof. The car port is considered in keeping with the area and would not result any significant visual harm in the immediate locality including from public vantage points.
- 6.15 A Landscape Scheme along with a planting schedule was submitted on 13 May 2021. The MBC Landscape Officer considers the scheme to be generally acceptable.

As there are no implementation details submitted it is therefore recommended that a landscape condition is attached to any permission and for this to also secure native planting to the front of the retaining walls to soften the scheme.

- 6.16 The proposed retrospective temporary hardstanding access is considered to be acceptable on a temporary basis. This hardstanding area would revert back to residential garden land once the conversion of the dwellinghouse and carport is completed. A condition is recommended to ensure the access is allowed only on temporary basis and to safeguard the visual amenity of the countryside and area designated as a Landscape of Local Value.
- 6.17 The ragstone retaining wall along the western boundary between the existing field access and the proposed carport is considered to be acceptable to level the elevated land.
- 6.18 Overall, it is acknowledged that the proposed carport would be a new building in the countryside and visible within the landscape, however, the building of a reasonable size for its purpose. The building is sited in line with the host dwelling and is in keeping with the other similar garages in the area. The proposed area changed to residential garden is relatively small. The proposed landscape features are considered adequate to ensure the visual impact of the development is minimised. The minimal visual harm has to be balanced against the benefits and the aims of sustainable development to secure well-designed accommodation. The visual harm of the proposed development is considered to be outweighed by the well designed accommodation.

Heritage

- 6.19 A decision maker is required by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest.
- 6.20 The NPPF (February 2019) requires the impact on the significance of a designated heritage asset to be considered in terms of either "substantial harm" or "less than substantial harm" as described within NPPF paragraphs 195 to 196. National Planning Practice Guidance (NPPG) makes it clear that substantial harm is a high test, and recent case law describes substantial harm in terms of an effect that would vitiate or drain away much of the significance of a heritage asset.
- 6.21 Where it is considered that a proposal will lead to "...less than substantial harm to the significance of a designated heritage asset...", NPPF paragraph 196 states that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.22 Policy SP18 of the Local Plan relates to the historic environment and requires that, inter-alia, the characteristics of heritage assets are protected, and design is sensitive to heritage assets and their settings. Policy DM4 of the Local Plan also relates to development affecting designated heritage assets and requires applicants to ensure that new development affecting heritage assets conserve, and where possible enhance, the significance of the heritage asset.
- 6.23 A Grade II listed building, namely Pancake Barn, is situated some 40m to the south-west of the application site and opposite the host dwelling. The listed barn was converted to residential use in 2003 and then destroyed by fire in 2018. Planning permission (19/500953/FULL) was granted in 2019 to erect a replacement residential barn and an attached cottage following the fire damage on a like-for-like basis and the building is mainly black weatherboard cladding and a slate roof.

- 6.24 The proposal would be visible from the listed building and its setting along the shared access track. The proposed development would not have a harmful impact on the setting or significance of the listed building as the proposed carport would be sympathetic to the host dwelling and constructed with matching materials to the groups of building, and the modest scale of the ragstone retaining wall.
- 6.25 It is concluded that the proposal will lead to less than substantial harm to the significance of this designated heritage asset and the public benefits of the proposal outweigh any negative impact. The proposal would conserve the setting of the Listed Building.

Residential amenity

- 6.26 Policy DM1 of the adopted Local Plan advises that proposals will be permitted where they "respect the amenities of occupiers of neighbouring properties...by ensuring that development is not exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 6.27 In this case the nearest neighbouring residential property is College Farm, with their garden land abutting the northern boundary of the application site. The proposed carport would sit some 50m away from the neighbour's main house. This separation is considered sufficient to prevent any unneighbourly impacts. The change of use to residential land alongside residential land is considered to be compatible use. Furthermore, the view of a carport and loss of agricultural land to residential garden land with landscape provision is not out of keeping to the character of the countryside. I do not consider the proposal would result in any significant impact on outlook, or loss of privacy to neighbouring properties.

Highways and parking

- 6.28 As previously approved, the host dwelling would provide two integrated parking spaces towards the northern corner of the building. The proposed triple carport providing three parking spaces located immediately adjacent to the north of the host dwelling fronting the access track is not considered to result in any significant impact upon highway safety and adequate parking spaces are provided for the development.
- 6.29 The proposed temporary access would be in use during the conversion of the building and the current proposed development which is considered acceptable as it would avoid blockage and congestion to the access track and PROW.

7. CONCLUSION

- 7.01 For the reasons set out above the proposed development is acceptable in its visual impact and will not result in material harm to the rural and special landscape character of the area. The proposal will not result in any material loss of productive agricultural land while respecting the character and setting of the existing building and listed heritage.

8. RECOMMENDATION

- GRANT planning permission subject to the following conditions:
- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan, No. 18-11-21D received on 13 May 2021
Existing Site Layout, No. 18-11-22D received on 15 June 2021
Proposed Plans and Elevations, No. 18-11-24B received on 30 Mar 2021
Proposed Site Layout, No. 18-11-23E received on 15 June 2021
Reason: To clarify which plans have been approved.
- (3) The materials to be used in the development hereby approved shall be as indicated on the approved plans.
Reason: To ensure a satisfactory appearance to the development.
- (4) The temporary access hereby permitted shall be removed and the land upon which it is sited restored to its former condition prior to the first occupation of the dwelling permitted under application 20/501356/PNQCLA with the restoration carried out in accordance with an approved scheme of work that has previously been submitted to and approved in writing by the local planning authority.
Reason: To enable the local planning authority to review the special circumstances under which this permission is granted.
- (5) The development hereby approved shall not commence above slab level until details of a scheme for the enhancement of biodiversity on the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through at least one method integrated into the building structure by means such as swift bricks, bat tubes or bee bricks, and through the provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors. The development shall be implemented in accordance with the approved details prior to first occupation of the dwelling and all features shall be maintained thereafter.
Reason: To enhance the ecology and biodiversity on the site in the future and providing a net biodiversity gain .
- (6) A landscape and ecological management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped and open areas, shall be submitted to and approved in writing by the local planning authority prior to the first use of the approved building. Landscape and ecological management shall be carried out in accordance with the approved plan.
Reason: In the interests of biodiversity, landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development
- (7) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.
Reason: In the interests of amenity
- (8) The development hereby approved shall not commence above ground level until a landscape scheme designed in accordance with the principles of the Council's Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012) has been submitted to and approved in writing by the local planning authority. The scheme shall use all native species as appropriate, no sycamores and no plastic guards, and show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall also provide details of replacement planting to mitigate any loss of amenity and biodiversity value, and include a plant

24 June 2021

specification, implementation details, a maintenance schedule and a [5] year management plan. [The landscape scheme shall specifically detail the provision of soft landscaping to the front of the ragstone retention wall].

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

- (9) The approved landscaping scheme shall be in place at the end of the first planting and seeding season (October to February) following first use of the building hereby approved. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first use of the building, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme.

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

Reason: In the interest of amenity.

Case Officer: Michelle kwok

Agenda Item 15



Ordnance Survey - data derived from OS Premium

19/500769/EIOUT - Land South West Of London Road And West Of Castor Park, Beaver Road, Allington, Maidstone, Kent, ME16 0XU

Scale: 1:2500

REFERENCE NO - 19/500769/EIOUT			
APPLICATION PROPOSAL Outline application for a residential development 106 units comprising a mix of 1, 2, 3, 4 bedroom dwellings (including bungalows, houses and apartments), associated access and infrastructure (Access being sought).			
ADDRESS Land South West of London Road and West of Castor Park, Beaver Road, Allington.			
RECOMMENDATION – APPROVE WITH CONDITIONS			
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> The Council is only determining those parts of the application that fall within the Borough boundary being a short section of the access (which already exists) and a small corner of the site which is indicated as being 'natural green space' where existing trees would be retained and no physical development is proposed. The use of the proposed access through Castor Park and onto Beaver Road has been assessed by KCC Highways and no objections have been raised in terms of highway or pedestrian safety. There are no objections in terms of traffic impact subject to improvements to the Beaver Road/A20 junction which will be secured under the Tonbridge & Malling resolved planning permission. This is in accordance with policies SP23 and DM21 of the Local Plan. The small area of land indicated as being 'natural green space' would not cause any harm to the visual amenities of the local area in accordance with policies SP17 and DM1 of the Local Plan. 			
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none"> Councillor Robertson has requested the application is considered by the Planning Committee for the reasons set out in her comments. 			
WARD Allington	PARISH COUNCIL N/A	APPLICANT Clarendon Homes & Trustees of Andrew Cheale Estate AGENT Clarendon Homes	
DECISION DUE DATE: 11/06/21	PUBLICITY EXPIRY DATE: 10/05/21	SITE VISIT DATE: 30/04/21	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
TM/19/003 76/OAEA	Tonbridge & Malling Application - Outline Application: Permission for a residential scheme of up to 106 units, associated access and infrastructure.	T&MBC PLANNING COMMITTEE RESOLUTION TO APPROVE	28/01/21

1.0 BACKGROUND

1.01 This application was reported to Planning Committee on 27th May 2021 with a recommendation for approval. The original committee report is attached at **Appendix 1**. Members deferred a decision for the following reasons:

That consideration of this application be deferred to enable the Officers to:

- *Request the attendance of a representative of KCC Highways to answer Members' questions regarding the traffic impacts; and*
- *Draw up a list of potential informatives advising the applicant and Tonbridge and Malling Borough Council of the design and landscape safeguards that this Local Planning Authority would expect from the development; these to include an informative seeking to ensure that where possible green linkages, footways and cycle ways do connect across the Borough boundaries.*

1.02 KCC Highways have confirmed they are able to attend the meeting.

1.03 The following informative is recommended should Members approve the application:

Maidstone Borough Council strongly recommends that the following measures are considered and incorporated into the housing scheme at the reserved matters stage:

- Green ecological corridors through the development and around the site boundaries.
- Ecological enhancements including wildlife niches on buildings and to achieve biodiversity net gain.
- Waterbodies where feasible.
- Native landscaping and street trees.
- The creation of a distinctive character with high quality building designs and materials including the use of ragstone, and sensitive boundary treatments.
- Creating quality streets with active building frontages, landscaping, and a clear hierarchy.
- Renewable energy measures.
- Dedicated pedestrian and cycle routes which are direct, easy to navigate, overlooked and safe, and allow for potential future connections across the Borough boundaries.

2.0 REPRESENTATION

2.01 One neighbour representation has been received following the last committee which raises issues relating to traffic congestion, lack of infrastructure, air quality, and a lack of open space in the local area. These issues have been fully considered in the original committee report.

3.0 CONCLUSION

- 3.01 The Council is only determining those parts of the application that fall within the Borough boundary being a short section of the access and a small corner of the site which is shown as 'natural green space'.
- 3.02 The use of the proposed access through Castor Park and onto Beaver Road has been assessed by KCC Highways and no objections have been raised in terms of highway or pedestrian safety. There are no objections in terms of traffic impact subject to improvements to the Beaver Road/A20 junction which will be secured under the TMBC resolved planning permission. This is in accordance with policies SP23 and DM21 of the Local Plan.
- 3.03 Impacts upon air quality would be negligible in accordance with policy DM6 of the Local Plan and mitigation will be secured by TMBC.
- 3.04 The small area of land proposed for use as 'natural green space' would not cause any harm to the visual amenities of the local area in accordance with policies SP17 and DM1 of the Local Plan.

4.0 RECOMMENDATION

Grant planning permission subject to the conditions and informatives set out below:

Conditions:

Approved Plans

1. The development hereby approved within the Borough of Maidstone shall be carried out in accordance with the site location plan (drawing no. LE01).

Reason: To clarify which plans have been approved, to ensure a high-quality development, and to protect residential amenity.

Time Limit

2. The development hereby approved shall not commence until approval of the following reserved matters relating to the area of 'natural green' open space within the Borough of Maidstone have been obtained in writing from the local planning authority:

a) 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 either before the expiration of five years from the date of this permission, or before the expiration of two

years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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. No physical development shall take place within the area of 'natural green' open space within the Borough of Maidstone and the landscaping details submitted pursuant to condition 2 shall show retention of existing trees and vegetation here.

Reason: To protect the character and appearance of the local area.

Informative

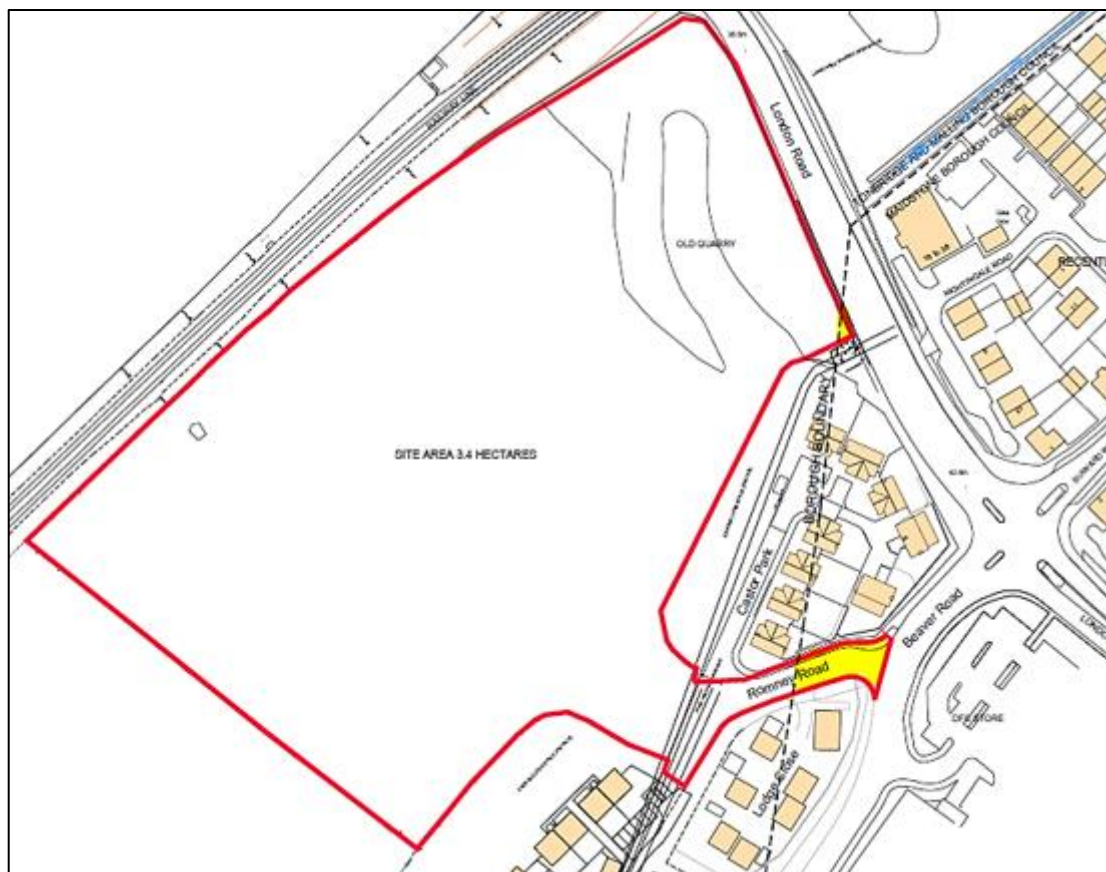
Maidstone Borough Council strongly recommends that the following measures are considered and incorporated into the housing scheme at the reserved matters stage:

- Green ecological corridors through the development and around the site boundaries.
- Ecological enhancements including wildlife niches on buildings and to achieve biodiversity net gain.
- Waterbodies where feasible.
- Native landscaping and street trees.
- The creation of a distinctive character with high quality building designs and materials including the use of ragstone, and sensitive boundary treatments.
- Creating quality streets with active building frontages, landscaping, and a clear hierarchy.
- Renewable energy measures.
- Dedicated pedestrian and cycle routes which are direct, easy to navigate, overlooked and safe, and allow for potential future connections across the Borough boundaries.

REFERENCE NO - 19/500769/EIOUT			
APPLICATION PROPOSAL Outline application for a residential development 106 units comprising a mix of 1, 2, 3, 4 bedroom dwellings (including bungalows, houses and apartments), associated access and infrastructure (Access being sought).			
ADDRESS Land South West of London Road and West of Castor Park, Beaver Road, Allington.			
RECOMMENDATION – APPROVE WITH CONDITIONS			
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> The Council is only determining those parts of the application that fall within the Borough boundary being a short section of the access (which already exists) and a small corner of the site which is indicated as being 'natural green space' where existing trees would be retained and no physical development is proposed. The use of the proposed access through Castor Park and onto Beaver Road has been assessed by KCC Highways and no objections have been raised in terms of highway or pedestrian safety. There are no objections in terms of traffic impact subject to improvements to the Beaver Road/A20 junction which will be secured under the Tonbridge & Malling resolved planning permission. This is in accordance with policies SP23 and DM21 of the Local Plan. The small area of land indicated as being 'natural green space' would not cause any harm to the visual amenities of the local area in accordance with policies SP17 and DM1 of the Local Plan. 			
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none"> Councillor Robertson has requested the application is considered by the Planning Committee for the reasons set out in her comments. 			
WARD Allington	PARISH COUNCIL N/A	APPLICANT Clarendon Homes & Trustees of Andrew Cheale Estate AGENT Clarendon Homes	
DECISION DUE DATE: 11/06/21	PUBLICITY EXPIRY DATE: 10/05/21	SITE VISIT DATE: 30/04/21	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
TM/19/003 76/OAEA	Tonbridge & Malling Application - Outline Application: Permission for a residential scheme of up to 106 units, associated access and infrastructure.	T&MBC PLANNING COMMITTEE RESOLUTION TO APPROVE	28/01/21

1.0 DESCRIPTION OF SITE

1.01 The site is to the west of, and accessed off, Beaver Road through 'Castor Park', in Allington. The site location plan below shows the site and the parts that fall within MBC highlighted in yellow.



1.02 As can be seen, the application site is mainly within Tonbridge & Malling Borough Council's (TMBC) jurisdiction but because part of the access and a small corner of the site falls within MBC, the applicant is required to make planning applications to both authorities. MBC can only consider the development which falls upon its land being part of the access and a small parcel that is proposed to be 'natural green space'. All the housing falls within TMBC.

1.03 TMBC resolved to approve permission for the proposed 106 houses within their part of the site at their Planning Committee in January 2021 and it is understood the legal agreement is currently being finalised before the decision will be issued. MBC officers have waited for TMBC to decide their application for the main development before making a decision on this application.

1.04 The main part of the site within TMBC forms part of a wider allocation in their draft local plan (draft policy LP28) for residential led development of approximately 1000 dwellings which also includes provision of a new primary school and associated improvements to local infrastructure. To the northwest of the site permission has already been approved by TMBC for up to 840

houses (Whitepost Field development) as part of this wider draft allocation. The part within MBC falls just outside the defined urban settlement boundary and so falls within the 'countryside' for policy purposes.

2.0 PROPOSAL

2.01 This is an outline application for 106 houses with only access being sought at this stage and all other matters reserved for future consideration.

2.02 Whilst permission must be sought for the whole development from MBC, it is reiterated that the Council can only consider those parts that fall within the Borough boundary. The access road already exists but because application sites must extend to the adopted highway (and the road is not adopted) it must be included in the application. However, no physical development or change of use of land is required. No physical development is proposed within the other small section of land but the use would technically change from agricultural/nil use to 'open space'.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP17, SP23, DM1, DM6, DM21
- Kent Waste and Minerals Plan (amended 2020)
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents:** 50 representations received raising the following (summarised) points:

- Increased traffic and congestion.
- Roads and junctions cannot cope with more traffic.
- Highway and pedestrian safety.
- Parking.
- Lack of infrastructure (schools, doctors, green spaces).
- Area cannot cope with more development.
- Pressure on Maidstone's infrastructure rather than TMBC.
- Too many houses.
- Traffic pollution.
- Traffic noise.
- Harm to area.
- Harm to wildlife.
- Loss of green space.
- Vandalism to historic pill box.
- Noise and disturbance during construction.
- Loss of privacy.
- Loss of views.
- Coalescence between Maidstone and Aylesford.
- Question the need for more houses.
- Surface water flooding.
- Should consider better active travel links.

- Could help support project Merlin.
- Opportunity for active travel routes and car journey reduction.

4.02 **'New Allington Action Group'** makes the following (summarised) points:

- Main impact will be in MBC and not TMBC.
- Increased traffic and congestion.
- Roads and junctions cannot cope with more traffic.
- Should be no left turn onto the A20.
- Further traffic analysis should be requested.
- The proposed splitter island does not accommodate the expected traffic flow.
- KCC Highways respond in a piecemeal fashion.
- MBC should require 'green corridor' as per TMBC approval.
- Lack of improvements to public transport.
- Lack of infrastructure (schools, doctors, green spaces).
- Air pollution.
- Lack of public consultation.
- Loss of green space.
- Loss of biodiversity.

4.03 **Councillor Robertson** requests the application is considered by the Planning Committee and states as follows:

"The proposal is contrary to Policy CP5 of Tonbridge and Malling Borough Council's adopted core strategy. The effect of the proposal on the adjoining Allington Ward and the wider area needs to be considered by Maidstone Borough Council."

4.04 **Former Councillor Lewins:** Raises objections for the following reasons:

- "1. Although this application is situated in Tonbridge and Malling, with access in Maidstone, the facilities used by any new residents would be in Allington which is already heavy developed."*
- 2. Allington is already at capacity, with no infrastructure in place, including a lack of Doctors Surgeries."*
- 3. Congestion on the roads, especially at peak times."*
- 4. Beaver Road access has taken a huge hit with over development these past few years. This area is already densely populated/over-crowded."*
- 5. Where is the strategic gap."*
- 6. There is a distinct lack of open space in Allington due to heavy development. Plans need to be made to refuse this application and retain what little we have remaining. By cooperating with Tonbridge and Malling, semi natural open spaces could be created incorporating the Blue and Green corridors for wildlife, reducing pollution and increasing the wellbeing of our existing resident's needs."*

5.0 CONSULTATIONS (relevant to MBC consideration of application)

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

5.01 Highways England: No objections.

5.02 KCC Highways: No objections subject to conditions securing signal mitigation for the A20/Beaver Road/Bunyard Way junction; CMP; Travel Plan; parking; and EV charging.

5.03 MBC Environmental Health: No objections re. air quality.

6.0 APPRAISAL

6.01 As stated earlier in the report, MBC can only consider the development within its boundary this being part of the access and small area of 'natural green space'. No development is required for the access but vehicles will use it and use roads/junctions within MBC so the suitability of the access, traffic and air quality impacts are considered.

Access/Traffic & Air Quality

6.02 The use of the access from Castor Park and onto Beaver Road has been assessed by KCC Highways and no objections have been raised in terms of highway or pedestrian safety.

6.03 In terms of traffic impacts, the development has been assessed using KCC's 'A20 Corridor Junction Assessment' report which has been agreed by KCC Highways. Improvements are proposed to the traffic light junction at Beaver Road with the A20. This will involve a splitter island being installed to provide a dedicated left turn lane from Beaver Road onto the west bound carriageway of the London Road, separating this from the other lane which will allow for forward and right turning traffic. The proposed changes have passed a safety audit and would suitably mitigate the impact of the development such that all arms of the junction would remain within capacity apart from the Beaver Road (ahead/right) arm which would be just over capacity (101%) in the PM peak. KCC Highways have raised no objection to the traffic impact subject to securing the junction improvement and I agree this is not a 'severe' impact at the junction. This will be secured under the TMBC planning permission via a planning condition with the improvements required prior to any occupation and so there is no need for MBC to secure this.

6.04 For other junctions in the wider area (Poppyfields Roundabout, Coldharbour Roundabout, A20/Hermitage Lane, A20/Castle Road) the applicant's Transport Assessment (TA) concludes that the development would not result in the roundabouts being over capacity subject to mitigation either secured via other development (Poppyfields) or being carried out by KCC (Coldharbour), or traffic would not have a significant impact (A20/Hermitage Lane and A20/Castle Road). For the Fountain Lane/A26 junction the applicant predicts that there would be a low number, if any, vehicle movements

through the junction. KCC Highways have advised that because of the low number of peak hour traffic movements and proximity to the Fountain Lane junction (approximately 2.5 miles away), that upon leaving the site, the impact will be diluted down once it reaches this junction, and so mitigation/financial contributions have not been requested which is reasonable. Overall, KCC Highways agree with the conclusions of the TA and raise no objections to any wider traffic impacts.

