

# AGENDA

## PLANNING COMMITTEE MEETING



Date: Thursday 20 May 2010  
Time: 6.00 pm  
Venue: Town Hall, High Street,  
Maidstone

Membership: To be appointed at the Annual  
Meeting of the Council to be held  
on 19 May 2010

---

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Election of Chairman
5. Election of Vice-Chairman
6. Items withdrawn from the Agenda
7. Date of Adjourned Meeting - 24 May 2010

**Continued Over/:**

---

**Issued on 14 May 2010**

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEBBIE SNOOK on 01622 602030**. To find out more about the work of the Committee, please visit [www.digitalmaidstone.co.uk](http://www.digitalmaidstone.co.uk)

**David Petford, Chief Executive, Maidstone Borough Council,  
Maidstone House, King Street, Maidstone, Kent ME15 6JQ**

8. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
9. Disclosures by Members and Officers
10. Disclosures of lobbying
11. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
12. Minutes of the Meeting held on 29 April 2010 1 - 5
13. Appointment of Political Group Spokespersons
14. Presentation of Petitions (if any)
15. Report of the Development Control Manager - Deferred Items 6 - 7
16. MA/09/2297 - Land East of Chance, Grigg Lane, Headcorn 8 - 54
17. MA/10/0081 - Chestnut Tree House, Well Street, Loose 55 - 61
18. MA/10/0140 - Corbin Business Park, Caring Lane, Bearsted 62 - 87
19. MA/10/0323 - Senacre Community Hall, Titchfield Road, Maidstone 88 - 96
20. MA/10/0381 - 14 Plantation Lane, Bearsted 97 - 102
21. Report of the Assistant Director of Development and Community Strategy - TPO No. 27 of 2009 - Tree on Land Adjacent Ulcombe Primary School, The Street, Ulcombe 103 - 112
22. Report of the Assistant Director of Development and Community Strategy - TPO No. 29 of 2009 - Woodland South of Lenham Road, Kingswood 113 - 121
23. Report of the Development Control Manager - Appeal Decisions 122
24. Chairman's Announcements
25. Update on Matters Referred to the Cabinet Members for Environment/Regeneration

## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON 29 APRIL 2010**

**Present:** Councillor Lusty (Chairman) and Councillors Ash, English, Mrs Gooch, Harwood, Moriarty, Nelson-Gracie, Paine, Paterson, Mrs Robertson, Thick and J.A. Wilson

**Also Present:** Councillors Mrs Blackmore and Sams

386. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Greer and Mrs Marshall.

387. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Mrs Gooch was substituting for Councillor Mrs Marshall.

388. NOTIFICATION OF VISITING MEMBERS

Councillor Sams indicated his wish to speak on the report of the Development Control Manager relating to application MA/09/1510.

It was noted that Councillor Mrs Blackmore had indicated her wish to speak on the report of the Development Control Manager relating to application MA/10/0092.

389. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

390. URGENT ITEMS

Update Report

The Chairman stated that, in his opinion, the update report of the Development Control Manager should be taken as an urgent item because it contained further information relating to matters to be considered at the meeting.

391. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Nelson-Gracie disclosed a personal interest in the report of the Development Control Manager relating to application MA/10/0092. He stated that he was a Member of Nettlestead Parish Council, but he had not

participated in the Parish Council's discussions on the application and intended to speak and vote when it was considered. Councillor Nelson-Gracie also stated that his wife was the Treasurer of Nettlestead Village Hall, but she was not a member of the Village Hall Committee and had not been involved in the discussions with the applicants regarding the proposed erection of a new pre-school building to the rear of the village hall.

Councillor Sams, a Visiting Member, disclosed a personal interest in the report of the Development Control Manager relating to application MA/09/1510. He stated that he was a Member of Harrietsham Parish Council's Planning Group which had raised objections to the application.

392. EXEMPT ITEMS

RESOLVED: That the exempt Appendix to the urgent update report of the Development Control Manager relating to application MA/09/1510 be considered in public but the information contained therein should remain private.