6.05 Highways England have raised no objections to the impact of traffic on the strategic highway network (Junction 5 of the M20).

6.06 TMBC will also secure a Travel Plan to promote car sharing and public transport use.

6.07 For the above reasons and subject to the mitigation that will be secured by TMBC, the access and traffic impact would be acceptable in accordance with policies SP23 and DM21 of the Local Plan.

6.08 An air quality assessment has been carried out which concludes that the development would have a negligible impact upon existing receptors in the locality (mainly along the A20 in MBC) which has been accepted by both MBC's and TMBC's Air Quality officers. TMBC will secure EV charging and a Construction Management Plan which would suitably mitigate any impacts upon air quality in MBC in accordance with policy DM6 of the Local Plan.

Area of 'Natural Green Space'

6.09 This is indicated as being an area of 'natural green space' with trees retained so no physical development is proposed but the use of the land would technically change from agricultural/nil us to open space. This proposed change would not result in any visual harm to the local area and so is in accordance with policies SP17 and DM1 of the Local Plan. Although a very small area within MBC, for completeness, a condition will be attached requiring the reserved matters landscaping details for this area, which would essentially be to retain existing vegetation.

Infrastructure

6.10 The pressure from future residents of the houses can only be considered by TMBC as all the housing falls within their Borough.

6.11 For information purposes, KCC have sought financial contributions towards the following:

- Primary education (new 2FE primary school to be constructed under the approved 'Whitepost Field' development to the west)
- Secondary education (Malling non-selective and Maidstone and Malling selective schools planning area),
- Adult education, libraries, social care (in TMBC), and youth services (local area).

6.12 The NHS CCG have sought financial contributions towards new GP premises for the Aylesford Medical Centre or refurbishment/extension of Bower Mount Medical Practice, Blackthorn Medical Centre and/or The Vine Medical Centre.

6.13 These contributions will all be secured via a legal agreement under the TMBC permission.

6.14 The Parks & Open Spaces section have identified pressure on the Jupiter Close play area nearby, seeking a financial contribution. Whilst MBC cannot secure an open space contribution as the housing is not on MBC land, the TMBC resolution includes a planning condition that requires '*amenity space, children's play areas and natural green spaces*' within the open space on site so there will be a play area which would serve new residents and suitably mitigate any off-site pressure.

Representations

6.15 The vast majority of issues raised relate to the proposed housing and matters that MBC cannot consider. Issues relating to access/traffic and air quality have been considered in the report.

7.0 CONCLUSION

7.01 The Council is only determining those parts of the application that fall within the Borough boundary being a short section of the access and a small corner of the site which is shown as 'natural green space'.

7.02 The use of the proposed access through Castor Park and onto Beaver Road has been assessed by KCC Highways and no objections have been raised in terms of highway or pedestrian safety. There are no objections in terms of traffic impact subject to improvements to the Beaver Road/A20 junction which will be secured under the TMBC resolved planning permission. This is in accordance with policies SP23 and DM21 of the Local Plan.

7.03 Impacts upon air quality would be negligible in accordance with policy DM6 of the Local Plan and mitigation will be secured by TMBC.

7.04 The small area of land proposed for use as 'natural green space' would not cause any harm to the visual amenities of the local area in accordance with policies SP17 and DM1 of the Local Plan.

8.0 RECOMMENDATION

Grant planning permission subject to the conditions set out below:

Conditions:

Approved Plans

1. The development hereby approved within the Borough of Maidstone shall be carried out in accordance with the site location plan (drawing no. LE01).

Reason: To clarify which plans have been approved, to ensure a high-quality development, and to protect residential amenity.

Time Limit

2. The development hereby approved shall not commence until approval of the following reserved matters relating to the area of 'natural green' open space within the Borough of Maidstone have been obtained in writing from the local planning authority:

- a) 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.

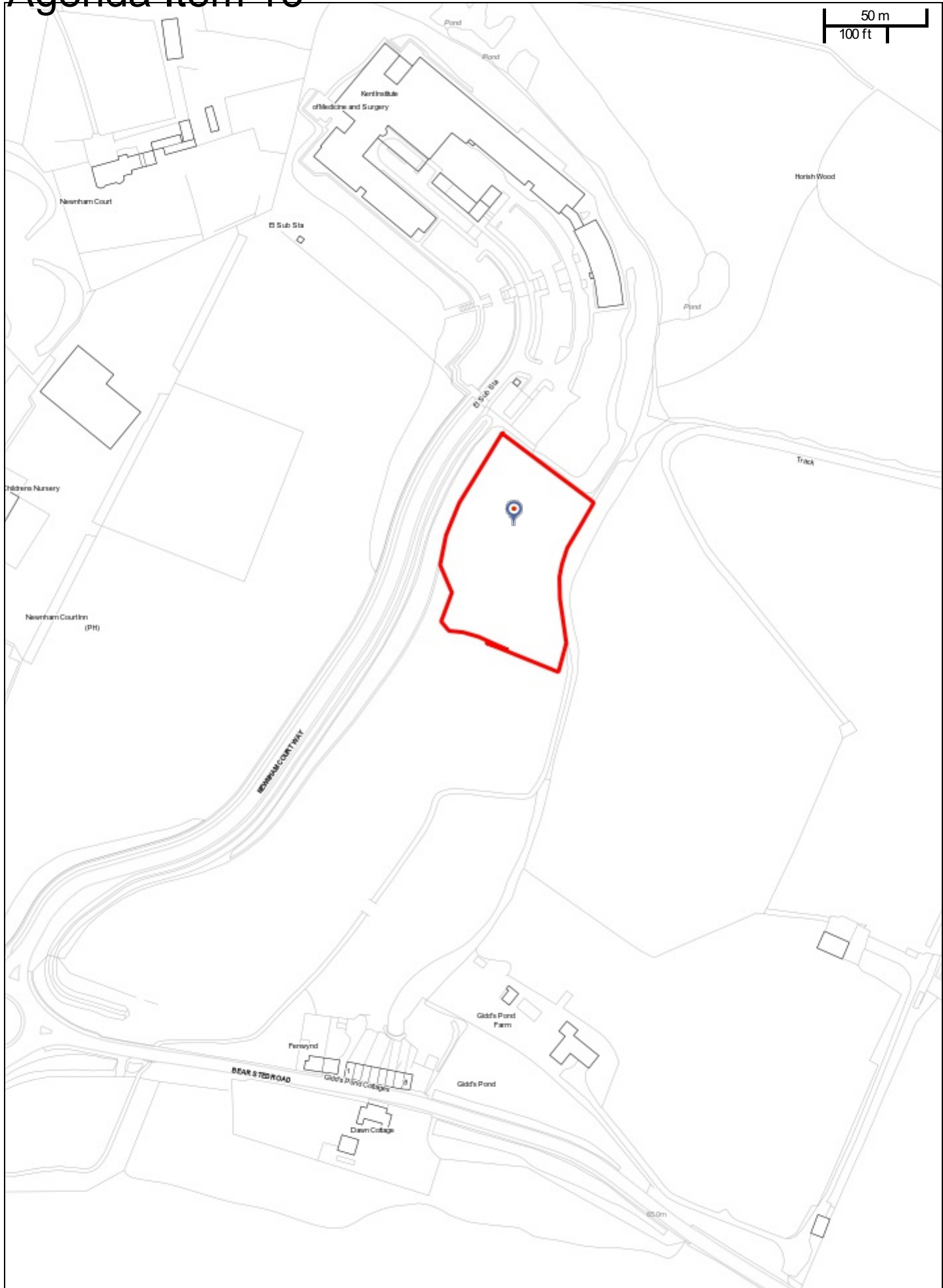
The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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. No physical development shall take place within the area of 'natural green' open space within the Borough of Maidstone and the landscaping details submitted pursuant to condition 2 shall show retention of existing trees and vegetation here.

Reason: To protect the character and appearance of the local area.

Agenda Item 16



21/501790/REM-Plot 3 Maidstone Innovation Centre Scale: 1:2500



REFERENCE NO - 21/501790/REM			
APPLICATION PROPOSAL Section 73 application for Minor Material Amendment to approved plans condition 1 and variation of condition 5 (changes to the landscaping, pedestrian access to building, and other changes) pursuant to 18/506658/REM (Reserved Matters for construction of proposed four storey Innovation Centre office building).			
ADDRESS Plot 3, Maidstone Innovation Centre, Newnham Court Way, Weaving, Maidstone, Kent, ME14 5FT			
RECOMMENDATION – APPROVE WITH CONDITIONS			
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> The proposed changes would still ensure a high-quality appearance and appropriate setting to the development in accordance with policy DM1 of the Local Plan, site policy RMX1(1), and the outline consent. 			
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none"> Maidstone Borough Council is the applicant. 			
WARD Boxley	PARISH COUNCIL Boxley	APPLICANT Maidstone Borough Council AGENT Bond Bryan Architects	
DECISION DUE DATE: 21/07/21	PUBLICITY EXPIRY DATE: 21/05/21	SITE VISIT DATE: 30/04/21	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
18/506658	Reserved Matters of appearance, landscaping, layout and scale pursuant to outline application 16/507292/OUT (outline application with access sought for development of medical campus) for construction of proposed four storey Innovation Centre office building (Class B1) and associated external works.	APPROVED	17/04/19
16/507292	Outline Application with access matters sought for development of medical campus comprising up to 92,379 m ² of additional floorspace; internal roads and car parks, including car park for residents of Gidds Pond Cottages; hard and soft landscaping including creation of a nature reserve (to renew existing consent 13/1163).	APPROVED	16/06/17
13/1163	Outline application for the development of a medical campus comprising up to	APPROVED	23/04/13

	98,000sqm of additional floor space; internal roads and car parks, including car park for residents of Gidds Pond Cottages; hard and soft landscaping including creation of new woodland area with access for consideration and all other matters reserved for future consideration.		
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1.0 DESCRIPTION OF SITE

1.01 The application relates to the approved 'Innovation Centre' at the Kent Medical Campus which is currently under construction. The site is to the south of the 'KIMs Hospital' car park on a corner plot between Newnham Court Way to the west and the main KMC spine road to the south (Gidds Pond Road), and there is a stream to the east.

1.02 The site has an area of approximately 0.5ha and is generally level. It is set down around 4m below Newnham Court Way and the same for much of the boundary with Gidds Pond Way to the south. The north boundary is partly defined by a 4m high retaining gabion wall to the KIMs car park. The Newnham Court Inn (public house) is a Grade II Listed building around 200m west of the site within the retail complex.

1.03 The site forms part of the 'Kent Medical Campus' which is allocated in the Local Plan under policy RMX1(1) in addition to the KIMs Hospital. The Local Plan describes KMC as providing "expanded hospital facilities and associated development to form a medical campus to create a specialist knowledge cluster" and "associated uses with related offices and research and development."

2.0 PROPOSAL

2.01 This is a section 73 application to vary/alter conditions 1 and 5 of the original permission to allow for the following summarised changes:

- Removal of the steps and ramp to the front entrance with a different pedestrian access to the building due to the presence of a service margin.
- Realignment of the gabion retaining wall to the front of the building.
- Reduction and changes to landscaping along the frontage due to the presence of the service margin.
- Extension of the pavement with tactile paving at the crossover by the vehicular access.
- Addition of a GRP sub-station with steel screen fencing and hedge planting with removal of 2 parking spaces to accommodate the sub-station.
- Increase in car charging points.
- Post & rail boundary fence along the west boundary and part of the front boundary.

2.02 Condition 1 lists the approved plans and condition 5 lists the approved soft landscaping plan. The change to these conditions is to list the proposed plans to reflect the changes outlined above.

2.03 The application is in part retrospective in that the realigned gabion walling is partly in place to retain the ground around the building which is under construction.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP1, SP18, SP21, RMX1, DM1, DM2, DM3, DM6, DM8, DM21, DM23
- Kent Waste and Minerals Plan (amended 2020)
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

4.0 LOCAL REPRESENTATIONS

4.01 **Boxley Parish Council: No objections.**

5.0 CONSULTATIONS

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

5.01 **KCC Highways: No objections subject to previous conditions.**

5.02 **KCC LLFA: No objections**

5.03 **KCC Ecology: No objections**

6.0 APPRAISAL

6.01 The assessment must focus on the proposed changes only which are set out below. There are a number of parameters under both the outline consent and site policy but these are not directly relevant to the proposed changes.

Changes to the Frontage

6.02 The changes to the front are due to there being an existing service margin around 2m wide at a relatively shallow depth which the agent says was not known at the time of submitting the original application. This runs on the inside of the existing pavement on the main road.

6.03 A comparison of the proposed and approved plans is shown below with the service margin highlighted in yellow alongside the pavement:

Proposed Frontage (with service margin highlighted in yellow)



Approved Frontage



Pedestrian Access

- 6.04 Due to the service margin the pedestrian access to the building is proposed to change with the removal of the approved steps and ramp (which would run over the service margin) to just having a straight path running from the vehicular access to the entrance of the building. The surface materials would be as before (block paving with stone). The proposals would result in less hard surfacing to the front of the building which would mark an improvement and the surface materials would still ensure a quality finish. Overall, these changes are considered to be acceptable. The existing pavement would be extended into the access with tactile paving at the crossover which would provide better pedestrian access and is acceptable.

Walling & Fencing

- 6.05 Gabion retaining walling would be proposed as before but this would be in a straight line following the proposed path as opposed to framing the previously approved ramps/steps. These changes are considered to be acceptable. The post and rail fence on the south side of the gabion wall, which continues along the west boundary, and which is proposed for safety reasons is acceptable and would not harm the appearance of the frontage. The refuse storage area (which is enclosed by ragstone walling) would be set slightly further back from the road which would also be acceptable.

Landscaping

- 6.06 The amount of landscaping would be reduced at the frontage by approximately 2m to the side of the previously approved ramp due to the presence of the service margin which can only be 'standard' grass. As approved, this would have provided natural grassland/wildflower meadow planting and behind this ornamental shrubs/hedging, together with 14 trees. Nine trees (lime/field maple and silver birch) are now proposed but native shrub planting will replace the grasses and ornamental shrubs/hedging, which is considered to provide more meaningful/robust planting and compensate for the reduction of 5 trees. It is considered that the landscaping provided along the frontage is still acceptable and as outlined above there is a reduction in hard surfacing overall.

Changes Within the Site and West Boundary

- 6.07 A sub-station is proposed behind the building which would be screened by a 2.4m steel woven fence with hedge planting around. The woven fence is of good quality and would ensure the sub-station would not harm the appearance of the development and the hedging would soften its impact. Two parking spaces would be lost but this would not lead to any highway safety issues. Two EV charging points were previously approved and now eight are proposed with three passive points which marks an improvement.

Listed Building

- 6.08 The changes would not result in any harm to the setting on the listed Newnham Court Inn.

Highways

6.09 The applicant has confirmed that the access has not changed nor have the internal roads and KCC Highways have raised no objections on this basis.

Conditions

6.10 As approval of this application creates a new planning permission for the whole development all previous conditions must be attached and reference is made to approved details where relevant.

7.0 CONCLUSION

7.01 For the above reasons the proposed changes would still ensure a high-quality appearance and appropriate setting to the development in accordance with policy DM1 of the Local Plan, site policy RMX1(1), and the outline consent.

8.0 RECOMMENDATION

Grant planning permission subject to the conditions set out below:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the following drawings:

Under application 18/506658/REM:

KMCIC-BBA-00-01-DR-A-2001-P06;
KMCIC-BBA-00-02-DR-A-2001-P06;
KMCIC-BBA-00-03-DR-A-2001-P06;
KMCIC-BBA-00-GF-DR-A-2001-P06;
KMCIC-BBA-00-RF-DR-A-2001-P06;
KMCIC-BBA-00-XX-DR-A-9106-P02;
KMCIC-BBA-00-ZZ-DR-A-3001-P07;
KMCIC-BBA-00-ZZ-DR-A-3002-P06;
KMCIC-BBA-00-ZZ-DR-A-4003-P02;
KMCIC-BBA-ZZ-ZZ-M3-A-1001-P03;
KMCIC-BBA-ZZ-ZZ-M3-A-1002-P02;

Under application 21/501790/REM

KMCIC-BBA-ZZ-ZZ-DR-L-1004-P07; Proposed Ground Floor Site Layout
KMCIC-BBA-ZZ-ZZ-DR-L-1005-P04; Proposed First floor Site Layout
KMCIC-BBA-ZZ-ZZ-DR-L-1005-P07; Proposed hard landscaping layout
RY1050-BBA-01-GF-DR-L-1004-P07; Proposed landscape layout
RY1050-BBA-ZZ-ZZ-DR-L-1006-P06; Proposed soft landscaping layout
RY1050-BBA-01-GF-SE-L-4001-P4 Site Sections Diagram

Reason: To clarify which plans have been approved.

2. The development shall be constructed using the materials approved under applications 20/501454/SUB and 20/501539/SUB.

Reason: To ensure a high-quality finish to the development.

3. The development shall not be occupied until the approved access has been fully implemented in accordance with drawing no. 1809041-01 RevA (within the Transport Statement under application 18/506658/REM), and the visibility splays shall be maintained free of obstruction above a height of 1m and maintained as such thereafter.

Reason: In the interests of highway safety.

4. The development shall not be occupied until updated landscape and ecological maintenance and management plans to reflect the amended landscaping scheme have been submitted to and approved in writing by the local planning authority. The approved plan(s) shall be implemented and thereafter carried out.

Reason: To ensure a high-quality appearance.

5. The development shall not be occupied until the precise planting and species details of the native shrub planting along the frontage and hedging around the substation have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented and thereafter maintained.

Reason: To ensure a high-quality appearance.

6. The development shall be carried out in accordance with the approved landscaping scheme as shown on drawing no. RY1050-BBA-ZZ-ZZ-DR-L-1006-P06.

Reason: To ensure a high-quality appearance.

7. The development shall be operated in accordance with the approved Travel Plan dated 21/12/18 under application 18/506658/REM unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of sustainable travel and air quality.

8. All rainwater goods shall be internal and any vents or flues shall be positioned behind the cladding of the building so as not to be exposed to public view unless agreed in writing with the Local Planning Authority.

Reason: To ensure a high-quality appearance.

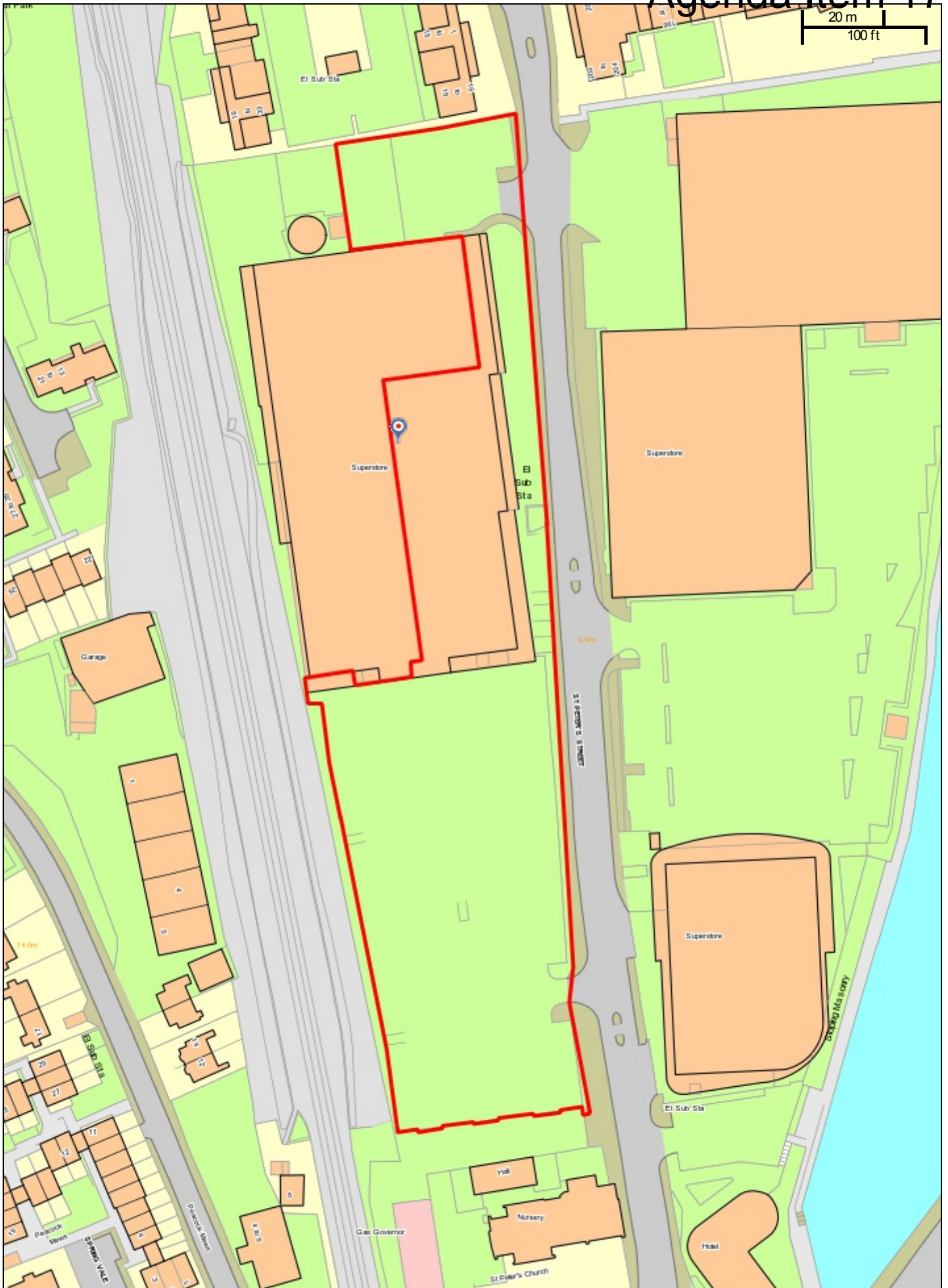
9. The development shall be carried out in accordance with the planting scheme, irrigation, and maintenance details for the 'green walling' as approved under application 20/501455/SUB and maintained thereafter. All planting specified in the approved details shall be carried out either before or in the first planting season (October to February) following the occupation of the building or the

completion of the development, whichever is the sooner; and any planting which fails to establish, or within five years from the first occupation of the building, dies or become so seriously damaged or diseased that its long term amenity value has been adversely affected, shall be replaced in the next planting season with plants of the same species and size as detailed in the approved planting scheme unless the local planning authority gives written consent to any variation.

Reason: To ensure a high-quality appearance.

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

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



21/500866/FULL Wickes, St Peters Street, Maidstone, Kent, ME16 0SN

Scale: 1:1250

Printed on: 9/6/2021 at 15:49 PM by JoannaW

REPORT SUMMARY

REFERENCE NO - 21/500866/FULL		
APPLICATION PROPOSAL <p>Application for use of part of the existing Wickes retail unit to provide a Class E (formerly A1) foodstore retailing convenience and comparison goods, together with external alterations, the removal of the existing entrance lobby and installation of a new entrance pod and replacement glazing to shopfront as well as alterations to the existing delivery bay, reconfiguration of the customer car park to provide trolley storage, covered cycle parking, and car parking for disabled and parents with children.</p>		
ADDRESS Wickes St Peters Street Maidstone ME16 0SN		
RECOMMENDATION – APPROVE SUBJECT TO CONDITIONS		
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> There is no harm caused by the development, or conflict with the Development Plan. 		
REASON FOR REFERRAL TO COMMITTEE – Application called in by Councillor Purle due to concern with the potential future residential redevelopment of Broadway Shopping Centre and St Peter’s Street and these being a matter of significant interest to local residents.		
WARD Bridge	PARISH/TOWN COUNCIL	APPLICANT Lidl Great Britain Ltd AGENT RPS Consulting Services Ltd
DECISION DUE DATE 16/06/21	PUBLICITY EXPIRY DATE 24/05/21	OFFICER SITE VISIT DATE 31/03/21

RELEVANT PLANNING HISTORY

03/1035 - Demolition of existing buildings and erection of retail warehouse unit with associated parking, landscaping and access – Approved – 12/12/2003

21/500867/FULL - External alterations to part of the existing Wickes Extra retail unit, works to include the creation of a new shopfront and replacement plant to the rear – Pending Decision

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is located off St Peter’s Street within the town centre boundary, 190m to the west of the Maidstone town centre primary shopping area, on the opposite side of the River Medway. It is currently occupied by a Wickes Extra store and its associated customer car parking area. Access to the site (customer and deliveries) comes directly from St Peter’s Street albeit from two separate access points.

- 1.02 Condition 6 of planning permission MA/03/1035 of the existing store limits the range of goods that can be sold from the store and states:

The use of the retail floorspace hereby approved shall be restricted to the sale to visiting members of the public of bulky goods only and for no other purpose, including any other use within Class A1 of the Town and Country Planning (Use Classes) Order 1987. Bulky good shall comprise, for the purposes of this condition, the following only:-

- *Building, DIY and garden products and plants.*
- *Pets and pet supplies.*
- *Furniture, carpets, floorcovering and household furnishing.*
- *Large 'white'/brown' domestic appliances (including computers and gas products with ancillary smaller goods only.*
- *Automotive goods, bicycles and spare parts.*
- *Office furniture and large equipment/appliances with ancillary smaller office supplies only.*
- *Caravans, tents, camping and boating equipment only (not including sports equipment and clothing).*

Reason: In the interest of preserving the economic vitality and viability of Maidstone town centre in accordance with Policies R1, R2 and R3 of the Maidstone Borough-Wide Local Plan 2000.

- 1.03 The site is bounded to the east by St Peter's Wharf Retail Park which contains a number of other large retail units. The River Medway lies beyond the retail units. To the north, the site is bounded by flatted residential accommodation at Pevensey Court and St Peters nursery school (Grade II Listed) is located to the south. To the west the of the site on the other side of the existing landscaping that bounds the railway line lies St Anne Court and other residential and commercial units on Buckland Road.

2.0 PROPOSAL

- 2.01 Lidl plan to occupy part of the existing Wickes store, allowing them to vacate their existing unit at the Broadway Centre. Wickes will remain in the building with a reduced floor area. This application therefore seeks permission for external alterations to part of the existing Wickes Extra retail unit, including the removal of the existing entrance lobby and installation of a new entrance and replacement glazing to shopfront. The application also seeks permission to expand the range of goods within that part to be occupied by Lidl to a Class E (formerly A1) foodstore retailing convenience and comparison goods, and also includes alterations to the existing delivery bay; reconfiguration of the customer car park to provide trolley storage; covered cycle parking; and car parking for disabled drivers and parents with children.
- 2.02 The proposed Lidl store (Unit B) will have a 2,070 sqm gross internal area (GIA) comprising a net sales area of 1,250 sqm plus warehouse and ancillary floor space including staff welfare facilities, offices and toilets. The remaining floorspace

(3,458sqm GIA) will be retained by Wickes and an application for external alterations to the remainder of the retail unit (Unit A) is being considered under application reference 21/500867/FULL.

- 2.03 The existing pedestrian / vehicular access arrangements to the site from St. Peter's Street will be retained. In terms of car parking, a total of 186 spaces will be provided onsite to serve both units and this is a loss of 4 parking spaces compared to the existing car park layout.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP1, SP4, SP21, SP23, DM1, DM3, DM4, DM6, DM8, DM16, DM21, DM23
- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- MBC Air Quality Planning Guidance (2018)
- Maidstone Riverside Planning Guidelines – January 2020
- Kent County Council Minerals and Waste Local Plan 2013-2030

4.0 LOCAL REPRESENTATIONS

- 4.01 Cllr Purle: Makes the following (summarised) comments:

- The loss of Lidl from Broadway Shopping Centre could result in redevelopment of this site to high density residential and large amounts of traffic;
- Redevelopment of Broadway Shopping Centre could result in worsening air quality;
- At odds with Maidstone Riverside Guidance that anticipates a lower density form of development; and
- Infrastructure should be in place before the redevelopment of Broadway Shopping Centre.

- 4.02 One resident comment neither objection nor supporting, but wishes to see safe pedestrian access to the store.

5.0 CONSULTATIONS

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

- 5.01 KCC Highways – No objection subject to conditions and travel plan monitoring contribution
- 5.02 MBC Environmental Health – No objection subject to conditions
- 5.03 Kent Police – Recommend that Secured by Design (SBD) Commercial 2015 and British Parking Safer Parking Scheme (SPS) be adopted for this planning application
- 5.04 KCC Minerals and Waste – No comments

- 5.05 Southern Water – Requires a formal application to connection to the public sewer
- 5.06 KCC Drainage – No objection
- 5.07 Environment Agency – Refer to Standing Advice
- 5.08 MBC Conservation Officer – No objection
- 5.09 Health and Safety Executive – Advise against as the development would for indoor use by the public above 500m² and is in an Inner Zone of a major hazard site (Transco PLC)
- 5.10 MBC Economic Development (Verbal Comments) – Confirmed the Royal Mail Sorting Office allocation as not suitable or available in the required timeframe

6.0 APPRAISAL

- 6.1 The main issues for this application are considered to be as follows:

- Principle of development
- Highways
- Design and Appearance
- Residential Amenity

Principle of Development

- 6.02 Policy DM16 states that proposals such as this development should be located in an existing retail centre (Maidstone town centre or other retail centres) unless by means of a sequential approach it can be demonstrated that it cannot be accommodated here, and secondly that it cannot be accommodated at an 'edge of centre' site. Only then can an alternative 'out of centre' location be considered, which should be accessible by public transport. This follows paragraph 86 of the NPPF which states that Local Planning Authorities should apply a sequential test to planning applications that are not in an existing centre and are not in accordance with an up-to date Local Plan.
- 6.03 Whilst the site is located within the town centre boundary, it is located outside of the primary and secondary retail frontages and is therefore considered to be located as an edge of centre location.
- 6.04 National Planning Policy Guidance (NPPG) provides a checklist that sets out considerations that should be taken into account in determining whether a proposal complies with the sequential test, as follows:
- With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre.

- Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
 - If there are no suitable sequentially preferable locations, the sequential test is passed.
- 6.05 In terms of assessing alternative sites, the applicant has undertaken a search of suitable sites within the Primary Shopping Areas. The only potential site identified is:
- The Mall – adjacent to Iceland and KC Rock & Sons on the ground floor
- 6.06 In terms of The Mall, the available unit extends to only 1,400 m² gross, although there is a further 1,000m² available at the basement level. However, the applicant considers that this unit is not suitable as the service access is via a delivery bay at basement level from which goods must then be wheeled through into the building to a delivery lift, which would then take them up to the store on the lower level. They point out that trading on multi levels in such centres is difficult, which would require a movement away from standardised concept store model and utilising floorspace that is not designed with 'deep discount' in mind. This invariably means that the efficiencies and cost savings that come with a standardised store model are not able to be realised, and therefore such stores must achieve significantly increased turnover to account for increased operating costs. Whilst the NPPF advises that flexibility should be applied by retailers where possible, it is accepted that The Mall unit would compromise the applicant's business model.
- 6.07 In the absence of any suitable and available sites within the defined primary shopping area, the next preference is for sites on the edge of the centre, which means land that is well connected to, and up to 300m from, the primary shopping area. The following sites were investigated due to their size and if they were available to occupy:
- Maidstone East and the Former Royal Mail Sorting Office
 - King Street Car Park and former AMF Bowling Site
 - Powerhub site
- 6.08 King Street Car Park is a retail allocation in the Local Plan for up to 1,400m² but with part of the site having been redeveloped for housing, it is not large enough for the development proposed. Nor is the site available. Maidstone East is the Council's primary retail allocation allowing for up to 10,000m² comparison and convenience retail. Whilst in principle the site would be suitable, MBC (who joint own a significant part of the site) have confirmed that the likelihood of the site being available is beyond the time period for when Lidl have targeted their new store to be open. On this basis, it is not considered to be available site at this time or deliverable within a reasonable timeframe.

- 6.09 The 'Powerhub building and Baltic Wharf' is also allocated for retail in the Local Plan and was previously granted permission for a food store. However, in response to the identification of the site as an opportunity site, the site's owners are bringing forward alternative proposals and as such the site is not available.
- 6.10 Therefore, for the above reasons it is considered that the sequential test has been met showing that the proposal could not be accommodated on a site within the town centre or on an allocated site on the town centre edge in accordance with policy DM16.
- 6.11 Policy DM16, criterion 1. ii. requires the submission of an impact assessment where the proposed floorspace is in excess of 2,500m². The proposed Lidl store would have a floorspace of 2,070m² and a retail impact assessment is not considered necessary.
- 6.12 Opportunity site Planning Guidance has been produced for the Riverside and has been adopted as material planning consideration by the Council. The purpose of this document is to encourage, promote and facilitate the redevelopment of sites along St Peter's Street on the western side of the river. The application site is shown as site 4 with the redevelopment of the site anticipated for longer term of 10+ years. It is not considered that the granting of permission for part of the existing building to be used for convenience and comparison retail would preclude the longer term redevelopment of the site for residential-led mixed-use in future.

Highways

- 6.13 Policy DM21 (Transport impacts of development) requires proposals to demonstrate that the impacts of trips generated are accommodated, remedied or mitigated to prevent residual impacts. A transport note has been provided by the applicant which considers the worst-case scenario that the existing Lidl store within the nearby Broadway Shopping Centre is taken up by another supermarket.
- 6.14 In terms of impact, the most significant transport impact is considered to be the junction of the A20/Buckland Hill which is predicted to operate over capacity in the PM peak with or without the impacts of this proposal. Trips generated by these proposals would worsen the situation at this already congested junction, however it is noted that this worsening is relatively minimal in the context of the current conditions and therefore the impacts would not be substantially adverse. A similar reduction in capacity is experienced between the AM peak scenarios, again the junction is already expected to operate over capacity in the AM peak without the development impacts and therefore the resultant increase in queueing is proportionately less, at an approximate uplift from 24 to 35 vehicles.
- 6.15 In addition, the proposal is expected to result in potential impacts on the A20/St. Peter's Street junction, however the actual increase is considered to be relatively modest in the context of the existing level of movements through these junctions on a daily basis. In terms of mitigation and potential financial contribution towards a planned scheme of mitigation, KCC Highways state that there are no suitable planned highway capacity or sustainable transport measures at present, so a contribution is not an option at this time. The most appropriate course of action is

considered by KCC Highways to be a reduction in the motor vehicle trip generation to the site. This would be achieved through support for sustainable and active travel modes and through a monitored Travel Plan and infrastructure on site.

- 6.16 In terms of sustainable travel, the site is within walking distance of the town centre, several bus routes and Maidstone Barracks and West train stations. It is also within walking distance of nearby residential areas. Sustainable transport measures, such as cycle parking, EV charging and a Travel Plan can be secured by condition. KCC Highways have requested £5,000 towards a Travel Plan monitoring fee, however MBC officers do not consider this contribution to be a necessary pre-requisite to granting planning permission as the draft Travel Plan includes the appointment of a Travel Plan Coordinator who would record and address any pertinent information to be considered with submission of a monitoring report to MBC and KCC Highways.
- 6.17 In terms of the site access, the existing access junctions to this site are not proposed to be changed as part of this proposal. The level of traffic movements through these junctions is expected to increase as a result of the proposals, however the types of vehicles utilising the accesses is not expected to change. It is considered by KCC Highways that the site accesses have a good safety record and no objection is raised to the site access.
- 6.18 Kent Highways have assessed the access and impact of traffic upon the local highway network and raise no objection in terms of capacity or safety. For the above reasons the proposals are considered to comply with policies SP23, DM16, DM21 and DM23 of the Local Plan.

Design and Appearance

- 6.19 In respect of design, Local Plan policy DM1 (principles of good design) states that proposals should provide a high quality design which responds to areas of heritage, townscape and landscape value or which uplift an area of poor environmental quality.
- 6.20 The applicant is proposing modest external alterations to modernise the appearance of the building with the following main elements: -
- New glazing on the front elevation of the store
 - New delivery doors to be colour grey
 - Doors to be blocked up with new roller shutter doors colour grey
 - Rendered panels, roof cladding, cladding and soffits to be cleaned and painted.
- 6.21 The proposed alterations are complementary to the overall style and design of the existing building and respect and respond positively to the existing building's streetscape and wider context. The application building is prominent within local views to the south and East along St Peter's Street and it is considered that the proposed external alterations are of a suitable quality and design that would not cause harm to the local area and is considered to be in accordance with policy DM1 of the Local Plan.

Residential Amenity

- 6.22 The application site is an existing retail store and is not considered that the use of part of the store for convenience and comparison retail, or the external alterations would give rise to harm to residential amenity. The existing parking area and store entrance are located on the southern elevation of the building with the closest residential properties to the north across the railway and as such no condition is recommended to restrict the hours of opening for the store. In terms of the service yard, this is located adjacent to residential properties on the northern part of the site and a condition is recommended restricting delivery times to safeguard the enjoyment of their properties by nearby residential occupiers.

Other Matters

Plant

- 6.23 In terms of visual impact, it would be set back from the public highway and would not significantly impact on the street scene. The plant area would sit neatly on the northern elevation of the building within the existing delivery area and screening is proposed in the form of fencing. This type of development is typically found on commercial buildings. It is not considered that the proposal would result in a harmful detrimental impact to the character and appearance of the surrounding area.
- 6.24 Regarding residential amenity, the closest residential properties are located 31m to the north of the proposed plant. The Council's Environmental Health Team has been consulted and has no objection to the location, or details of the plant to serve the store.

Heritage

- 6.25 The closest listed buildings are the Church of St Peter and 6-8 Buckland Road both of which are Grade II listed and are located 130m from the existing building. The Conservation Officer has been consulted and considers that the proposed alterations to the existing building are minor and would not impact harmfully on nearby listed buildings, principally because the setting no longer has a relevance to the to the history and architectural important of either building. No objection is raised on heritage grounds and the proposal is considered to be in accordance with policy DM4 of the Local Plan.

Minerals and Waste

- 6.26 The application site is located in an area with a safeguarded mineral deposit. However, the application site is within the built confines of Maidstone and is thus exempt from land-won mineral considerations. The site is not within 250 metres of any safeguarded mineral or waste facility. No objection is raised by KCC Minerals and Waste Team.

Ecology and Renewables

- 6.27 The NPPF encourages net gains for biodiversity to be sought through planning decisions. The applicant has agreed to provide biodiversity enhancement measures as part of the development and these details will be secured by planning condition.
- 6.28 In terms of renewables, the building already has a large number of solar panels in place with a capacity of 200kW which was approved under application reference 15/510054/PN14J. The applicant has confirmed that these PV panels are to remain.

Broadway Shopping Centre

- 6.29 The Ward Councillor has expressed concern that should Lidl vacate the Broadway Shopping Centre site this would allow the redevelopment of the Broadway site to residential development which would significantly increase traffic, worsening air pollution and impacts on local infrastructure. It should be noted that this current application is to allow the use of the existing Wickes store for convenience and comparison retail only and any application for the redevelopment of the Broadway Shopping Centre would be subject to a separate planning application and consideration at that time and is not for consideration under this application.

Flood Risk

- 6.30 The majority of the site, including the store is located within Flood Zone 1, with a small section of the delivery area in the north eastern corner located within Flood Zone 2. The building is an existing retail store and is classed as less vulnerable development which is appropriate in Flood Zone 2. The EA and KCC Drainage have no comment on this application. No objection is raised on flood risk grounds.

Health and Safety Executive (HSE)

- 6.31 The HSE advise against the proposal as the development would be for indoor use by the public with a floorspace in excess of 500m² and the site is located in an Inner Zone of a major hazard site (Transco PLC). Should Planning Committee resolve to grant planning permission the Council will be required to give HSE 21 days from the notice to consider requesting the Secretary of State calling in the application to be determined.

PUBLIC SECTOR EQUALITY DUTY

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

7.0 Conclusion

- 7.1 Whilst the Local Plan seeks to direct such uses towards the town centre, policy DM16 can allow for edge of town proposals where the policy criteria are met. The sequential test has been met showing that the proposal could not be accommodated on a site within the town centre, or any other preferred edge of

centre site. The site has good accessibility by public transport and good pedestrian links to the town centre.

- 7.2 It is considered the proposals are in accordance with the relevant policies of the Development Plan and permission is recommended subject to the following conditions.

8.0 RECOMMENDATION

GRANT planning permission subject to the following conditions:

Conditions

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

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

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

AD101 – Site Location Plan
AD110 – Proposed Site Plan
AD112 – Proposed Ground Floor Plan
AD114 – Existing and Proposed Roof Plan
AD116 – Proposed Elevations
AD120 – Proposed Site Plan Boundary Treatments
AD121 – Proposed Site Plan Surface Treatment
Lidl Plant Details – Received 09/03/2021
Plant Details – Received 15/03/2021
Car Park Lighting Details – Received 17/02/2021

Reason: To ensure a high quality development and to clarify which plans have been approved.

3. The retail building hereby permitted shall not be occupied until details for the provision of 4 publicly accessible electric vehicle charging spaces have been submitted to and approved in writing by the Local Planning Authority. The approved charging points shall be provided and fully available for use prior to the occupation/operation of the retail store and shall thereafter be retained for that purpose.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles.

4. The retail building hereby permitted shall not be occupied until details of the trolley bays have been submitted to and approved in writing by the local planning

authority. The development shall thereafter be carried out in accordance with the subsequently approved details.

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

5. Prior to the final completion of the works hereby permitted, details for a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity by means such as bird boxes, bee bricks and bat boxes. The ecological enhancements shall be installed prior to the occupation/operation of the retail store and shall thereafter be retained for that purpose.

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

6. The retail building hereby permitted shall not be occupied until details of cycle parking for 15 bicycles have been submitted to and approved in writing by the Local Planning Authority. The bicycle parking should be located in close proximity to the store entrance, lit, should provide weather protection and separated from parking vehicles with a good off street location. The approved cycle parking shall be provided and fully available for use prior to the occupation/operation of the retail store and shall thereafter be retained for that purpose.

Reason: In the interests of sustainable travel and to provide secure cycle storage

7. The use hereby permitted shall not be commence until a final Travel Plan in accordance with the Planning Practice Guidance and following the principles of the submitted draft Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be thereafter implemented and maintained.

Reason: In the interest of sustainable transport.

8. The development shall not exceed:
 - (a) 2,070 square metres gross internal area;
 - (b) 1,250 square metres net internal retail area, of which:
 - (i) no more than 1,000 square metres net shall be used for the sale of convenience goods; and
 - (ii) no more than 250 square metres net shall be used for the sale of comparison goods.

Reason: To accord with the terms of the retail impact assessment and to safeguard the primary function of Maidstone Town Centre and local centres.

9. The building or land shall be used for E(a) retail use only and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes)(Amendment)(England) Regulations 2020 or permitted under the provisions of the Town and Country Planning (General Permitted

Development) (England) Order 2015 or any statutory instrument revoking and re-enacting those Orders with or without modification);

Reason: To clarify the permitted use and to safeguard the primary function of Maidstone Town Centre and local centres.

10. 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 7, Class A to that Order shall be carried out without the permission of the local planning authority;

Reason: To accord with the terms of the retail impact assessment and to safeguard the primary function of Maidstone Town Centre and local centres.

11. No additional floorspace shall be created through the use of mezzanines or otherwise.

Reason: To safeguard the primary function of Maidstone Town Centre and local centres.

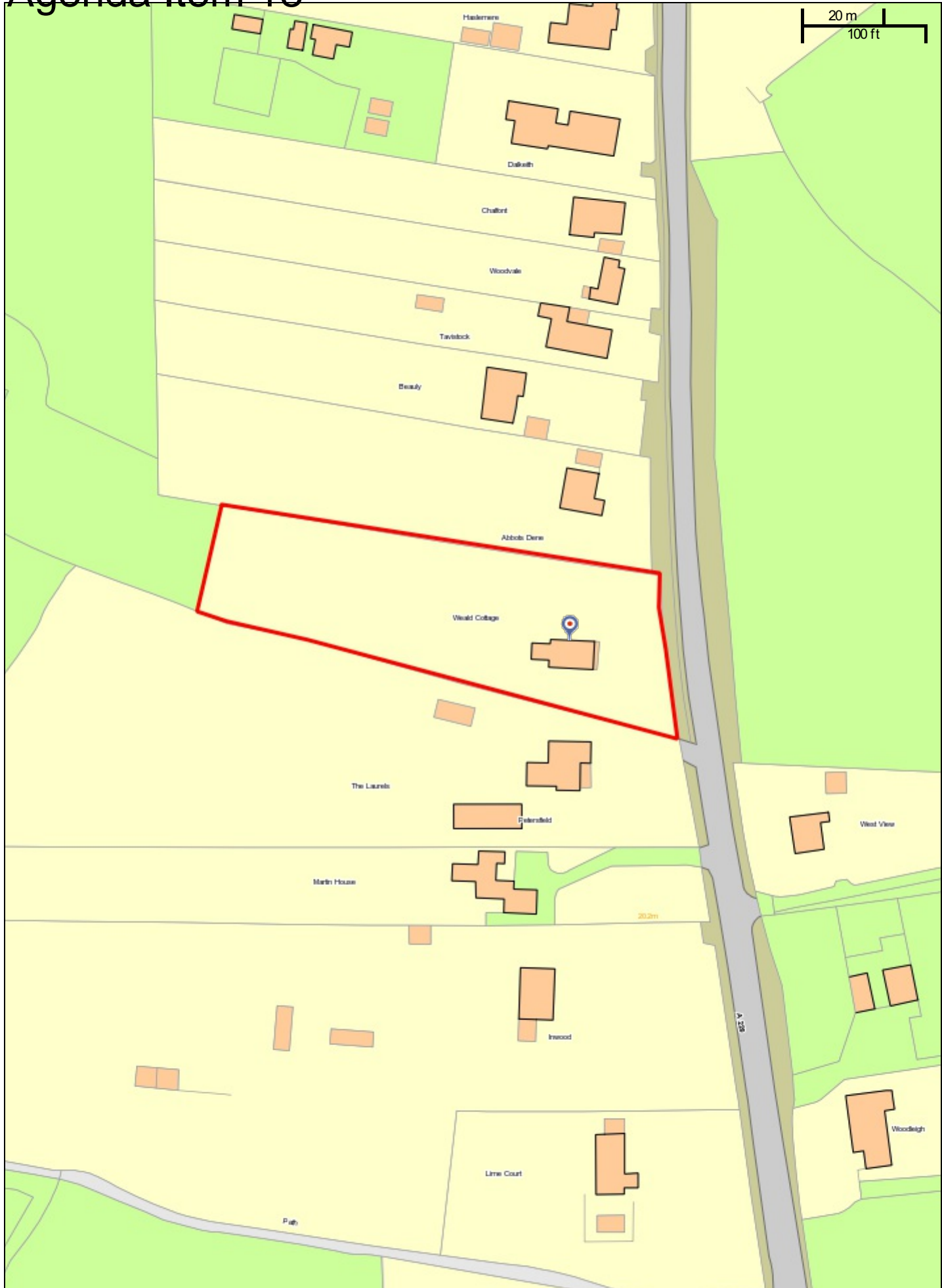
12. Deliveries shall only take place or be accepted at the store within the following times: 06:00 to 21:00 Monday to Saturday or between 09:00 and 17:00 on Sundays/Bank/Public Holidays.

Reason: To safeguard the enjoyment of their properties by nearby residential occupiers.

Case Officer: Adam Reynolds

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 18



21/502845/FULL Weald Cottage, Maidstone Road, Staplehurst, Tonbridge, Kent TN12 0RE

Scale: 1:1250

Printed on: 9/6/2021 at 15:54 PM by JoannaW

REPORT SUMMARY

REFERENCE NO - 21/502845/FULL		
APPLICATION PROPOSAL Erection of a detached garage with office above (Resubmission of 21/501603/FULL).		
ADDRESS Weald Cottage Maidstone Road Staplehurst Tonbridge Kent TN12 0RE		
RECOMMENDATION : Refuse for reason set out in Section 8.0		
SUMMARY OF REASONS FOR REFUSAL <p>Taking all of the below into account, it is concluded that the proposal does not comply with Development Plan Policy, the aims of the Council's adopted residential extensions guidelines and Central Government Guidance, and that there are no overriding material considerations to justify approval that outweigh the harm identified above, such that the proposed garage with office above would fail to respect the host dwelling, would be incongruous in the pattern of development along Maidstone Road, and would appear obtrusive and harmful to the character of the rural surroundings</p>		
REASON FOR REFERRAL TO COMMITTEE <p>The application has been called in by Councillor Perry on the grounds that there are no objections and it is a local business, which should be supported.</p>		
WARD Staplehurst	PARISH/TOWN COUNCIL Staplehurst	APPLICANT Mr C Birkby AGENT Richardson Architectural Designs
DECISION DUE DATE 16/07/21	PUBLICITY EXPIRY DATE 30/06/21	OFFICER SITE VISIT DATE 9/6/21
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): <p>21/501603/FULL - Erection of a detached garage with office above and external staircase. – REFUSED</p> <p>Reason for refusal : By reason of its excessive footprint, height and bulk, and its position forward of and at right angles to the front building line of Weald Cottage, the proposed outbuilding would fail to respect the host dwelling, would be incongruous in the pattern of development along Maidstone Road, and would appear obtrusive and harmful to the character of the rural surroundings. To permit the proposal would therefore be contrary to Policies SP17, DM1, DM30 and DM32 of the Maidstone Borough Local Plan 2017, the Council's adopted residential extensions SPD, in particular paragraphs 5.28, 5.29, 5.30, 5.31 and 5.32, and the central government planning policy contained in The National Planning Policy Framework (February 2019).</p> <p>MA/07/0554 – Detached garage – REFUSED</p> <p>Reason for refusal: The proposed building, by virtue of its scale, cannot be considered to be modest and would be visually incongruous in the countryside and overwhelm Weald Cottage causing unacceptable harm to its character and appearance, contrary to policies ENV28 and H33 of the Maidstone Borough-Wide Local Plan 2000 and policies EN1, QL1 and HP5 of the Kent and Medway Structure Plan 2006."</p>		

MA/06/1591 - Demolition of garage, outbuildings and pool store and erection of new garage, store and pool house – REFUSED

Reason for refusal: The proposed additional garage, by virtue of its positioning in front of the existing property would result in a development that would be incongruous in a consistent pattern of development in the countryside and would be detrimental to the setting of Weald Cottage. The proposal is therefore contrary to policy H33 of the Maidstone Borough Wide Local Plan 2000 and policy QL1 of the Kent and Medway Structure Plan 2006.

MA/01/0048 – Two-storey side extension and two front dormers - APPROVED

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 This application relates to a domestic property within a ribbon of residential development on the west side of the A229, Maidstone Road, on the northern approach to Staplehurst. For planning purposes it is classed as countryside. It is also identified as having the potential for discovery of archaeological remains.

2.0 PROPOSAL

- 2.01 Planning permission is sought for the erection of a detached outbuilding with four enclosed parking bays on the ground floor, an external staircase, and a home office on the first floor. It would be positioned in the north-east corner of the site, backing onto the boundary with Abbotsdene to the north and just inside the front boundary hedge. This means that it would be forward of the front building line of Weald Cottage and at right-angles to it.
- 2.02 The building would have a footprint of approximately 12m x 5.6m, would stand 2.9m to the underside of the eaves and 5.7m to the ridge of the gabled roof. The front roof slope would feature four roof lights, plus there would be a large, three-light window in the gable-end facing the road and a glazed door at the other end leading onto the external staircase. Proposed materials are white hardieplank cladding and a tiled roof, both, it is stated, to match the existing house.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017: SP17, DM1, DM3, DM23, DM30, DM32
Staplehurst Neighbourhood Plan (2016): Policy PW2
Supplementary Planning Documents: Maidstone Local Development Framework,
Residential Extensions Supplementary Planning Document (adopted May 2009)

4.0 LOCAL REPRESENTATIONS

A site notice was put up at the site on 9th June 2021, the consultation period is due to expire on 30th June 2021. Adjoining neighbours have been consulted with the consultation period expiring on 22nd June 2021. Both these dates expire after the publication of this report and the site notice expires after the Committee date. However it is not considered that this prejudices the Committee in their decision making and a consultation period for a very similar scheme expired on 13th May 2021, and as such those comments are included below for information :

- The occupier of Abbotsdene (to the north) wrote in support of the application, stating that the garage would have no detrimental effect on that property.

Any updates on representation received will be given to Members in the urgent updates or at the meeting.

5.0 CONSULTATIONS

5.01 Staplehurst Parish Council

Following consultation with Councillors, the Clerk, under delegated powers, recommends the application be REFUSED on the following grounds; the development would be contrary to policies SP17, DM1, DM30, and DM32 of the Maidstone Local Plan. It is also contrary to paragraphs 5.28, 5.29, 5.30, 5.31 and 5.32 in the section on Garages and Outbuildings in the Residential Extensions Supplementary Planning Document. It is also disappointing to note that the applicant has already removed much of the hedge and trees shielding the site from the road, resulting in the development site being obtrusive from the road and impacting on the street scene.

- 5.02 KCC Archaeology : No comments received (it should be noted no comments were received on the recently refused application)

6.0 APPRAISAL

- 6.01 The key issues for consideration relate to:

- Impact on visual amenity

Background

- 6.02 This application follows a very recent decision for essentially the same development under application reference 21/501603/FULL (refused 21st May 2021). This application was refused for the following reason :

By reason of its excessive footprint, height and bulk, and its position forward of and at right angles to the front building line of Weald Cottage, the proposed outbuilding would fail to respect the host dwelling, would be incongruous in the pattern of development along Maidstone Road, and would appear obtrusive and harmful to the character of the rural surroundings. To permit the proposal would therefore be contrary to Policies SP17, DM1, DM30 and DM32 of the Maidstone Borough Local Plan 2017, the Council's adopted residential extensions SPD, in particular paragraphs 5.28, 5.29, 5.30, 5.31 and 5.32, and the central government planning policy contained in The National Planning Policy Framework (February 2019).

- 6.06 Local Plan Policy SP17, which deals with development in the countryside, states that *“Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area”*.
- 6.07 Policy DM30 sets out design principles in the rural area and states that proposals which would create high-quality design and meet the following criteria will be permitted: *“where built development is proposed, there would be no existing building or structure suitable for conversion or re-use to provide the required facilities. Any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located...”*
- 6.08 With specific regard to the construction of new outbuildings to residential properties in the countryside, Policy DM32 states that *“proposals for the construction of new or replacement outbuildings (e.g. garages) should be subservient in scale, location and design to the host dwelling and cumulatively with the existing dwelling remain visually acceptable in the countryside.”*
- 6.09 In addition, the Council’s adopted residential extensions SPD sets out the following advice in relation to garages and outbuildings:
- “Garages and other outbuildings should not impact detrimentally on the space surrounding buildings. They must be smaller in scale and clearly ancillary to the property.”* (paragraph 5.28)
- “Their scale should not exceed what might reasonably be expected for the function of the building. Garages and outbuildings for domestic purposes do not normally need to exceed a single storey in height or have excessive volume.”* (paragraph 5.29)
- “There should be no adverse impact on the character or openness of the countryside.”* (paragraph 5.30)
- “The impact of a garage or other outbuilding would be greater if located in a prominent location where it would be highly visible...”* (paragraph 5.31)
- “Garages and outbuildings should not compete with the main house and consequently should be sympathetically positioned away from the front of the house...”* (paragraph 5.32)
- “In order to appear ancillary to the property, fit well with the street scene and prevent a detrimental impact on neighbouring properties... garages and outbuildings should not generally be located in front of the building line of domestic properties.”* (paragraph 4.46)
- 6.10 In this instance, the proposed building would not only be located forward of the front building line of the host dwelling and neighbouring structures, but would also have an overly-large footprint (approximately 67m² plus the external staircase) and be of excessive height and bulk, especially due to the high eaves level (approximately 2.9m to the underside) and the gable-ended roof design. It would effectively be a two-storey structure, which is contrary to paragraph 5.29 of the Council’s adopted residential extensions SPD (adopted May 2009).
- 6.11 Moreover, at four parking-bays wide with an additional large home office across the whole of the upper floor (internal floor area of approximately 60m²), lit by a large

gable-end window, the glazed door and four roof lights, I also consider the building would be excessive for what might be reasonably expected for its function as a domestic outbuilding incidental to the use of the main house, which would also be contrary to the adopted residential extensions guidelines.

- 6.12 Furthermore, as a result of its excessive height and bulk in combination with its dominant position forward of the front building line of the dwelling and at right angles to it, I do not consider that the proposed building would appear subordinate to the host dwelling. Indeed, at 5.7m high, it would be practically the same height as the host dwelling, and in some views may even appear taller than it due to the perspective and its more prominent position.
- 6.13 Even though there is no fixed building line along Maidstone Road, outbuildings in front of the front building line of the dwellings are not a feature of the pattern of development here. The proposed building would disrupt that pattern and appear out of keeping. In view of its excessive scale, the building would appear obtrusive and the harm would be even more apparent.
- 6.14 Although there is a hedge on the front boundary, that is deciduous, so would allow views through for approximately six months of the year, plus it is sparse in some places and its retention cannot be guaranteed in perpetuity in any case, thus the impact of a building of such excessive scale in the proposed position would not be adequately or acceptably mitigated in public views. Moreover, the adopted residential extensions SPD specifically states that *“Attempting to conceal what would otherwise be harmful development within the countryside would not accord with Government objectives. In any event, the planting... could not reasonably be secured in perpetuity”* (paragraph 5.13).
- 6.15 A building of such excessive footprint, height and bulk, is unjustified and would cause visual harm to the rural surroundings and the pattern of ribbon development along Maidstone Road. Two previous applications for garages have been refused on this site – one, a two-bay garage set forward of the front building line of the dwelling, refused because it would have been *“incongruous in a consistent pattern of development in the countryside and would be detrimental to the setting of Weald Cottage”* (MA/06/1591); and the other, a three-bay garage with home office on the upper floor (of commensurate height with the current proposal, but not as long), positioned behind the rear building line of the dwelling, refused because *“its scale, cannot be considered to be modest and [it] would be visually incongruous in the countryside and overwhelm Weald Cottage causing unacceptable harm to its character and appearance”* (MA/07/0554). The current application takes no account of this planning history, but rather combines the grounds of objection of both of those previous proposals into one – excessive scale and harmfully dominant position, out of keeping with the surrounding pattern of development. As such, the proposal would be contrary to the adopted Local Plan policies, central government planning policy, and the guidance set out in the Council’s adopted residential extensions SPD, in that it would fail to respect the host dwelling and would cause unacceptable harm to the character and appearance of the countryside. For this reason planning permission should be refused.

Other Matters

- 6.16 It is not considered that the proposal would result in a significant loss of light to any neighbouring residential occupiers, nor would it cause them a harmful loss of privacy or outlook, due to the distances involved.

- 6.17 The proposal would provide covered parking provision. No change is proposed to the access onto the A229.
- 6.18 In the absence of specialist advice to the contrary, and given the fairly limited (in terms of archaeological excavation) groundworks involved, I do not consider any archaeological mitigation measures to be justified in this instance.
- 6.19 In my judgement, no important trees would be lost. The Parish Council refer to some removal of vegetation. This would appear to have taken place at the access point into the site. The agent sets out in additional supporting comments to the Parish Council that :

The applicant has simply increased the width of their driveway by removing 600mm of hedge and a tree that was obstructing access and visibility.

The driveway was becoming increasingly dangerous as visibility was so poor when leaving the site on to Maidstone Road that they had no choice but to remove a small section of hedge and the tree. Access was also an issue for deliveries which has seen delivery vans stopping on Maidstone Road as they could not access the site due to the limited width driveway opening which again was causing potential danger/obstruction on this busy main road.

It is also to be noted that the small amount of hedge and tree that was removed is on the complete opposite site of the site, approximately 32metres away, to the proposed location of the garage therefore to comment that the development would be obtrusive from the road and impacting on the street scene is simply not the case as the hedges have not been altered or removed where the garage is proposed to be located, therefore the natural screening / shielding remains completely as existing and unchanged.

- 6.20 In terms of the hedge removal this would appear to be minimal, comments regarding the existing planting acting as screening are addressed in more detail above (paragraph 6.14)
- 6.21 Policy DM1 of the local plan sets out at point viii that proposals should ‘*protect and enhance any on-site biodiversity and geodiversity features where appropriate, or provide mitigation.*’ Due to the nature and relative scale of the proposal and the existing residential use of the site, it is not considered appropriate/necessary to require any ecological surveys. However, the NPPF encourages the enhancement of biodiversity in the interests of sustainable development and consequently, had the development been found acceptable in all other respects, it would have been appropriate to attach a condition requesting that some form of on-site enhancement be provided either on the new outbuilding or within the curtilage.
- 6.22 The comment from Councillor Perry makes reference to local economic issues, but does not explain what these are. However, the application property is a domestic dwelling and the application is a householder application, so does not involve a change of use, plus there is nothing within the application to indicate that this building is in any way required for a business purpose. I noted a B&B sign outside during my site visit, but as stated, the application does not attempt to justify the development on that basis. The agent has set out in supporting statement in response to the Parish Council comments that the office space is ‘*to allow the applicant to work from and run his business from home.*’, but again this justification is limited and does not provide any further detail, nor any justification for the siting or size of the garage/office space.

- 6.23 Moreover, I do not consider that it is unacceptable in principle for the property to be provided with either a new garage or a home office, but these need to be achieved in a way that is not visually harmful. The plot is large and could easily accommodate structures of more appropriate design and scale in a less harmful location. As such, I am not persuaded that this application is the sole means of providing garaging and a home office for Weald Cottage, and am certainly not convinced that this solution is the least harmful.

7.0 CONCLUSION

- 7.01 Taking all of the above into account, I conclude that the proposal does not comply with Development Plan Policy, the aims of the Council's adopted residential extensions guidelines and Central Government Guidance, and that there are no overriding material considerations to justify approval that outweigh the harm identified above. Nor does this re-submission take into account the very recent decision on the site and does not overcome those previous concerns. I therefore recommend refusal for the reasons set out below.

8.0 RECOMMENDATION – REFUSE for the following reasons following the expiry of the consultation period on 30th June 2021:

By reason of its excessive footprint, height and bulk, and its position forward of and at right angles to the front building line of Weald Cottage, the proposed outbuilding would fail to respect the host dwelling, would be incongruous in the pattern of development along Maidstone Road, and would appear obtrusive and harmful to the character of the rural surroundings. To permit the proposal would therefore be contrary to Policies SP17, DM1, DM30 and DM32 of the Maidstone Borough Local Plan 2017, the Council's adopted residential extensions SPD, in particular paragraphs 5.28, 5.29, 5.30, 5.31 and 5.32, and the central government planning policy contained in The National Planning Policy Framework (February 2019).

Case Officer: Rachael Elliott

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



REFERENCE NO - 21/501770/FULL			
APPLICATION PROPOSAL Change of use from office to a single residential dwelling, including conversion of existing garage/store to personal home working unit with adjacent gym, partial demolition of detached store to create new patio with existing southern and western walls retained, and erection of 1.8m close boarded boundary fencing with 300mm trellis. Erection of new double garage to side with storage space and utility room, removal of western parking area to create garden, and associated landscaping and ecological enhancements.			
ADDRESS Wealden Court Church Street Teston Maidstone Kent ME18 5AG			
RECOMMENDATION Grant Planning Permission subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION The application is policy compliant, resulting in a development that would be in keeping with the character of the surrounding area and would not have an adverse impact on neighbouring properties.			
REASON FOR REFERRAL TO COMMITTEE Teston Parish Council have called the application into committee if the case officer is not able to include planning conditions as part of a delegated approval relating to the limitation on future occupation to a single family, the control of music in the gym, and the use of obscure glazing to high level windows. These conditions were not considered to pass the planning condition statutory tests.			
WARD Barming And Teston	PARISH/TOWN Teston	COUNCIL	APPLICANT Mr Barry Chamberlain AGENT N/A
TARGET DECISION DATE 02/07/21		PUBLICITY EXPIRY DATE 13/05/21	

Relevant planning history

21/500187/PNOCLA Prior notification for the change of use of offices to 1 no. residential unit. For its prior approval to: Transport and Highways impacts of the development; Contamination risks on the site; Flooding risks on the site; Impacts of noise from commercial premises on the intended occupiers of the development and Provision of adequate natural light in all habitable rooms of the dwellinghouses. Prior Approval Granted 12.03.2021

94/1068 Erection of storage building. Approved 03.11.1995

91/1806 Erection of garage. Approved 22.05.1992

89/2196 Change of use of property to B1. Appeal Against Non Determination. The appeal related to the suitability of the site for B1 purposes (a previous permission for this use was personal, and the applicants were seeking to remove the personal permission). The Inspector determined that the B1 use was acceptable and would not result in undue harm to the occupiers of neighbouring properties. Allowed 20.09.1990

77/1629 Change of use of builder's yard and workshop to landscape contractors and workshop Approved 21.02.1978

71/0052/MK3 Erection of bungalow and garage. Approved 20.04.1971

1. DESCRIPTION OF SITE

- Fig 1: Relationship of the application site (black arrow), to the Teston Conservation Area boundary (shaded area) and listed buildings (red hatching).



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2. PROPOSAL

- 2.01 The proposal is for the change of use of the office building to a single residential dwelling. The proposal includes the conversion of the existing garage/store to personal home working unit with an adjacent gym.
- 2.02 The partial demolition of a detached store is proposed in order to create a new patio with existing southern and western walls retained, and erection of 1.8m close boarded boundary fencing with 300mm trellis. Other works include a new double garage with storage space and utility room. The western parking area will be removed to create a garden, and the proposal includes associated landscaping and ecological enhancements.
- 2.03 The site access would largely remain the same, but the number of parking spaces would be reduced. This would result in sufficient space for an external amenity area.
- 2.04 There are two velux windows on the roof of the existing building. The current proposal includes a row of roof mounted PV panels to allow for increased energy efficiency to the building.
- 2.05 The current planning proposal differs from the prior approval referenced 21/500187/PNOCLA in the following ways:
- Internal alterations to provide a more open plan layout
 - The porch on the west elevation has been removed
 - The store to the south elevation has been removed
 - A utility, storage area and garage has been added to the eastern elevation
- 2.06 Planning permission is required for these changes (specifically the incorporation of the garage and utility room) as they go beyond the works which benefit from prior approval. Normal permitted development rights (relating to Part 1 of Schedule 2) do not apply to dwellings that were converted through the prior approval route (Part 3, Class Q, Schedule 2 of the GPDO).

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017 SS1, SP17, SP18, SP21, SP22, DM3, DM4, DM23, DM30, DM 31 and Appendix B (residential car parking standards)
Supplementary Planning Documents: Maidstone Landscape Character Assessment
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 8 representations received from local residents raising the following (summarised) issues
- Overlooking, loss of privacy
 - Noise and disturbance
 - Hedgehog access on boundary fence.

5. CONSULTATIONS

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

Environmental Services (as set out in previous application referenced 21/500187/PNOCLA and further verbal advice).

- 5.01 No objection. Following on from the Parish Council's concerns, further verbal advice stated that the residential development would not be considered harmful in its context i.e. surrounded by other residential properties.

- KCC Highways (as set out in previous application referenced 21/500187/PNOCLA).
- 5.02 No objection. No material changes are proposed to the existing access and turning areas.
- 5.03 In light of the good road safety record and reduction in vehicle movements expected to result from the change of use, it can be reasonably concluded that this proposal would not lead to any detriment to road safety. However, the proposed (and extant) parking provision is in excess of the minimum requirements in place for this type of location, as set out in IGN3. Informative requested relating to highways owned land.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Loss of the existing employment use and the fallback position.
 - Conversion of this rural building (DM31)
 - Design/Layout/Landscaping
 - Heritage
 - Residential amenity
 - Biodiversity
 - Highways
- Loss of the existing employment use and the fallback position**
- 6.02 Policy SP21 encourages the economy of the borough and provision for the needs of businesses. Among other things SP21 priorities the commercial re-use of existing rural buildings in the countryside rather than conversion to residential use
- 6.02 Policy SP22 relates to the retention of employment sites. Para 4.147 of its supporting text sets out the importance of retaining high quality sites whilst at the same time recognising that conversion of some office space to residential use could take place under Permitted Development legislation.
- 6.03 While policies support the retention of the B1 use of the building, this needs to be weighed against the prior notification that was granted on 12.03.2021. The Court of Appeal in *Mansell v Tonbridge And Malling Borough Council* [2017] clarified when a 'fallback' development may be a material planning consideration for an alternative development scheme. The second challenge by the appellant concerned whether there was a 'real prospect' of development under the Class Q GPDO rights on the lack of contemporaneous evidence that the landowner had contemplated such development. Lindblum concluded that the clear desire of the landowner to develop, and maximise the value of the site was sufficient to demonstrate there was a real prospect to the Class Q GPDO fallback position in this case.
- 6.04 As stated earlier, the current planning proposal differs from the prior approval referenced 21/500187/PNOCLA with regard to the internal alterations, the removal of the porch on the west elevation and the store on the southern elevation, and the addition of the utility, storage area and garage to the eastern elevation.
- 6.05 As it stands and taking into consideration the high court judgement relating to the fallback position of the prior notification, I consider the prior approval has a reasonable chance of being implemented. In this context the loss of the existing employment use is accepted.
- Conversion of the rural building (DM31)**
- 6.06 Policy DM31 (Conversion of Rural Buildings) of the Maidstone Borough Local Plan 2017 states, 'Outside of the settlement boundaries as defined on the policies map, proposals for the reuse and adaptation of existing rural buildings which meet the a number of criteria will be permitted. These criteria include that proposals for the

re-use and adaptation of existing rural buildings for residential purposes will not be permitted unless every reasonable attempt has been made to secure a suitable business re-use for the building and there is sufficient amenity space for future occupiers’.

- 6.07 In the context of the fallback position mentioned above, it is not considered that evidence of the possibility of an alternative business use is required in this case. It is considered that the proposal will provide sufficient amenity space for future occupiers’

Design/layout/landscaping/visual amenity

- 6.07 SP17 sets out that development in the countryside will not be permitted unless it accords with other policies in the plan and would not result in harm to the character and appearance of the area. Policy DM30 encourages development proposals of high quality design, which enhance local distinctiveness with regard to type, siting, materials and design, mass and scale of development. New development is encouraged to be located adjacent to existing buildings or unobtrusively located and well screened with appropriate vegetation.
- 6.08 The existing building although in office use is residential in appearance and is surrounded by other similar two storey residential buildings with pitched roofs, garages and gardens. The bulk of the building will remain the same in terms of bulk, massing, height and materials, thereby reducing any potential additional impact on the character of the surrounding area.
- 6.09 The building itself would undergo some internal alterations from the previously approved prior notification. The internal layout on the ground floor would comprise alterations from three offices, a large reception area and a kitchen to living accommodation befitting a residential property. The internal layout on the first floor would comprise the alteration from four offices, kitchen and bathroom facilities to four bedrooms and two bathrooms.
- 6.10 The proposal would include a new garage and storage area, with a separate utility room on the eastern elevation. In addition, the porch on the west elevation and the store (currently used to house additional office equipment and paper width of 8 metres, a depth of 3.5 metres and a flat roof with a height of 2.5 metres) sited on the southern boundary of the site directly behind the offices would be removed. The external walls along the boundary would remain in order to minimise any impact on the neighbouring properties, and the building would be replaced with a patio.
- 6.11 The building would not be hugely altered on the elevations, and the main entrance would still be located on the northern side. Two velux windows are currently located in the roof. PV panels would be located below these windows on the southern elevation. The appearance of the PV panels is acceptable and they are not considered visually intrusive.
- 6.12 I note the proposed garage would be located at the top of the driveway. It is of a modest size with a flat roof and, from the front elevation where it would be more visible from public vantage points, it would be a relatively unobtrusive addition.
- 6.13 In terms of the landscaping, an amenity area of approximately 135 square metres would be proposed on the western side of the application site. This would involve the loss of three parking spaces, and the original garage located in the western corner of the site would be converted to a small gym and home work station. This would allow the hardstanding to be replaced with an amenity area.
- 6.14 A landscaping scheme will be requested by condition to ensure the use of native species which would be in compliance with the Maidstone Landscape Character Guidance. In addition, the hedge along the eastern boundary would need to be

protected during construction and this could be dealt with by condition. This would be considered acceptable in policy terms and would conserve and improve the Teston Valley Side landscape character, in line with the guidance outlined in the Maidstone Landscape Character Assessment.

Heritage

- 6.14 Policy DM4 sets out the importance of assessing the impact of future development against heritage assets.

- 6.15 The application site is located within a group of residential properties set in a triangular formation and accessed via Church Street. The Teston Conservation Area runs parallel with the eastern boundary of the access road encompassing the Social Club and extending across the front of the site access westwards before doglegging northwards between White House (the closest listed building to the application site) and Ragstones both of which are located to the north of Church Street opposite the site access.

- 6.16 White House is a Grade II listed building with the following listing:

CHURCH STREET TQ 75 GM TESTON (North Side) 2/242 The White House GV II Public house, now house. Later C18. Pebbledashed. Gable end weather- boarded above wall-plate. Plain tile roof. 2 storeys on rendered plinth. Gabled. Projecting brick gable end stack to right gable end. Regular 3-window front of 12-pane sashes. One 12-pane and one 16-pane sash to ground floor. All windows in open boxes. Central ribbed door in gabled rendered porch. Weatherboarded lean-to garage to left. Short 2-storey rear wing to right, tile-hung on first floor, with hipped roof. Interior not inspected. Included for group value.

- 6.17 The building to be converted has been in existence for some 30 years. Over the years that the business has been in use, the number of staff employed has fluctuated to up to 12. As such, the change in the use of the building from business use to that of a residential property would be likely to see a reduction in traffic movements to and from the site. In terms of changes to the site, a new garage/storage area and utility room are proposed to the east of the host property.

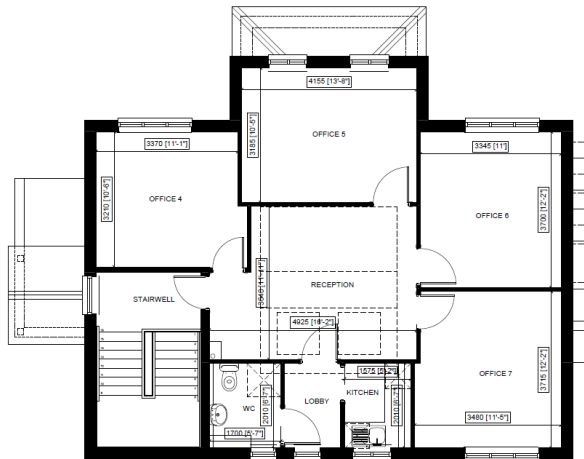
- 6.18 Despite its position at the top of the access road, its single storey, flat roofed design would result in an unobtrusive form that would have a relatively low impact on the character of the Teston Conservation Area. In addition, the loss of the parking spaces and hard standing, and the formation of an external amenity area would be unlikely to be visible from public vantage points due to the hedging on either side of the access road. In terms of the main building form, no significant alterations are proposed.

- 6.18 The White House is the closest listed building to the application site, and is located across the road from its access. The construction of the new garage/storage area and utility room to the east of the host property would be visible from the access, however, the modest form and distance from the road (some 40 metres) would result in the built form having a negligible impact on the setting of the listed building. The change of use of the application site would be likely to result in a decrease in traffic movements to and from the site, which would be beneficial to the locality. The alterations to the external area would be unlikely to be visible from public vantage points. As such the overall impact on The White House would not cause harm to the setting of the listed building.

Residential amenity

- 6.19 Policy DM1 sets out the importance of respecting the amenities of occupiers of neighbouring properties and uses and providing adequate residential amenities for future occupiers of the development by ensuring that it does not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular

movements, overlooking or visual intrusion. The built form should not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.



First floor plan of the existing office



First floor plan of the Prior Notification approval



First floor plan of the current proposal

6.20 The location of the property is unusual, in that it is surrounded by dwellings and, as such, has the potential to overlook them. Properties to the northeast (Roseway,

The Street) and northwest (Trevu, Church Street) are approximately 13 metres and 16 metres respectively from the property. The original building had four windows serving three offices. The prior notification resulted in planning permission for four windows serving three bedrooms. The proposed development also has four windows serving three bedrooms. Due to the siting of the neighbouring properties to the northeast and northwest, views to them from the front-facing bedroom windows would be oblique.

- 6.21 The neighbours to the south of the site (Hillview and Clayton, Tonbridge Road) would be located approximately 22 metres from the application property. There are four windows on the rear elevation of the office facing these properties. They currently serve (from left to right) a WC, lobby, kitchen and office. The prior notification approved the first three windows serving a bathroom and the fourth window serving a bedroom. The current application would also result in the first three serving bathroom windows which would be obscure glazed and fixed shut below 1.7 metres by condition. The fourth window would serve a bedroom. Originally, there was a single storey extension at the rear of the garden serving Clayton. This storage building would be removed but the walls would be retained in order to maintain the same boundary treatment with minimal disruption to the neighbour.
- 6.22 The nearest neighbours to the east of the application site would be Vine Cottage (17 metres away) and Orchard Close (27 metres away). There are no windows currently on the first floor of the eastern elevation of the office, and none are proposed. It should be noted that no further windows can be added to the flank walls of the property as permitted development under Class 1 Schedule 2 of the GPDO does not apply to properties that have acquired planning permission under Class 3 Part Q of the GPDO.
- 6.22 The nearest neighbours to the west of the application site would be Carol Cottage (17 metres away) and Four Throws (23 metres away). There is a landing window on the western elevation which can be obscure glazed by condition as it is not a habitable room. As stated earlier, this property does not benefit from Permitted development rights so no further development can be carried out without planning permission.
- 6.23 I note that there is a window serving a gym on the south elevation, opposite Tilden. However, this window is high level and would be 1.8 metres from the floor of the gym to the cill level. As such, no overlooking issues could occur. On this basis, it would not be reasonable to obscure glaze the fenestration. However, the window could be fixed shut to prevent auditory noise.
- 6.24 There are velux windows in the roof of the property. This roof has been used for storage purposes, not a habitable room. A section has been submitted to demonstrate that the windows are over 1.7 metres in height so, any impact in terms of overlooking would be alleviated.
- 6.25 The new flat roofed garage would be located approximately 7.0 metres from Roseway and Vine Cottage, The Street. Although the adjacent rear gardens aren't deep, the low-lying, flat roof of the garage and this orientation (to the west) would result in a sufficiently modest development that would not result in a loss of amenity to the properties.
- 6.26 In terms of overbearance and overshadowing issues, as the building is already in existence, impact on the neighbouring properties has already been established.

Biodiversity

- 6.27 Policy DM3 sets out the importance of protecting the natural environment and providing net gain for biodiversity from development carried out.
- 6.28 The application represents a relatively small-scale development. The majority of the site is currently hard landscaping although the hedging around the perimeter of the site is of value. The incorporation of a garden area within the application site would benefit biodiversity.
- 6.29 A neighbour commented on hedgehogs in the locality and requested gaps in boundary fencing to accommodate them. I note that biodiversity enhancements have been identified on the submitted plans which include the following: deadwood pile, bumble bee box, water butt, hedgehog pass, house sparrow box, bat box, insect house. These enhancements are welcomed, but further information is required for some of the details, for example, the heights of the bird/bat boxes. However, this information can be acquired by condition.

Highways/access/parking

- 6.30 Policy DM1 and DM23 relate to the provision of a minimum of two independently accessible car parking spaces for the property as set out in appendix B. The policy sets out that the following provisions should be made for new development relating to proposals for four bedroom properties: rubbish and recycling bins, cycle storage, electric charging point.
- 6.31 There would be sufficient space on the application site to provide the appropriate number of car parking spaces for a four bedroom dwelling. There are two parking bays on the side of the access road, a garage or, if it is used as storage, there is room for a vehicle to park in front of it. I note there are two cycle spaces in the garage. The minimum standards as set out by the Kent and Medway Structure Plan 2006: SPG 4 is four. However, the additional cycle storage can be requested by condition, along with details of bin storage and electric vehicle charging point.
- 6.32 In terms of the access, this would remain unchanged. KCC Highways have indicated that the access is safe, and there is no reason why the change of use of the building would result in highway safety being compromised.

OTHER MATTERS

- 6.33 Paragraph 55 of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:
- 1.necessary;
 - 2.relevant to planning;
 - 3.relevant to the development to be permitted;
 - 4.enforceable;
 - 5.precise; and
 - 6.reasonable in all other respects.
- 6.34 Each of these 6 tests need to be satisfied for each condition that an authority intends to apply to a decision.
- 6.33 The Parish Council have requested that conditions are added relating to the following:
- the limitation of occupants to a single family,
 - control of music playing in the gym,
 - obscure glazing high level window of gym
 - The removal of Permitted Development rights on the property

- 6.34 The application is reported to the planning committee as the requested conditions do not pass the six tests as set out in the NPPF.
- The limitation of occupants to a single family would not be necessary as any further conversion of the property into separate units would require separate planning permission. The occupation of the dwelling as approved by separate families living together as a single household would be unreasonable as there is no such restriction on any residential property. The density of the occupation will be determined by the size of the dwelling (number of bedrooms etc) and there is nothing to suggest that occupants from different families sharing the property would make more noise than a single family. In addition, there would be no reasonable way of enforcing this condition as it may restrict family visits, or extended family living together, for example.
 - The proposal is for a residential use in a location surrounded by existing residential uses. The range of other commercial uses that the building could be used for without planning permission has been outlined earlier in this report. The assumption that there would be noise coming from the gym is unreasonable and that the chance of this happening is the same as loud music coming from any other of the surrounding properties or a car parked on the road. Unreasonable noise from any residential property can be investigated by Environmental Protection under alternative legislation and, as such, the imposition of a condition would not be necessary in this case.
 - The window serving the gym is located at a high level and as a result the views from the window would be upwards, in these circumstances a requirement to fit obscure glazing would be unreasonable. In most cases it is considered unreasonable to require normal windows (non high level) at ground floor level to be fitted with obscure glazing as views from ground floor windows are restricted by boundary fences, outbuildings and landscaping.
 - Whilst dwellings that have been converted through the prior approval system do not benefit from permitted development for further extensions, in this case the prior approval is just the fallback position and the current application relates to a separate planning application. As a result a condition restricting permitted development is appropriate.

CIL

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

PUBLIC SECTOR EQUALITY DUTY

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

7. CONCLUSION

- 7.01 The application is pre-dated by an extant permission to change the use of the existing offices for residential purposes. While there would be a loss of business use to the locality which would be contrary to policy DM31, the fall-back position relating to the approval of the Prior Notification could reasonably take place if this application is refused. The design and layout would be acceptable, resulting in negligible impact on the setting of the listed building (The White House) and the character of the Teston Conservation Area.
- 7.02 I consider the current application would have more positive benefits for future occupiers by the reduction of excessive car parking spaces and hard standing, and the incorporation of an external amenity area with increased landscaping and varied benefits in relation to biodiversity.

- 7.03 I note the objections from neighbours with regard to privacy and noise issues, however, the views from the windows at the front elevation of the property would be oblique, three of the windows on the rear elevation would service non-habitable rooms and could be obscure glazed and fixed shut by condition, and the fourth window would be a sufficient distance for any impact on these grounds to be minimised. Finally, the gym window would be high level so alleviating any issues with regard to privacy, although it could be fixed shut to counteract any potential noise issues.
- 7.04 The alterations requested are minor in comparison to the extant Prior Notification application. On balance, the development is considered acceptable subject to conditions relating to landscaping, biodiversity, bin and cycle storage and an electric vehicle charging point.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

31 Mar 2021	Application Form
02 Jun 2021	WH-010A Proposed Elevations
02 Jun 2021	WH-011A Proposed Home Office / Gym Floor Plan and elevations
31 Mar 2021	WH-020 Fence and Ecological Enhancement Details
02 Jun 2021	WH-07A Proposed Site Plan
31 Mar 2021	WH-08 Proposed Ground Floor Plan
31 Mar 2021	WH-09 Proposed First Floor Plans
31 Mar 2021	Planning Statement
31 Mar 2021	WH-01 Existing Location/Site Plan
02 Jun 2021	WH-023 Part section through roof

Reason: To clarify which plans have been approved.
- 3) The external facing materials for the garage hereby permitted shall match those used on the existing building.
Reason: To ensure a satisfactory appearance to the development.
- 4) Before the single storey extension hereby approved reaches slab level, a method statement for the demolition of the storage building to the south of the site will be submitted to, and approved in writing by, the Local Planning Authority. The demolition works shall be carried out in accordance with the approved method statement. Details submitted in respect of the method statement, incorporated on a plan, shall provide for the control of dust and the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.

Reason: To ensure the construction of development does not result in highway safety or inconvenience to neighbouring properties.
- 5) The approved details of the parking/turning areas shall be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking

and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

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

- 6) Before the development hereby permitted is first occupied, the proposed bathroom windows on the south elevation shall be obscure glazed to not less than the equivalent of Pilkington Glass Privacy Level 3 and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such;

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers.

- 7) The dwelling hereby approved shall not be occupied until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of on-site replacement planting to mitigate any loss of amenity and biodiversity value [together with the location of any habitat piles] and include a planting specification, implementation details and a [5] year management plan. No sycamore trees shall be planted and plastic guards should not be used. The landscape scheme shall specifically address the need to provide native planting and boundary treatment to allow small mammals the ability to roam.

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

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

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

- 9) The development hereby approved shall not commence until details of tree protection in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

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

- 10) Notwithstanding the biodiversity details submitted, the development hereby approved shall not commence above ground level until details of a scheme for the enhancement of biodiversity on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through at least one method integrated into the building structure such as swift bricks, bat tubes or bee bricks, and additionally through provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgerow corridors. In addition, the new timber boundary treatments will include gaps for the passage of wildlife through the site and neighbouring gardens. The development shall be implemented in accordance with the approved details prior to first use of the building and all features shall be maintained permanently thereafter”.

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

- 11) Prior to the development hereby approved reaching slab level a scheme for (a) the storage and screening of 4 bicycles, refuse bins, and (b) the collection of refuse bins shall be submitted to and approved by the Local Planning Authority. The approved details shall be in place before first occupation of the development hereby approved, and maintained thereafter.

Reason: In the interests of amenity and the street scene.

- 12) The dwelling hereby approved shall not be occupied until a minimum of one electric vehicle charging point has been installed on the given building with dedicated off street parking, and shall thereafter be retained for that purpose.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with policies within the NPPF.

- 13) No additional windows, doors, voids or other openings shall be inserted, placed or formed at first floor level or above at any time in the east and west facing walls of the building hereby permitted;

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of their occupiers.

- 14) Before the development hereby permitted is first occupied, the proposed bathroom windows on the south elevation shall be obscure glazed to not less than the equivalent of Pilkington Glass Privacy Level 3 and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such;

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers.

- 15) 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 shall be carried out without the permission of the local planning authority;

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

INFORMATIVES

- 1) As the development involves demolition and/or construction, broad compliance with the Mid Kent Environmental Code of Development Practice is expected.

- 2) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

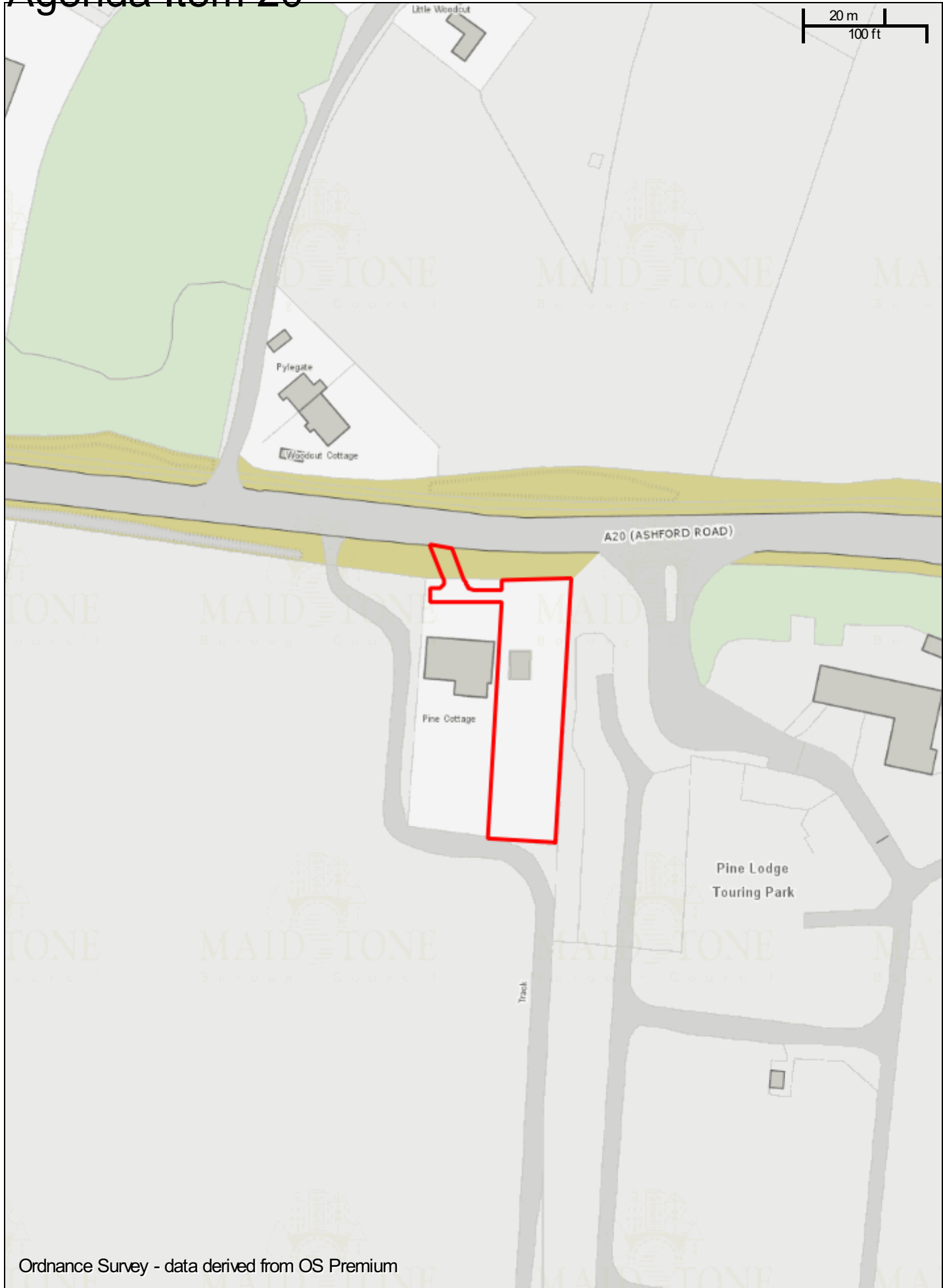
Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

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

Case Officer: Jocelyn Miller

Agenda Item 20



Ordnance Survey - data derived from OS Premium

REFERENCE NO - 21/500768/FULL		
APPLICATION PROPOSAL Demolition of garage and erection of 1no. three-bedroom dwelling with associated access, carport, parking and landscaping.		
ADDRESS Pine Cottage Ashford Road Hollingbourne Maidstone Kent ME17 1XH		
RECOMMENDATION GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal by virtue of its design, scale, layout and appearance would not have a detrimental effect on the character and appearance of the area. The principle of development has previously been found to be acceptable by the Planning Inspector who allowed the appeal against 15/504418/OUT. There has been no material change in circumstances since this earlier appeal decision that would justify a change from this position.		
REASON FOR REFERRAL TO COMMITTEE Hollingbourne Parish Council have requested that the item be heard by the committee due to the impact on the character and appearance of the neighbouring properties and as the Parish Council consider the proposal encourages urbanisation of the rural landscape.		
WARD North Downs	PARISH/TOWN COUNCIL Hollingbourne Parish Council	APPLICANT Mr. Sam & Mrs. Cassie Hunt AGENT Mr. Jonathan Williams
TARGET DECISION DATE 01. 07. 2021 (EOT)		PUBLICITY EXPIRY DATE 03.06.2021

Relevant planning history

- **14/0768** - Outline application for the construction of two 4-bedroom houses with all matters reserved for future consideration. Refused
- **15/504420/OUT** - Outline application for the construction of two 4-bedroom houses with all matters reserved for future consideration. (Revised submission of 14/0768) Refused
- **15/504418/OUT** - Outline (All matters reserved) - Construction of one 4-bedroom house Allowed on Appeal 26.03.2016 (appeal reference APP/U2235/W/15/3139288). In summary the Inspector concluded:
 - "...future occupiers of the proposed dwelling would have an acceptable range of transport options other than the private car. As such, the appeal site location would facilitate sustainable travel patterns and would offer, albeit modest, support to local services and facilities in Bearsted. Consequently, the proposal would accord with paragraphs 17, 29, 30 and 55 of the Framework insofar as they promote sustainable transport solutions and the maintenance of rural communities".
 - "...whilst I recognise that the appeal site adjoins open countryside to the south and west, its immediate setting is reasonably well contained by built development and planting. There is nothing to suggest that the site is prominent in the wider landscape. Although limited information has been provided on the scale and layout of the proposed dwelling, the Feasibility drawing submitted with the application indicates that it could be accommodated whilst retaining and reinforcing existing boundary planting..."

- **18/501617/REM** - Approval of reserved matter pursuant of outline application 15/504418/OUT (allowed on appeal - APP/U2235/W/15/3139288) for construction of house (all matters being sought). Approved

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site relates to the side and rear garden of 'Pine Cottage', a detached chalet bungalow on the south side of Ashford Road (A20).
- 1.02 The site is located within the countryside for planning purposes and within the Len Valley Landscape of Local Value. The site is approximately 1.5km east of the edge of the urban area of Bearsted and 680m west of Junction 8 of the M20.

Fig 1: Comparison 18/501617/REM and current the proposal, site plan and front elevation



- 1.03 On the south side of the A20 there are sporadic houses and a caravan and camping site adjoining the application site to the east. There is an open arable field to the west and south of the site.
- 1.04 The site is located in Flood Zone 1. The Local Plan designated employment site of Woodcut Farm EMP1(4) is located on the north side of Ashford Road, and almost directly opposite the application site.
- 1.05 The previously approved planning permission (15/504418/OUT & 18/501617/REM) for a detached 4-bedroom house on the application site, expired on the 13 June 2020.

2. PROPOSAL

- 2.01 This application is for the erection of 3-bedroom detached house alternative to that approved under 15/504418/OUT & 18/501617/REM.
- 2.02 The proposal occupies a smaller footprint than the previously approved house. The dwelling would be set back more than 16m from the road; it would stand some 6.6 metres high and 12m wide, with a depth of 7.7m. The dwelling has a footprint of approximately 106 square metres.
- 2.03 The existing garage is to be demolished and a single storey car port is to be erected in the north eastern corner of the plot. The scheme makes provision for 3 car parking spaces.
- 2.04 The dwelling would be constructed of grey/white render and vertical timber cladding and a slate roof.

3. POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan 2017: Policies SS1, SP17, DM3, DM8, DM12, Policy DM23 and DM30.
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)

4. LOCAL REPRESENTATIONS

Hollingbourne Parish Council

- 4.01 The Parish Councillors have objected to the application, as it is considered harmful to the character and appearance of neighbouring properties and is encouraging urbanisation in a rural landscape.

Local Residents

- 4.02 No comments were received from local residents.

5. CONSULTATION RESPONSES

KCC Highways

- 5.01 There are no highway implications associated with the proposals, as the proposed dwelling will use a current access located off the A20. Recommend standard condition on highway approvals.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Principle of development
 - Impact on character and appearance of the area
 - Residential amenity
 - Highways impacts & parking

Principle of the development

- 6.02 Policy SS1 of the adopted Maidstone Borough Local Plan states that the Maidstone urban area will be the principal focus for development with the secondary focus being rural service centres. The policy also allows for some development within some larger villages.
- 6.03 Whilst located in the countryside the application site is located close to the designated employment site of Woodcut Farm. In allowing the previous appeal for a new dwelling on this site the appeal Inspector found that the occupiers of the dwelling would have an acceptable range of travel options. The Inspector found no reason to object on the sustainability of the location.

Impact on character and appearance of the area

- 6.04 Policy SP17 of the Local Plan states that development proposals in the countryside will not be permitted unless they accord with other policies in the plan and they will not result in harm to the character and appearance of the area.
- 6.05 Policy DM30 states that proposals which would create high quality design, will be permitted. The type, siting, materials and design, mass and scale of development should maintain, or where possible, enhance local distinctiveness including landscape features. Any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflect the landscape character of the area.
- 6.06 The site forms part of the garden area to the side of Pine Cottage, a substantial chalet bungalow fronting the A20. The front part of the site is currently occupied by a detached garage. The boundaries of Pine Cottage are marked by established planting. Bearsted Caravan Park adjoins the eastern boundary of the site and extends a considerable distance further south.
- 6.07 As established by the appeal Inspector, whilst the site adjoins open countryside to the south and west, its immediate setting is reasonably well contained by built development and planting. Appropriate boundary planting, which includes retaining and reinforcing the existing boundary planting has been proposed. The existing and proposed landscaping will limit the visual impact of the proposal on the wider landscape.
- 6.08 The proposed detached dwelling would be sited adjacent to the neighbouring bungalow and would reflect the front building line. The proposal would also make use of the existing vehicle access from Ashford Road, as such, there is no impact on the existing planting. The footprint of the proposed dwelling is smaller than that previously approved and the dwelling would sit well within its plot and would not overwhelm the adjacent property.
- 6.09 The proposed house is of chalet-style design with a low eaves height and incorporates a large dormer window on the principal and two gabled roof side elevations. In terms of appearance, the building has vertical timber cladding and grey/white render for the walls, a slate roof and dark grey UPVC doors and windows. These materials are considered acceptable and the quality of these materials can be secured through a condition.
- 6.10 The car port proposed is single storey, gable ended and is to be constructed with same materials proposed for the main dwelling.
- 6.11 General landscaping details have been submitted, which detail the retention of trees to the front of the site and boundary planting in the rear garden. It is considered that this level of planting is acceptable. In the interests of visual amenity a planning condition is recommended to secure specific details of the landscape scheme.
- 6.12 Overall the design of the new dwelling is in keeping with the character and appearance of the surrounding area and would comply with policies SP17 and DM30. In allowing the appeal, the appeal Inspector found that the dwelling would not have an unacceptable impact on the character of the area. The detailed design of the dwelling was subsequently approved by the Council under ref: 18/501617/REM.

Residential amenity

- 6.13 Policy DM1 of the adopted Local Plan advises that proposals will be permitted where they “respect the amenities of occupiers of neighbouring properties...by ensuring that development is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 6.14 The proposal, given its scale, design and siting would not have an adverse impact upon the amenity of the occupants of Pine Cottage. The side openings of Pine Cottage closest to the proposal are either obscure glazed and non-habitable rooms or secondary sources of light to a room. The proposed new dwelling would not extend beyond the existing rear wall of Pine Cottage
- 6.15 It is considered that the proposal would not have an adverse impact upon the neighbouring holiday caravan park, including in respect of noise, light, privacy and outlook.
- 6.16 Policy DM1 of the adopted Local Plan advises that proposals will be permitted where they “...provide adequate residential amenities for future occupiers of the development by ensuring that development is not exposed to, excessive noise,...air pollution, activity or vehicular movements, overlooking or visual intrusion...”.
- 6.17 The proposed new dwelling is designed to an appropriate standard in relation to internal layout and provides adequate amenities for future residents including in terms of daylight, sunlight and privacy. The new dwelling will have a rear garden area of significant size for the new occupiers. The proposal will comply with the general requirements of policy DM1.

Highways and parking

- 6.18 Policy DM30 states that proposals which would create high quality design, will be permitted. Proposals will be permitted which would not result in unacceptable traffic levels on nearby roads; unsympathetic change to the character of a rural lane which is of landscape.
- 6.19 The proposal would make use of the existing vehicle access which has adequate driver visibility splays. The dwelling will benefit from parking for 3 cars, all of which are located within the proposed car port situated in the north eastern corner of the site.
- 6.20 The minimal increase in vehicular traffic as a result of the development can adequately be accommodated on the road network and would not have any implications for highway safety.

Biodiversity and landscaping.

- 6.21 Policy DM3 of the Local Plan states that “...*developers will ensure that new development protects and enhances the natural environment*”.
- 6.22 The application site is currently a managed domestic garden with limited biodiversity value. The submitted proposal indicates that boundary planting and trees will be retained on the site.
- 6.23 Planning conditions are recommended seeking details of additional landscaping and its implementation and ecology enhancements on the site. With these measures the proposal is considered in line with policy DM3.

Other matters

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

7. CONCLUSION

- 7.01 The proposal by virtue of its design, scale, layout and appearance would not have a detrimental effect on the character and appearance of the area. Whilst in the countryside the application site is acceptable in relation to the sustainability of the location and this was confirmed by the previous appeal Inspector.
- 7.02 The principle of development has previously been found acceptable by the Planning Inspector who allowed the appeal against 15/504418/OUT. There has been no material change in circumstances since this earlier appeal decision that would justify a change from this position.
- 7.03 The application is therefore recommended for approval, subject to conditions.

8. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following planning conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of the permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
Site Location Plan – Drawing no. 21.02.03
Existing Garage Plans, Elevations & Block Plan - Drawing no 21.02.01
Proposed Additional Dwelling Plans, Elevations & Block Plan - Drawing no 21.02.02
Proposed Car Port Plans & Elevations - Drawing no 21.02.04
Arboricultural Impact Assessment - Drawing no 1992_02
Reason: To ensure that the development is undertaken in accordance with the approved drawings and documents.
- 3) The development hereby approved shall not commence until details of tree protection in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development
- 4) The development hereby approved shall not commence above ground level until, written details and samples of the materials to be used in the construction of the external surfaces of the building and hard surfaces shall be 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.

- 5) The development hereby approved shall not commence above ground level until a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land and on adjoining sites, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management, shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment 2012. The landscaping of the site shall be carried out in accordance with the approved details over the period specified.

Reason: To ensure a satisfactory appearance to the development.

- 6) The approved landscaping shall be in place by the end of the first planting and seeding season following occupation of the dwelling. 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.

Reason: In the interest of visual amenity of the area.

- 7) The development hereby approved shall not commence above ground level until details of a scheme for the enhancement of biodiversity on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through at least one method integrated into the buildings structure including swift bricks, bat tubes or bee bricks, and additionally though provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgerow corridors. The development shall be implemented in accordance with the approved details prior to first use of the building and all features shall be maintained permanently thereafter.

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

- 8) Before the dwelling hereby permitted is first occupied, all proposed first floor side windows shall be obscure glazed and incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such;

Reason: To safeguard amenity of neighbouring properties and future occupants.

- 9) Prior to the commencement of development, details of decentralised and renewable or low-carbon sources of energy to be used as part of the approved development shall have been submitted to and approved in writing by the Local Planning Authority including details of how they will be incorporated into the development. The approved measures shall 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. Details are required prior to commencement of development to ensure that the widest range of options are available (i.e. ground source heat pumps).

- 10) Prior to first occupation of the dwelling hereby approved a minimum of one electric vehicle charging point and secure cycle storage shall be in place and operational that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging point and the cycle storage shall be maintained for the lifetime of the development in accordance with the approved details.

Reason: In order to promote sustainable travel choices in accordance with the NPPF.

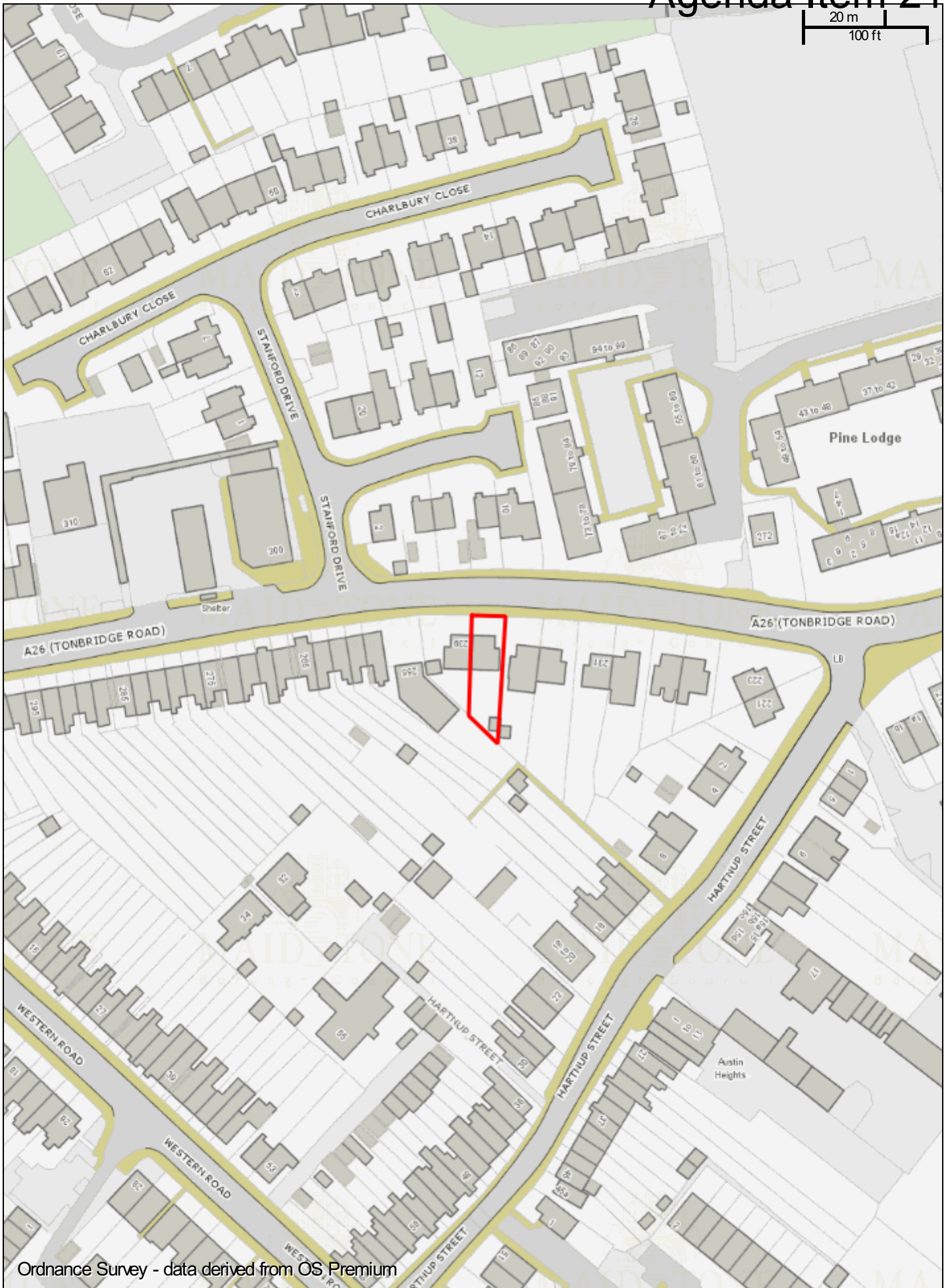
- 11) Prior to the commencement of the development hereby approved details of foul and surface water drainage, incorporating sustainable drainage principles, shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in strict accordance with the approved plans prior to first occupation of the development hereby permitted and retained thereafter.
Reason: To ensure that adequate drainage is provided for the development
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension to the property shall be carried out without the permission of the Local Planning Authority.
Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by existing and prospective occupiers.
- 13) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter; Any lighting plan submitted shall follow the recommendations within the Bats and artificial lighting in the UK document produced by the Bat Conservation Trust and Institution of Lighting Professionals.
Reason: In the interest of amenity and wildlife

INFORMATIVES

- 1) It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

Case Officer: Connor Shingler

20 m
100 ft



Ordnance Survey - data derived from OS Premium



21/501192/FULL - 237 Tonbridge Road Maidstone Kent ME16 8ND

Scale: 1:1250

Printed on: 16/6/2021 at 9:41 AM by StevieH

REFERENCE NO - 21/501192/FULL		
APPLICATION PROPOSAL Change of use of 6no. bedroom HMO (Class C4) to a 7no. bedroom HMO (Sui-Generis).		
ADDRESS 237 Tonbridge Road Maidstone Kent ME16 8ND		
RECOMMENDATION GRANT planning permission subject to the conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal is located within the Maidstone Urban Area where the principle of residential development is supported by local and national policy. The HMO use has already been established and the intensification of an additional unit is not significant. Key policies which have been taken into account include Policies SS1, SP1, SP19, DM1, DM9 DM12 and DM23 of the Maidstone Borough Local Plan.		
REASON FOR REFERRAL TO COMMITTEE Cllr Harper has requested that the item be heard by the committee due to the impact on local residents from the increased housing density.		
WARD Fant	PARISH/TOWN COUNCIL N/A	APPLICANT Roberto Walsh Property Ltd AGENT Savills
TARGET DECISION DATE 01. 07. 2021 (EOT)		PUBLICITY EXPIRY DATE 14.04.2021

Relevant planning history

- **20/500528/PNEXT** - Prior notification for a proposed single storey rear extension which: A) Extends by 6.0 metres beyond the rear wall of the original dwelling. B) Has a maximum height of 2.95 metres from the natural ground level. Has a height of 2.95 metres at the eaves from the natural ground level. Approved on 12.03.2020

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is located within the Maidstone Urban Area on the southern side of Tonbridge Road. The site comprises a two storey semi-detached House in Multiple Occupation (HMO).
- 1.02 The premises is lawfully in use as a 6 bedroom HMO, as a change of use from a dwellinghouse to small scale HMO does not normally require planning permission. (Where there is no Article 4 Direction)
- 1.03 The property contains 6-bedrooms, all with en-suite facilities, kitchen and dining area, and a store room. Off street parking is provided by the front driveway and a bike store is located within the rear garden.
- 1.04 This part of Tonbridge Road (A26) is characterised by predominately residential uses comprising both terrace and semi-detached houses.

- 1.05 The site is not in a conservation area and there are no listed buildings affecting the site. The site located in flood zone 1.

2. PROPOSAL

- 2.01 The proposal seeks to change the use of the property from a 6-person Class C4 HMO to a 7-person Sui Generis HMO through the addition of one-bedroom within the existing building.
- 2.02 The bedroom will have a floorspace of 10 square metres and will benefit from en-suite bathroom facilities at 2.5 square metres.
- 2.03 The proposal involves internal alterations only, no external alterations are proposed as part of this planning application.

3. POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan 2017: Policy SS1, SP1, SP19, DM1, DM9, DM12 and DM23.
- Maidstone Borough Policies Map
- National Planning Policy Framework (NPPF): Chapters 2, 4, 5, 11, 12.
- National Planning Practice Guidance (NPPG)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 3 letters of objection from the same resident and one letter of support have been received.
- 4.02 The objections can be summarised as follows:-
Impact of noise from residents – noise is perceptible from neighbouring properties
Concerns regarding overcrowding and density
Parking – there is not enough room for cars to park on site.
Amenity – the extension constructed causes loss of light
- 4.03 The letter of support can be summarised as follows:-
The work on the property has been done to a high standard. The premises provide valuable accommodation for NHS workers.

Ward Councillor

- 4.04 Cllr Harper has requested that the item be heard by the committee due to the impact on local residents from the increased housing density. Whilst a 6 unit HMO requires no planning permission, a 7 unit HMO would do so.

5. CONSULTATIONS

Senior Housing & Health Officer

- 5.01 The property is licensed as an HMO for 6 people. For 7 people the property must have 2 sets of grill and ovens, 2 sinks, 2 fridge freezers and 2x 4 ring hobs.
- 5.02 After review and a site visit, the officer confirmed the property has the required appliances and is suitable for 7 people.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Principle of the development
 - Impact on amenity
 - Highways and Parking

Principle of development

- 6.02 The site property is currently in use as a 6 person HMO, and permission is sought to convert this to a 7 person HMO.
- 6.03 This would involve a change from small scale HMO (Class C4) to larger scale HMO (Sui Generis).
- 6.04 Given that the proposals would take the property outside of the requirements of C4 class, and the nature of the changes to the floor layout; officers are satisfied that the proposals are a material change of use requiring planning permission.
- 6.05 The application site lies within the urban area of Maidstone where the principle of conversion or subdivision of existing residential dwellings into flats is generally accepted. Paragraph 6.54 of the Maidstone Local Plan states that 'the conversion of larger residential properties to houses in... multiple occupation HMOs aids the provision of accommodation for smaller households and contributes towards a mix and choice of homes, advocated by the NPPF'.
- 6.06 Policy DM9 (Residential extensions, conversions and redevelopment within the built up area) sets out the criteria for determining applications which involve extensions within built up areas. The policy reiterates the requirements highlighted in paragraph 118(e) of the NPPF above. Such proposals are permitted if;
- i. "The scale, height, form, appearance and siting of the proposal would fit unobtrusively with the existing building where retained and the character of the street scene and/or its context.
 - ii. The traditional boundary treatment of an area would be retained and, where feasible, reinforced.
 - iii. The privacy, daylight, sunlight and maintenance of a pleasant outlook of adjoining residents would be safeguarded; and
 - iv. Sufficient parking would be provided within the curtilage of the dwelling without diminishing the character of the street scene."
- 6.07 The application site is situated in a sustainable location within the Maidstone Urban Area, as such, the principle of development in this location is considered acceptable subject to the impacts of the development in detail.
- 6.08 The comments received by the Senior Housing and Health Officer, who would grant such licenses, confirmed that the property is suitable to accommodate 7 occupants. The proposal is for the addition of one more occupant, a condition will be attached to the decision to ensure only 7 occupants can occupy the property at one time.
- 6.09 The use of the site property as a 7 unit HMO would not cause harm to the character and appearance of the area, as it would not significantly change its external appearance. Provision for refuse and cycle storage would be sought through attached planning conditions.
- 6.10 It is therefore considered that the principle of increasing the number of occupants of the HMO to 7 people is acceptable.

Impact on amenity

- 6.11 Paragraph 6.55 of the Local Plan states 'the intensified use of dwellings to create smaller households can cause problems for nearby residents, for example noise and disturbance from increased traffic movements...'.
- 6.12 The building is already in use as an HMO in an established residential area. As such, the addition of one occupant is not considered to result in harm to amenities of the occupants of the existing building or the occupiers of neighbouring residential properties in terms of noise and disturbance caused by additional activity, including

comings and goings, vehicle movements, and internal and external noise transmission.

- 6.13 The proposed bedroom would have access to an en-suite bathroom and is large enough to provide adequate space for the future occupant of the room. It is considered that the rear garden would still provide adequate outdoor amenity space for the occupiers of the building.
- 6.14 Additionally when considering the dwellings proximity to the town centre, occupants have access to amenity and facilities as well as parks provided within Maidstone town centre.

Highways and parking

- 6.15 Policy DM23 (Parking Standards) requires the parking standards to be applied to developments. Urban area locations are required to have maximum spaces. For 1 bedroom flats, the maximum car parking space in the urban area is 1 space per unit but nil provision is encouraged.
- 6.16 The application site is located just outside the town centre boundary, as well as bus routes within the vicinity of the property, a train station is also 1.5km east of the application site. With these factors in mind it is not considered that it is necessary to provide parking provision at the application site for a single occupier. As such the development will not have a materially harmful impact upon parking in the area or the wider highway network.

Other matters

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

PUBLIC SECTOR EQUALITY DUTY

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

7. CONCLUSION

- 7.01 Overall, the proposal is located within the Maidstone Urban Area where the principle of residential development is supported by local and national policy. The HMO use has already been established and the intensification of an additional unit is not considered to be significant.
- 7.02 The development will not impact upon the amenity of neighbouring properties or occupying residents, nor will it impact upon parking in the area or the wider highway network. The site is in a highly sustainable location and the car parking provision proposed is considered acceptable. The application is recommended for approval, subject to conditions.

8. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following planning conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of the permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
Site Location Plan – Drawing no. BDS-1672-P01
Existing & Proposed Plans & Elevations – Drawing no. BDS-TR-P10
Existing and Proposed Site Plans – Drawing no. BDS-1672-P02

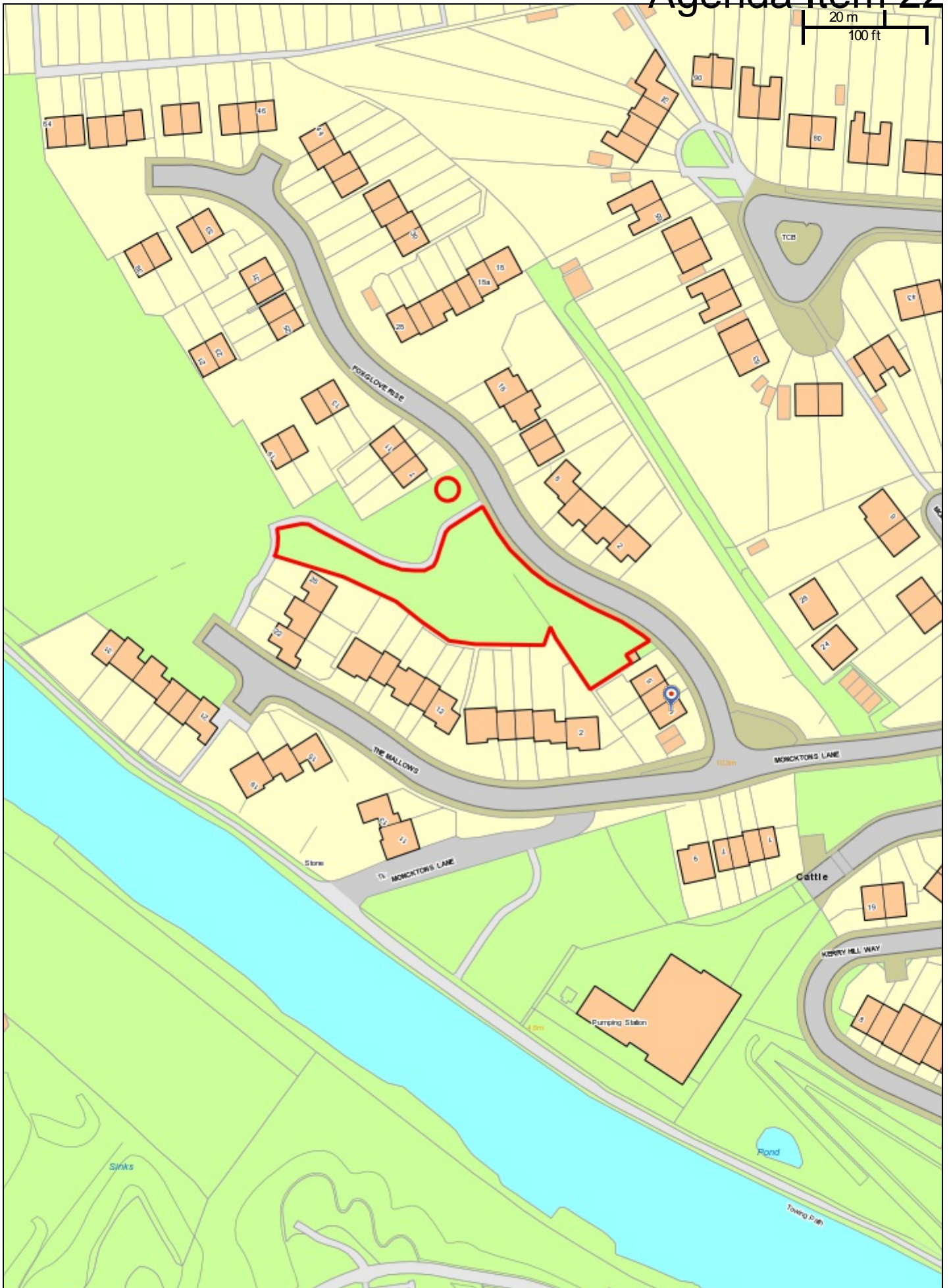
Reason: To ensure that the development is undertaken in accordance with the approved drawings

- 3) The house of multiple occupation shall be occupied by no more than seven people.
Reason: In the interests of neighbouring residential amenity.
- 4) The premises shall be used for the purpose of a House of Multiple Occupation and for no other purpose.
Reason: In the interests of the amenities of the area.

INFORMATIVES

- 1) The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after
- 2) Owners or managers of properties that are licensable must inform the local authority of their premises and obtain a license. This is obtained under separate housing legislation. HMOs are regulated under the Housing Act 2004. This makes sure that landlords and managing agents ensure the HMOs are safe and well managed. Maidstone has produced a standards booklet which sets out matters for consideration.

Case Officer: Connor Shingler



20/505891/TPOA Woodland off Foxglove Rise and The Mallows, Maidstone, Kent

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Printed on: 10/6/2021 at 9:26 AM by JoannaW

REPORT SUMMARY

REFERENCE NO - 20/505891/TPOA			
APPLICATION PROPOSAL Tree Preservation Order application: G1 = 8 Sycamore and 4 Hazel, G2 = 4 Sycamore, G3 = 4 Sycamore, T11 = Individual Pine - Crown lift all trees to 3m for maintenance purposes and to allow pedestrians to pass underneath.			
ADDRESS Woodland Off Foxglove Rise And The Mallows Maidstone Kent			
RECOMMENDATION Permit subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION The proposed works are considered appropriate arboricultural management.			
REASON FOR REFERRAL TO COMMITTEE The trees are growing on Maidstone Borough Council -owned land and the application is made on behalf of the Council's Parks team.			
WARD North	PARISH/TOWN COUNCIL Unparished	APPLICANT Mr Andrew Jesson AGENT Caroline Everest	
DECISION DUE DATE 24/06/21	PUBLICITY EXPIRY DATE 25/05/21	OFFICER SITE VISIT DATE 10/06/21	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
18/505165/TPO	TPO application to fell 8x Sycamores	PER	22/11/2018
Permitted due to failure risk, subject to replacement planting			
17/505405/TPO	1no. Sycamore - to remove lower branches allowing 5m clearance above ground level.	PER	11/12/2017
TA/0030/10	Coppice 1 Hazel Tree	PER	19/05/2010
TA/0058/09	Crown lift one Sycamore tree to 3.5 metres over properties 2-4 the Mallows and fell both stems on one Sycamore tree as their crowns are interlinked	PER	11/06/2009

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The trees subject to this application are growing on amenity land situated to the west of Foxglove Rise and North of The Mallows.

2.0 PROPOSAL

- 2.01 The proposed works are to crown lift all trees subject to Groups G1, G2 and G3 and individual tree T11 Pine to 3m above ground level. This involves the removal of lower branches up to the specified height, either back to the main stem(s) or by shortening of branch tips. There are no remaining trees in group G1 that can be crown lifted and T11 Pine does not have any lower branches below a height of 3m. The proposal therefore only applies to Groups G2 and G3.

3.0 PLANNING CONSTRAINTS

- 3.01 Tree Preservation Order No.4 of 1989 G2 consisting of 4 Sycamore, G3 consisting of 4 Sycamore

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 Government Policy:
National Planning Policy Framework (2019)

Ministry of Housing, Communities & Local Government, Planning Practice Guidance, Tree Preservation Orders and trees in conservation areas, March 2014

- 4.02 Local Policy:
Maidstone Borough Local Plan October 2017 - Policy DM 3

Maidstone Landscape Character Assessment (March 2012 amended 19 July 2013) and Supplement (2012- Saved Sections of the Landscape Character Assessment and Landscape Guidelines 2000)

- 4.03 Compensation:
A refusal of consent to carry out works to trees subject to a Tree Preservation Order can potentially result in a claim for compensation for loss or damage arising within 12 months of the date of refusal. The applicant is Maidstone Borough Council, so it is unlikely that such a compensation claim would arise as a result of a refusal of this application, but the Council could be liable to claims for damage or injury as a result of tree failure if identified hazards are not addressed. Not applicable if approved.

5.0 LOCAL REPRESENTATIONS

- 5.01 A site notice was displayed on 18/05/2021 and expired on 08/06/2021
- 5.02 3 representations were received from 3 neighbouring properties in The Mallows raising the following issues (summarised):
- Reduction of habitat and food source for wildlife. - The green space has become a haven for wildlife, especially recently, following the loss of so many ash trees by the River Medway towpath and the loss of habitat as a result of the massive housing development at Springfield.
 - Request that maintenance be restricted to verge clearance and crown lifting of trees to a maximum of 3m over the public footpath only.
 - The mature trees here are an important landscape feature and any loss of such trees will spoil the visual appearance of the area.

- Loss of a fence that has fallen down and has not been repaired or replaced. Request that this fence is reinstated as soon as possible, especially if you are intending to remove the shrubbery.
- Loss of privacy - work already carried out on two lime trees at the back of my property has already lost my privacy as the back of my property can be looked in to from foxglove rise by both pedestrians walking and houses opposite. If the council must lift these trees, can they not cut just the front of the tree and not the whole circumference of the trunk, that way we will have a least a little privacy left.
- Loss of tall plants was a form of security. Recent trimming of greenery next to the footpath that runs from Foxglove Rise to The Mallows has exposed all properties in the Mallows from No:2 to No:10 and allowed access to the back fences of our properties. You can now see into the back windows of all these gardens from this walkway.
- The trees and nature are lovely but maintain them they are way too tall and need regular maintenance, so they don't impact on our properties particularly Number 2 and 4 this end they are way too close to our houses.

6.0 CONSULTATIONS

6.01 No responses received

7.0 BACKGROUND PAPERS AND PLANS

7.01 Location plan submitted. Various correspondence between agent and case officer/validation team to clarify proposal.

8.0 APPRAISAL

General appraisal of trees in G2 and G3

8.01 Contribution to public visual amenity:
Good – clearly visible to the public

Condition:

Good – no significant defects noted

Useful life expectancy:

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

Visual Impact

8.02 The proposed crown lifting of the trees to 3m above ground level will have some visual impact but will not appear excessive in relation to the height of the trees.

Residential Amenity

8.03 The representations cite loss of privacy and security as a result of the proposed works, but this also includes other works to trees and vegetation not subject to the Tree Preservation Order. However, TPOs serve to protect public, not private amenity and it is unreasonable to expect vegetation on adjoining land to provide security or privacy.

Tree condition

- 8.04 The trees in G2 and G3 are mature Sycamore of up to 22 metres in height with varying stem diameters of around 60cm. The form a prominent group of good overall form. No significant defects were noted during inspection and the trees appear to be in good condition for their age and size. More stems are present than listed in the TPO, with some possibly being multi-stemmed.

Impact of proposed works on tree health

- 8.05 The proposed works will not result in the removal of any significant limbs with maximum pruning wound size not exceeding 100mm. The extent of crown lifting proposed will not exceed recommended limits. It is therefore considered that the works are in accordance with the recommendations of British Standard 3998. As such they are considered to be acceptable arboricultural management.

Loss of wildlife habitat

- 8.06 The proposed removal of lower branches from the trees could result in some loss of wildlife habitat, but it is not considered that this is significant in relation to the size of the trees and the amount of habitat that would remain. There is no evidence to suggest that protected species might be disturbed as a result of the proposed works.

9.0 CONCLUSION

- 9.01 The proposed works will not have a significant detrimental impact on the long-term health of the trees or their contribution to public amenity and are therefore considered acceptable arboricultural management.

10.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS to include

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

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

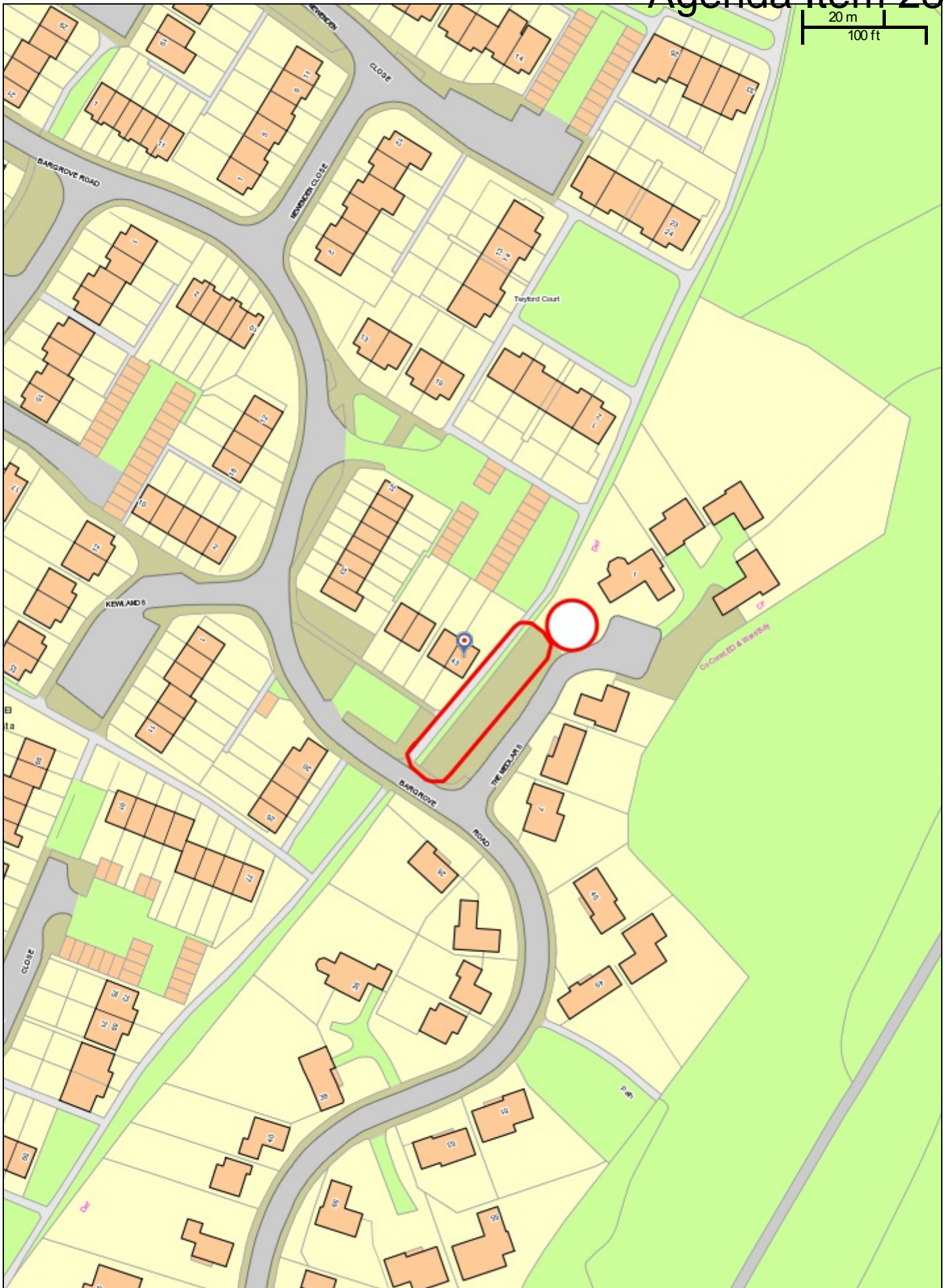
INFORMATIVES

- (1) Works to trees could result in disturbance to wild animals, plants and important wildlife sites protected by law. Therefore, the works hereby permitted should be carried out in a manner and at such times to avoid disturbance. Further advice can be sought from Natural England and/or Kent Wildlife Trust.
- (2) The Council's decision does not override the need to obtain the tree owner's consent for works beyond your boundary.

Case Officer: Nick Gallavin

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.



21/500489/TPOA 43 Bargrove Road, Maidstone, Kent, ME14 5RT

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REPORT SUMMARY

REFERENCE NO - 21/500489/TPOA			
APPLICATION PROPOSAL TPO Application for 6 x trees (consisting of mixed Acer, Crataegus and Quercus- as shown on tree location plan)- crown lift all to 2.8m and thin by 15%.			
ADDRESS 43 Bargrove Road Maidstone Kent ME14 5RT			
RECOMMENDATION Permit subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION The proposed works are considered appropriate arboricultural management.			
REASON FOR REFERRAL TO COMMITTEE The trees are growing on Maidstone Borough Council -owned land and the application is made on behalf of the Council's Parks team.			
WARD East		PARISH/TOWN COUNCIL	APPLICANT Maidstone Borough Council AGENT Qualitree Services
DECISION DUE DATE 30/04/21	PUBLICITY EXPIRY DATE 29/03/21	OFFICER SITE VISIT DATE 31/12/20	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
19/505893/TPOA	Remove one Acer; Reduce all crowns of group of trees (consisting of mixed Acer, Crataegus, and Quercus) from property (lateral branches only, from 6.5m to 4m) , crown lift all to 2.8m and thin crowns by 15%, and sever all Ivy.	Withdrawn by applicant	09/02/2021
<i>Summarise Reasons</i> Withdrawn for revised proposal to be submitted			

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The trees subject to this application are growing on amenity land situated to the east of 43 Bargrove Road and West of The Medlars. Public bridleway KB36 runs alongside the trees on their west side.

2.0 PROPOSAL

- 2.01 The proposed works are to crown lift the trees to a height of 2.8 metres above ground level. This involves the removal of lower branches up to the specified height, either back to the main stem(s) or by shortening of branch tips. The proposed works also include crown thinning by 15%. This involves the removal of the specified proportion

of crown volume by the selective removal of branches to reduce crown density without reducing the overall crown dimensions.

3.0 PLANNING CONSTRAINTS

3.01 Tree Preservation Order No.1 of 1954 Area A1

4.0 POLICY AND OTHER CONSIDERATIONS

4.01 Government Policy:
National Planning Policy Framework (2019)

Ministry of Housing, Communities & Local Government, Planning Practice Guidance, Tree Preservation Orders and trees in conservation areas, March 2014

4.02 Local Policy:
Maidstone Borough Local Plan October 2017 - Policy DM 3

Maidstone Landscape Character Assessment (March 2012 amended 19 July 2013) and Supplement (2012- Saved Sections of the Landscape Character Assessment and Landscape Guidelines 2000)

4.03 Compensation:
A refusal of consent to carry out works to trees subject to a Tree Preservation Order can potentially result in a claim for compensation for loss or damage arising within 12 months of the date of refusal. The applicant is Maidstone Borough Council, so it is unlikely that such a compensation claim would arise as a result of a refusal of this application, but the Council could be liable to claims for damage or injury as a result of tree failure if identified hazards are not addressed. Not applicable if approved.

5.0 LOCAL REPRESENTATIONS

5.01 A site notice was displayed on 18/05/2021 and expired on 08/06/2021

5.02 3 representations were received from 3 neighbouring properties in The Medlars raising the following issues (summarised):

- Understand the need to trim/crown lift over the bridleway but object to the extent of the work proposed.
- Loss of Privacy
- Visual appearance
- Natural barrier between The Medlars and the bridleway will be lost
- Detrimental effect on wildlife habitat.
- Will create gaps between the trees, which will allow people to take a short cut from the bridleway/footway into The Medlars and vice versa.
- Dogs, off their leads, are more likely to get onto the grass amenity area adjacent to the trees and defecate there, causing a health hazard.
- A crown lift to 2.8m would destroy the screen which provides privacy and some security.

6.0 CONSULTATIONS

6.01 No responses received

7.0 BACKGROUND PAPERS AND PLANS

- 7.01 Location plan submitted.

8.0 APPRAISAL

General appraisal of tree group

- 8.01 Contribution to public visual amenity:
Good – clearly visible to the public

Condition:
Good – no significant defects noted

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

Visual Impact

- 8.02 The proposed works will have limited visual impact. Crown lifting the trees from the current clearance of about 2m over the bridleway to 2.8m will have limited impact on public amenity value and will not appear excessive in relation to the height of the trees. Crown thinning by 15% will have negligible impact as the overall crown size will remain unchanged.

Residential Amenity

- 8.03 The representations cite loss of privacy, loss of undergrowth creating gaps for access by people and dogs to the green alongside The Medlars as potential problems resulting from the proposed works. The TPO can only control works proposed to the mature trees present (only trees present at the time the TPO was made in 1954 are subject to the Order). It does not control works to other trees, shrubs or other plants present. TPOs serve to protect public, not private amenity and it is unreasonable to expect vegetation on adjoining land to provide security or privacy. It is not considered that the works to the trees will have a significant impact in such matters. The concerns raised in this respect should be dealt with by communication between the residents concerned and the Parks team, who have been made aware of the issues raised so that these matters can be discussed prior to works commencing.

Tree Condition

- 8.04 The trees are a linear group including Sycamore, Hawthorn, Beech and Oak reaching up to 18m in height with radial crown spread of up to 6m. They appear to be in reasonable health for their age, but understorey growth and ivy cover hindered a full inspection.

Impact of proposed works on tree health

- 8.05 The proposed works will not result in the removal of any significant limbs with maximum pruning wound size not exceeding 100mm. The extent of crown thinning proposed will not exceed recommended limits. It is therefore considered that the works are in accordance with the recommendations of British Standard 3998. As such they are considered to be acceptable arboricultural management.

Impact of proposed works on wildlife habitat

- 8.06 It is not considered that the proposed works will have a significant impact on wildlife habitat. The concerns raised about the potential removal of undergrowth and ivy (which are not controlled by the TPO) are more likely to be detrimental to wildlife habitat. There is no evidence to suggest that protected species might be disturbed as a result of the proposed works.

9.0 CONCLUSION

- 9.01 The proposed works will not have a significant detrimental impact on the long-term health of the trees or their contribution to public amenity and are therefore considered acceptable arboricultural management.

10.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS to include

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

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

INFORMATIVES

- (1) Works to trees could result in disturbance to wild animals, plants and important wildlife sites protected by law. Therefore, the works hereby permitted should be carried out in a manner and at such times to avoid disturbance. Further advice can be sought from Natural England and/or Kent Wildlife Trust.
- (2) The Council's decision does not override the need to obtain the tree owner's consent for works beyond your boundary.

Case Officer: Nick Gallavin

- 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 24



21/501019/FULL 301 Loose Road, Maidstone, Kent, ME15 9PY

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REFERENCE NO - 21/501019/FULL		
APPLICATION PROPOSAL Demolition of the existing public house.		
ADDRESS 301 Loose Road Maidstone Kent ME15 9PY		
RECOMMENDATION Approve subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed demolition works can be managed by conditions to ensure that impacts on amenity and congestion are minimized.		
REASON FOR REFERRAL TO COMMITTEE Call in by Cllr Wilby and the works relate to a MBC supported infrastructure project.		
WARD South	APPLICANT Kent County Council AGENT WSP	
TARGET DECISION DATE 06/05/21		PUBLICITY EXPIRY DATE 14/04/21
RELEVANT PLANNING HISTORY None		

MAIN REPORT

1. DESCRIPTION OF SITE



- 1.01 The Planning Application Site comprises the Wheatsheaf public house, located on the junction of Loose Rd (A229) and Sutton Road (A274). The building has been vacant since late 2019, having been acquired by Kent County Council.
- 1.02 The site comprises a 0.39ha plot which is broadly triangular in shape. The building comprises the former PH and beer garden. The main building is three storeys in height and has been extended over time, with annex and outbuildings. The history and character of the building is considered in Section 6 below.

- 1.03 Surrounding properties are principally residential, with a number of commercial properties along the 'Weatsheaf parade'. Both the immediate townscape setting and environment are dominated by the traffic conditions associated with this busy junction.

2. PROPOSAL

- 2.01 Planning permission is required for the demolition of the building by virtue of Article 4 of the Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2017, which removes permitted development rights for the demolition of any pub.
- 2.02 Members should note that this Planning Application is only concerned with the demolition of the existing building. Whilst the demolition is proposed in order to enable the highway improvement scheme to be delivered, the specific details of the proposed new junction scheme are not before the Council for assessment under this application. Those works would be delivered by KCC under permitted development rights (Part 9 of the General Permitted Development Order 2015).
- 2.03 However, in assessing whether any adverse impacts arise from the proposed demolition, Members are able to consider what weight they might afford to the planned infrastructure works that the demolition may subsequently enable.
- 2.04 The planning application is accompanied by the following assessments:
- Demolition Method Statement (DMS), incorporating a noise and vibration assessment.
 - Construction Traffic Management Plan (CTMP)
 - Dust Management Plan (DMP)
 - Preliminary Bat Roost Report
 - Design Site Waste Management Plan
- 2.05 The DMS is an overarching document that covers the processes from site risk assessment, through survey to mitigation measures processes and management processes. Should permission be granted, adherence to the document will be conditioned and, for example, residents would be able to monitor site activity against it.
- 2.06 The DMS assesses the proximity of potentially sensitive receptors and their individual sensitivities. The demolition programme is identified as follows:
- Condition survey of site surrounds, pavement condition, adjacent structures etc
 - Provision of site compound and hoarding
 - Disconnection and isolation of utilities
 - Asbestos survey
 - Soft strip
 - Structure demolition
 - Break out of slabs / foundations
- 2.07 Standard hours of works are stated as 0800 - 1800 Monday to Friday and 0800 - 1300 Saturday, which accords with the Council's guidelines. On Sundays, only 'no noise' activities such as security, survey/monitoring will be permitted.

- 2.08 Traffic access to the site will be managed by banksmen, with advanced pedestrian warning signs surrounding the site. Community liaison and a contacts/complaints process will be put in place.
- 2.09 The DMS incorporates a noise and vibration assessment. Whilst a relatively generic report, it identifies measures to reduce impacts such as:
- Use of mains electricity in favour of generators
 - Use of electrical rather than mechanical equipment
 - Application of silencers where available
 - Equipment not being allowed to idle when not in use
 - Application of 'push-over' rather than pneumatic demolition when possible
- 2.10 The purpose of a CTMP is to set out the measures to manage traffic visiting the site and mitigate their impacts. However, what has been submitted is in effect a 'generic framework' rather than a detailed CTMP. Should planning permission be granted, having regard to the site's location, a condition is recommended that seeks approval of details such as the following, the purpose being to ensure that, for example, vehicles do not route via or wait on residential roads or create obstruction that adds to congestion:
- Vehicles types, timings and frequencies
 - Vehicle routes
 - Booking / waiting strategies
- 2.11 The strategy for managing dust and air quality is set out in the DMP and is based upon a series of measures including:
- Not permitting unnecessary engine running
 - Using LE vehicles and plant
 - Prohibiting on-site burning of materials
 - Cleaning vehicles prior to departure
 - Washing down site fencing / hoarding
 - Managing water run off

3. POLICY AND OTHER CONSIDERATIONS

- 3.01 Relevant policy considerations are set out in:

Maidstone Borough Local Plan 2017

- SS1(11) Spatial Strategy & Infrastructure Schemes
- DM4 Non-Designated Heritage Assets
- DM6 Air Quality
- DM21 Transport Impacts
- Para 4.159 Highway Improvement Schemes

North Loose Neighbourhood Plan 2016

- HWTa 1 Healthy Communities
- HWTa 2 Air Quality
- HWTa 3 Transport Matters
- SD 1 Public Realm Improvements
- BCE 2 Loss of commercial premises

National Planning Policy Framework (NPPF)

- 8a Infrastructure should be coordinated with sustainable growth
- 197 Assessing impacts on non-designated heritage assets

National Planning Practice Guidance (NPPG)

Kent County Council's Local Transport Plan 4: Delivering Growth without Gridlock 2016-2031

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 Five representations were received from local residents. Two neither objected nor supported, but requested measures to reduce impacts, two principally focussed upon the replacement junction rather than demolition work. The relevant points raised included:
- The area already suffers from congestion and air pollution
 - Works should not take place in the summer when dust levels will be higher
 - Works should not take place at night
 - Works should be carried out during school summer holidays to minimise disruption
 - This is an iconic building that has been around for almost two hundred years, removing it will destroy a piece of history.
 - This is an iconic and historical building. Far too many of Maidstone's old buildings have been destroyed. Please don't allow yet another one to go
 - The Wheatsheaf is a meeting place for local people and that will be taken away.
 - Without the Wheatsheaf the Hastings Road will be turned into yet another featureless and unmemorable part of Maidstone and finally, instead of trying to reduce the use of cars that cause air pollution and noise, by giving a green light to have the pub destroyed to make space for a larger junction you are actively promoting even more traffic.
 - Air quality and noise assessments should accompany this application, demonstrating how the adverse effects of the proposal on properties currently shielded by The Wheatsheaf can be mitigated. There are properties on Loose Road shielded from traffic on Sutton Road and vice versa. The Wheatsheaf acts as a barrier block to these properties.
- 4.02 Residents raised a number of matters that principally related to the proposed junction design / infrastructure planning strategy rather than this application for demolition and are not material considerations to this assessment.

5. CONSULTATIONS

North Loose Residents Association/Neighbourhood Planning Forum

- 5.01 Have no comment to make regarding the above application.

KCC Highways

- 5.02 A Construction Traffic Management Plan has been produced to cover demolition works. Any footway or lane closures will need to be agreed, with alternative footway arrangements in place, with clear signage, including temporary signal crossings, if appropriate. Any lane closures will need agreement and ideally take place between 09:30 and 16:00, outside of the normal peak traffic hours. Sign-off on any temporary management plans prior to works completing.
- 5.03 Confirm that provided the following requirements are secured by condition or planning obligation, they would raise no objection on behalf of the local highway authority.
- Submission of a construction management plan.

Environmental Protection Team MIDKENT Environmental Health

- 5.04 Note that both Construction Traffic Management Plans, a General Arrangement Plan, a Site Waste Management Plan and a Demolition Method Statement have been provided in support of this application.
- 5.05 A Dust Management Plan has also been submitted, (ref 70043445-REP-030 dated April 2020). Find no mention in any of the plans of an intention to use dust sheeting around any parts of the building to help control dust, but consider that it would be best practice to do so.
- 5.06 The nearest Air Quality NO₂ diffusion tube monitoring site is Maid 53, which is less than 2m from the site. There are also tube monitoring locations at 196 Loose Rd (Maid 19) and 243 Loose Rd (Maid 56). There is also an Air Quality Monitoring Station with continuous automatic monitoring of Nitrogen Dioxide and Particulate Matter.
- 5.07 The site is within the Maidstone Town Air Quality Management Area and consider that the passive monitoring technique proposed for monitoring dust from the is insufficient. To ensure that the site activities do not cause exceedances of air quality objectives for PM₁₀ & PM_{2.5}, an additional more accurate quantitative & continuous monitoring method for measuring particulate matter should be required by condition. There should be at least 3 boundary monitors (in particular near houses on the eastern boundary since the predominant wind direction is from the West).
- 5.08 It is also important that the Plant & Vehicle Emission Control Procedures set out in the DMP are adhered to, particularly the use of low emission vehicles and plant.
- 5.09 Any demolition or construction activities may have an impact on local residents and so the usual conditions/informatives should apply in this respect. The building being demolished should be checked for the presence of asbestos and any found should only be removed by a licensed contractor.
- 5.10 No objection, subject to comments above plus conditions and informatives below.
- Particulate Matter Monitoring
 - 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.

KCC Archaeology

- 5.11 The public house is the Wheatsheaf Inn and it is identifiable on the 1st Ed OS map as an inn. The inn may be of Post Medieval or earlier origin and could be of historic and archaeological interest, especially in view of its location at a key junction of routeways. It is not a designated heritage asset but even as a non-designated heritage asset, suitable assessment of the archaeological significance needs to be undertaken, in accordance with paragraph 189 NPPF.

- 5.12 This application is not supported by any assessment of archaeological issues and there is insufficient information on the archaeological significance of the building as a 19th century or earlier inn. On this basis, recommend that this application is not determined until the applicant has provided a suitable understanding of the significance of the building, especially as the proposed harm is complete demolition.
- 5.13 As such I recommend an archaeological buildings assessment is undertaken prior to determination of this application.

6. APPRAISAL

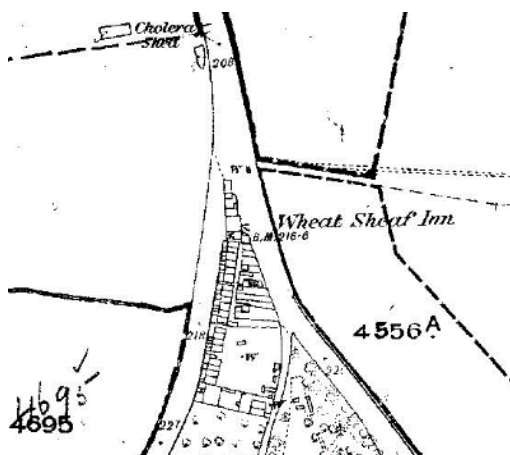
Main Issues

- 6.01 The key issues for consideration relate to:
- Loss of the existing building
 - Heritage considerations
 - Townscape impacts
 - Loss of the commercial use
 - Potential impacts on residential amenity
 - Potential impacts on highway safety
 - Potential ecological impacts

Loss of the Existing Building

Heritage and Townscape Considerations

- 6.02 The existing building was built in 1836, although public records of licensees date back to at least 1786, so it is likely that a form of inn has existed on the site for a considerable period prior the existing building.



1876 – 1895



1880



1936 – 1946



c1950

6.03 Despite its age, the building is not listed, nor does it lie within or close to a conservation area. However, having regard to its historical significance, it is considered to be a non-designated heritage asset.

6.04 Policy DM4 of the Local Plan requires the relevant tests of the NPPF to be applied. Paragraph 197 of the NPPF states that:

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

6.05 The test is different to that for designated heritage assets whereby, whilst there is a duty to have regard to the significance of the asset and to undertake a balanced judgement, the duty to specifically assess public benefits is not formally required.

6.06 The application is not accompanied by any assessment of heritage issues. Nevertheless there is a clear record of the building and its history. It is clear that the site has a historical significance in terms of being a location of an inn on significant local route / junction and that the presence of the public house has played a significant contribution in the history of the immediate area and has been a local landmark of significance in terms of both its built form and function.

6.07 The existing building, although much altered both internally and externally, still retains much of its original form and retains its prominent setting, facing towards the town centre. As identified in the Neighbourhood Plan it is clearly a local landmark experienced by many, even if they were neither regulars nor irregulars of the public house and this must be afforded some weight in terms of its significance in terms of the history of the area and its townscape.



- 6.08 Its significance therefore lies in its historic role and its townscape contribution. However, the fact that the building is much altered, not statutorily listed and does not lie within a conservation area must also bear weight in the assessment process.
- 6.09 Both Paragraph 199 of the NPPF and Policy DM4 of the Local Plan require that where development may involve the loss of a non-designated heritage asset, measures should be taken to ensure that the significance of the asset is recorded, albeit that this in itself should not be justification for its loss.
- 6.10 In the absence of a heritage assessment to accompany the application and the fact that the proposals would lead to the loss of the building and a significant change in the character and function of this junction, should planning permission be granted, it is recommended that, as required by Policy DM4 and paragraph 197 of the NPPF, a condition be imposed requiring a detailed physical, photographic and historical audit of the building and that the findings of this be made available to the local authorities and other interest groups and local archives.
- 6.11 Whilst beyond the scope of this application, Officers would also encourage Committee to ask the Applicant to bring forward, as part of the new highway and landscape works, a scheme for the new landscaping that offers the public a lasting insight into the site's history. This could take the form of local history information boards or public art, using the site's history to inform the hard and soft landscaping scheme.

Archaeology

- 6.12 Having regard to KCC's comments regarding the potential archaeological significance of the site, paragraph 189 of the NPPF states in relation to archaeology that:
- ".....Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."*
- 6.13 The applicant was invited to respond, but has not so far, instead seeking to suggest that a pre-commencement evaluation condition be imposed. In this instance with records suggesting that the site may have been the location of an inn significantly pre-dating the present building, having regard to the historical significance of this function in this location, it is considered that an archaeological investigation is warranted.
- 6.14 As this is an application for demolition rather than redevelopment, a condition could be imposed requiring no excavation below slab level prior to such an evaluation and a scheme for further ground investigation being approved. The issue for the LPA is that once the existing non-designated heritage asset is demolished, then the Highway Authority would be able to implement the application as permitted development. As such a prior to commencement condition is suggested.
- 6.15 Members must therefore consider whether a condition would offer sufficient opportunity to assess and record / preserve the archaeological potential of the site.

Land Use

- 6.16 The Local Plan does not afford protection to a commercial or community use in this location. The site does not form part of a designated centre or parade where the loss of such a use triggers a policy consideration.
- 6.17 Whilst the Neighbourhood Plan identifies the site and the parade to the south as a local centre, Policy BCE 2 is entitled changes of use and does not specifically refer to

public houses. As such it is not considered that it affords protection to the existing use.

Residential Amenity

- 6.18 Whilst traffic conditions dominate the environmental conditions of the site, demolition processes have the potential to impact upon residential amenity through factors such as noise from demolition works and traffic, dust and associated air quality impacts.
- 6.19 The Applicant has submitted various reports to demonstrate how they would seek to manage impacts on residential amenity by managing the impacts of the demolition process and associated activities on, for example, noise and air quality. These are broadly acceptable, but as they are relatively high level 'framework' reports surrounding residents may require further detail. However, as these measures are controlled under the Noise and Control of Pollution Act, and as the Applicant is KCC, it is considered that an informative highlighting the further detail to be brought forward would be acceptable.

Highways

- 6.20 KCC Highways raise no objection to the principle of the demolition works in terms of highway safety.
- 6.21 As the Applicant is the Highway Authority, they clearly have a parallel duty to ensure that any impact from the works is managed accordingly. As such the proposals comply with Policies DM21 and HWTa 3.

Ecology

- 6.22 As a bat survey identified evidence of potential roosts within the structure, a condition is proposed requiring further assessment of the site prior to the commencement of works.

PUBLIC SECTOR EQUALITY DUTY

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

7. CONCLUSION

- 7.01 From the above assessment, it is considered that the existing building is a non-designated heritage asset, the loss of which would be considered to be harmful. The LPA has afforded material weight to this in the overall assessment process. Unlike a designated asset, there is no formal 'public benefit' test, however, this harm should be weighed against other matters.
- 7.02 The delivery of highway infrastructure to support growth as part of the present Local Plan is a key requirement as set out in 4.159 of the Local Plan. It is also a key element of the Council's Strategic Plan and the County Council's Local Transport Plan.

- 7.03 The delivery of infrastructure will not only support growth, but also address the local impacts of congestion and air quality. Improvements to air quality in this location should be afforded significant weight and is supported by policies DM6 and HWT A 2.
- 7.04 On balance, whilst the loss of this non-designated heritage asset is regrettable, the benefits that would be enabled by the scheme are considered to outweigh that harm.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

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

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

- 2) Prior to commencement of any development works, a scheme for at least 3 automatic continuous monitors for measuring particulate matter outside the perimeter of the demolition site, should be submitted for approval by the local planning authority. The plans must specify the types of monitoring equipment to be used.

Reason: To ensure that the air quality impacts of the demolition processes are monitored and allow for agile mitigation measures.

- 3) The developer shall arrange for 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. No works shall start on site until a written programme and specification for the work has been submitted to and approved by the local planning authority;

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

- 4) Within 6 months of the completion of the demolition works hereby approved a final report detailing all archaeological results and finds resulting from the approved scheme of archaeological work shall be submitted to and approved by the Local Planning Authority. The report shall include a full photographic archive of the building and any finds to a level 1 recording standard as specified in Historic England's publication 'Understanding Historic Buildings: A Guide to Good Recording Practice 2016'. Copies shall be made available to the Local Planning Authority for inclusion in the Historic Environment Record. In addition, the record shall include acceptable quality reproductions of all available photographic and documented historic images of the site.

Reason: To ensure that the heritage benefits associated with archiving the building's history are secured.

- 5) The works shall be carried in accordance with the following submitted reports:

Demolition Method Statement (DMS), incorporating a noise and vibration assessment.

Construction Traffic Management Plan (CTMP)

Dust Management Plan (DMP)

Preliminary Bat Roost Report

Design Site Waste Management Plan

Reason: To ensure that the amenity of surrounding occupiers is safeguarded and to ensure that the safety of users of the adjacent highway are protected.

INFORMATIVES

- 1) When designing the new public realm associated with the junction scheme, the Applicant is encouraged to develop a scheme which offers appreciation of the site's history.

Case Officer: Austin Mackie

Planning Committee

24th June 2021

Planning Committee Training

Final Decision-Maker	Planning Committee
Lead Head of Service	Angela Woodhouse, Head of Policy & Communications
Lead Officer and Report Author	Rob Jarman, Head of Planning and Development James Bailey – Development Manager
Classification	Public
Wards affected	All

Executive Summary

This report outlines Planning Committee Members' and Substitute Members' responsibilities to ensure they comply with the Council's Constitution by ensuring their knowledge and understanding of current local and national planning policies and legislation remains up to date, while serving on or supporting the Committee.

The report also strongly recommends attendance at a programme of optional training for Planning Committee Members and Substitute Members to facilitate their planning knowledge while serving on or supporting the Committee.

Purpose of Report

To agree the training requirements for Planning Committee Members and Substitute Members and to make a referral to Policy and Resources Committee to notify them of the training programme agreed by Planning so that the Committee can complete their training in the event the Planning Referrals process is invoked.

This report makes the following recommendations to this Committee:

- 1. That new Planning Committee Members and new Substitute Members** complete Planning Training by the end of September 2021, covering the Development Plan, Planning Policies & Guidance, Legislation, Planning Conditions, Grounds of Refusal of Planning Applications, Section 106 Agreements/CIL and Legal Training including Pre-determination of Planning Applications (General and Constitution background), and Planning Judicial Reviews (General process) in order to fulfil the requirements in the Constitution.
- 2. That existing experienced Planning Committee Members and Substitute Members** complete training covering Enforcement and the duty under Section 38(6) of the Planning and Compulsory Act 2004 together with training on the Development Plan to fulfil the requirements in the Constitution by February 2022.

3. **That Planning Committee Members and Substitute Members** are strongly recommended to complete the following optional training sessions by February 2022:
 - Between 2-3 specialised/best practice subject area sessions covering those topics set out in Appendix 1.
4. **That Parish Councils be invited to all training events**
5. **That training sessions be delivered virtually**
6. **That a referral be made to Policy and Resources Committee to notify them of the training programme agreed by Planning so that the Committee can complete their training in the event the Planning Referrals process is invoked**

Timetable	
<i>Meeting</i>	<i>Date</i>
Planning Committee	24 th June 2021

Planning Committee Training

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p><i>The four Strategic Plan objectives are:</i></p> <ul style="list-style-type: none"> <i>Embracing Growth and Enabling Infrastructure</i> <i>Safe, Clean and Green</i> <i>Homes and Communities</i> <i>A Thriving Place</i> <p><i>Accepting the recommendations will materially improve the Council's ability to achieve corporate priorities. We set out the reasons other choices will be less effective in section 2.</i></p>	Rob Jarman James Bailey Austin Mackie
Cross Cutting Objectives	<p><i>The four cross-cutting objectives are:</i></p> <ul style="list-style-type: none"> <i>Heritage is Respected</i> <i>Health Inequalities are Addressed and Reduced</i> <i>Deprivation is reduced and Social Mobility is Improved</i> <i>Biodiversity and Environmental Sustainability is respected</i> <p><i>The report recommendation(s) supports the achievement(s) of the cross-cutting objectives by ensuring Members are kept up to date on existing and proposed legislative changes and best practise.</i></p>	Rob Jarman James Bailey Austin Mackie
Risk Management	<i>Already covered in the risk section</i>	Rob Jarman
Financial	<ul style="list-style-type: none"> <i>The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation.</i> 	Rob Jarman
Staffing	<ul style="list-style-type: none"> <i>We will deliver the recommendations with our current staffing. We will liaise with the</i> 	Rob Jarman

	<i>Policy and Communications team to establish whether a bespoke on-line training package can be delivered.</i>	
Legal	<ul style="list-style-type: none"> • <i>Accepting the recommendations will fulfil the Council's duties under the Constitution. Failure to accept the recommendations without agreeing suitable alternatives may place the Council in breach of the Constitution.</i> 	Legal Team
Privacy and Data Protection	<ul style="list-style-type: none"> • <i>Accepting the recommendations will increase the volume of data held by the Council. We will hold that data in line with our retention schedules.</i> 	Policy and Information Team
Equalities	<ul style="list-style-type: none"> • <i>The recommendations do not propose a change in service therefore will not require an equalities impact assessment</i> 	Policy & Information Manager
Public Health	<ul style="list-style-type: none"> • <i>We recognise that the recommendations will not negatively impact on population health or that of individuals.</i> 	Public Health Officer
Crime and Disorder	<i>The recommendation will not have a negative impact on Crime and Disorder.</i>	Rob Jarman

2. INTRODUCTION AND BACKGROUND

- 2.1 The Council's Constitution sets out the responsibilities of Planning Committee Members and Substitute Members.
- 2.2 The Council's Constitution, Part 4.4 (Local Code of Conduct for Councillors and Officers dealing with planning matters), Section 1.c states, under **"THE GENERAL ROLE AND CONDUCT OF COUNCILLORS AND OFFICERS"**:

"The Council has agreed that no Councillor will be able to serve on this Committee without having agreed to undertake a minimum period of training on the policies, procedures, legislation and guidance relevant to this Committee as specified by the Committee. This training must be completed to an agreed programme set by the Committee annually with a due date for completion. New members must receive training, but the programme may include no training provision for experienced members

unless there have been relevant changes to legislation, policies, or guidance.

If a Councillor has not completed the specified training by the due date, the Councillor will cease to a member/substitute member of this committee until the training has bene completed. The Head of Policy, Communications and Governance will keep a record of the training requirements of this Committee and of Councillors compliance with the requirements.

2.3 Further, Part 4.4 Section 20 states under “**TRAINING**”:

Training requirements for Planning Committee Members and Substitute Members are set out in 1 (c) of this code.

All Councillors should receive basic training on planning issues.

- 2.4 Previous reports to Planning Committee confirmed that investigations had been carried out into an electronic version of fresher training which would allow members to self-serve from a selection of topic-based subjects. Unfortunately, there were no market options available at the time and this would have required a bespoke suite of training packages to be developed and implemented. This option was not pursued any further due to resource and cost implications.
- 2.5 However, matters have changed significantly since these previous reports were presented to Planning Committee with a greater use of agile and mobile training, especially during the Covid crisis. It is therefore considered reasonable to investigate these options again to ascertain if there is a package that can be developed, or tailor made to suit the needs of Councillors.
- 2.6 This option will be investigated further to see if a package can be developed for use in the next financial year.

3. AVAILABLE OPTIONS

3.1 Option 1

Planning committee members and substitute members should attend as follows:

- **That new Planning Committee Members and new Substitute Members** complete Planning Training by the end of September 2021, covering the Development Plan, Planning Policies & Guidance, Legislation, Planning Conditions, Grounds of Refusal of Planning Applications, Section 106 Agreements/CIL and Legal Training including Pre-determination of Planning Applications (General and Constitution background), and Planning Judicial Reviews (General process) in order to fulfil the requirements in the Constitution.

- **That existing experienced Planning Committee Members and Substitute Members** complete refresher training covering Enforcement and the duty under Section 38(6) of the Planning and Compulsory Act 2004 together with training on the Development Plan to fulfil the requirements in the Constitution.
- **That Planning Committee Members and Substitute Members** are strongly recommended to complete the following optional training sessions:
 - Between 2-3 specialised/best practice subject area sessions covering those topics set out in Appendix 1.
- **That Parish Councils be invited to all training events**
- **That training sessions be delivery virtually**

3.2 *Option 2*

The same as bullet points 1 and 3 above but with a change to bullet point 2 in so far as experienced planning committee and substitute members are not required to attend refresher training covering Enforcement and the duty under Section 38(6) of the Planning and Compulsory Act 2004 together with training on the Development Plan.

3.3 *Option 3*

The same as bullet points 1 and 3 above but with a change to bullet point 2 in so far as experienced planning committee and substitute members select refresher training of their choice.

3.4 *Option 4*

Members of the Planning Committee and Substitute Members, including both experienced and new members do not attend training events.

4. **PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 Option 1 is the preferred option as it provides for the training needs of new committee members and substitutes on key areas which are essential for new members to make informed and accurate decisions on planning applications and complies with the requirements of the Constitution.
- 4.2 This option also provides for refresher training for experienced members on topic areas which are key to the decision-making process and take in account previous training requirements. This also complies with the requirements of the Constitution.
- 4.3 This option also caters for additional training, which is voluntary but advisory, that members attend at least 2 subject area sessions. This will help expand the knowledge base of members and provide updates on new

areas of legislation and best practise. This would meet the requirements of the Constitution.

- 4.4 This option also builds upon experiences gained over the last year during Covid where the only options available for training were via virtual means. Experience has shown that attendance increased with a greater number of attendees able to participate. The intention would be to record the training sessions (subject to agreement) and make these available for viewing later. This would potentially facilitate an even greater uptake of training as members could review these sessions at a later date and enable a form of self-assessment for training to be undertaken.
 - 4.5 Options 2 and 3 are not favoured because the refresher training has been selected based on past training.
 - 4.6 Option 4 is not favoured as it fails to meet the basic requirements of the Constitution and leaves the Council open to challenge.
-

5. RISK

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.
-

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 A draft schedule of training topics is included as Appendix 1. We would like to extend invites to Parish Council Members and therefore a format of virtual events using Teams is the preferred option as this enables unlimited numbers to attend and is more suited to informal training. Members would then be invited to the virtual events.
-

7. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- *Appendix 1: Draft Training Programme*

Appendix 1 - Draft Training Programme 2021/22

Date/Time	Title	Location
Mon - TBC 18:00	Induction Training for New Members and Substitute Member. This will be held over two sessions and cover Development Plan, Planning Policies & Guidance, Legislation, Planning Conditions, Grounds of Refusal, S106 Agreements/CIL and Legal Training including pre-determination and judicial Reviews.	Virtual
Mon - TBC 18:00	Second session on New Member and Substitute Member training	Virtual
Mon - TBC 18:00	Enforcement	Virtual
Mon - TBC 18:00	Section 38(6) and the Development Plan	Virtual
Mon - TBC 18:00	Permitted Development and Prior Notifications	Virtual
Mon - TBC 18:00	Countryside Policy	Virtual
Mon - TBC 18:00	Design	Virtual
Mon - TBC 18:00	Ecology	Virtual
Mon - TBC 18:00	Trees and Heritage	Virtual
Mon -TBC 18.00	Building Regulations - an introduction and changes to be brought about by the Building Safety Bill	Virtual

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 24th June 2021**

APPEAL DECISIONS:

- 1. 20/505107/FULL** Demolition of conservatory, raising of eaves and ridge height of existing dwelling to create first floor, insertion of rooflights to north-east elevation, alterations to rear solar panels, new roofs to front projecting bay windows, alterations to fenestration to front porch and all elevations and internal re-configuration.

APPEAL: DISMISSED

Thornhills
Northdown Close
Maidstone
Kent
ME14 2ER

(Delegated)

- 2. 20/501510/FULL** Erection of an earth bund.

APPEAL: DISMISSED

Woodlands
Stockbury Valley
Stockbury
Sittingbourne
Kent
ME9 7QN

(Delegated)

- 3. 20/501927/FULL** Construction of a single storey log cabin for use as occasional holiday let, with associated oil tank and sewage treatment plant (Part Retrospective) (Resubmission of 19/502550/FULL)

APPEAL: DISMISSED

COSTS: ALLOWED

Newlay Farm
Scragged Oak Road
Detling
Maidstone
Kent
ME14 3HN

(Delegated)

4. 20/501750/FULL

Erection of detached dwelling. (Resubmission of 19/505511/FULL)

APPEAL: ALLOWED

Land Rear Of 13 Manor Close
Bearsted
Maidstone
Kent
ME14 4BY

(Committee)

5. 20/503150/FULL

Demolition of all existing kennels and cattery buildings and erection of 4no. dwellings with associated landscaping.

APPEAL: DISMISSED

APPELLANT COSTS: REFUSED

LPA COSTS: REFUSED

Stilebridge Kennels
Stilebridge Lane
Linton
Maidstone
Kent
ME17 4DE

(Delegated)

- 6. 20/501800/OUT** Outline application for the erection of three detached dwellings (Access and Layout being sought) as shown on drawings: 01A; 02A; and 03A.
- APPEAL:** DISMISSED
- Land Rear Of Redic House
Warmlake Road
Sutton Valence
Kent
ME17 3LP
- (Delegated)
-
- 7. 20/502111/FULL** Demolition of existing buildings and the erection of a single detached dwelling with associated garden store, parking, access and landscaping works.
- APPEAL:** DISMISSED
- Land North Of
Pleasant Valley Lane
East Farleigh
Maidstone
Kent
ME15 0BB
- (Delegated)
-
- 8. 20/501296/FULL** Erection of a detached dwelling and associated parking, access and turning.
- APPEAL:** DISMISSED
- The Former Mulberry Tree
Hermitage Lane
Boughton Monchelsea
Maidstone
Kent
ME17 4DA
- (Delegated)
-

- 9. 20/501090/FULL** Change of use from Class A4 (drinking establishment) to Class C3 (residential) and erection of two storey rear extension.
- APPEAL:** ALLOWED
- COSTS:** DISMISSED
- Clothworkers Arms
Lower Road
Sutton Valence
Maidstone
Kent
ME17 3BL
- (Committee)
-
- 10. 20/502836/FULL** Demolition of existing barn, removal of existing yard area, and erection of 2no. dwellings (revised scheme to 19/504561/FULL).
- APPEAL:** DISMISSED
- Aydhurst Farm Oast
Marden Road
Staplehurst
Tonbridge
Kent
TN12 0PD
- (Delegated)
-
- 11. 20/502032/FULL** Demolition of existing site structures (barn, stables, mobile home, shed) and erection of 3 dwellings with accompanying parking and landscaping (resubmission of 19/506110/FULL).
- APPEAL:** DISMISSED
- Lower Bell Riding School
Back Lane
Boughton Monchelsea
Maidstone
Kent
ME17 4JR
- (Committee)

12. 20/503158/FULL

Demolition of existing buildings and erection of a detached three bedroom bungalow with associated access, parking, amenity and landscaping.

APPEAL: ALLOWED

Chapel Nursery
Pleasant Valley Lane
East Farleigh
Maidstone
Kent
ME15 0BB

(Delegated)