393. MINUTES OF THE MEETING HELD ON 8 APRIL 2010

RESOLVED: That the Minutes of the meeting held on 8 April 2010 be approved as a correct record and signed.

394. DEFERRED ITEMS

- (1) MA/08/1766 - RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE TO CARAVAN SITE TO PROVIDE GYPSY ACCOMMODATION WITH 4 PLOTS, INCLUDING 4 MOBILE HOMES AND 6 TOURING CARAVANS AND ASSOCIATED WORKS (INCLUDING HARDSTANDING, FENCING, UTILITY BUILDINGS AND CESS POOL) AND KEEPING OF HORSES - FIELD KNOWN AS WHEATGRATTEN, LENHAM FORSTAL ROAD, LENHAM

The Development Control Manager advised the Committee that he was awaiting the additional information requested in respect of this application.

- (2) MA/09/1784 - OUTLINE PLANNING PERMISSION FOR THE ERECTION OF A NEW HOTEL WITH ACCESS TO BE CONSIDERED AT THIS STAGE AND ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION - ECLIPSE PARK, SITTINGBOURNE ROAD, MAIDSTONE

The Development Control Manager advised the Committee that negotiations were continuing in respect of this application. Further information had been received recently and changes had been made to the scheme, but these needed to be considered carefully by the Officers.

- (3) MA/09/2043 - ERECTION OF A REPLACEMENT DWELLING WITH DOUBLE GARAGE AND CREATION OF A NEW DRIVEWAY (RE-SUBMISSION OF MA/09/1298) - STUBBLE HILL COTTAGE, SANDWAY ROAD, HARRIETSHAM, MAIDSTONE

The Development Control Manager advised the Committee that he had nothing further to report in respect of this application at present.

395. MA/10/0037 - PLANNING APPLICATION FOR ERECTION OF SINGLE STOREY EXTENSION TO GARAGE WITH GLAZED LINK TO MAIN DWELLING TO PROVIDE ADDITIONAL LIVING ACCOMMODATION AND INSERTION OF WINDOW TO FRONT ELEVATION (RE-SUBMISSION OF MA/09/1614) - THE BARN, LITTLE WADD FARM, GRANDSHORE LANE, FRITTENDEN

All Members stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Development Control Manager.

Councillor Arger of Staplehurst Parish Council (in support) and Mr Atkinson, for the applicant, addressed the meeting.

RESOLVED: That permission be refused for the reason set out in the report as amended by the urgent update report.

Voting: 8 – For 3 – Against 0 – Abstentions

Note: Councillor Thick entered the meeting after consideration of this application (6.30 p.m.).

396. MA/09/1510 - RETROSPECTIVE PLANNING PERMISSION FOR CHANGE OF USE OF LAND FOR RESIDENCE BY A GYPSY FAMILY INCLUDING STATIONING OF ONE MOBILE HOME, ONE TOURING CARAVAN, USE OF FORMER STABLE BUILDING AS ANCILLARY TO MOBILE HOME AND ASSOCIATED WORKS INCLUDING FENCING AND HARDSTANDING (RE-SUBMISSION OF MA/09/0851) - THE MELLOWS, MARLEY ROAD, HARRIETSHAM, MAIDSTONE

All Members stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Development Control Manager.

Mr Lord, an objector, Councillor Morris of Harrietsham Parish Council (against) and Councillor Sams addressed the meeting.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report, as amended by the urgent update report, and the additional condition set out in the urgent update report.

2. That the details to be submitted pursuant to condition 7 (landscaping) must be agreed in consultation with the Ward Members and Councillors English and Harwood.
3. That the Officers be requested to consider urgent enforcement action in relation to any breaches of planning control at the site.

Voting: 8 – For 0 – Against 4 – Abstentions

397. MA/10/0091 - OUTLINE PLANNING PERMISSION FOR THE ERECTION OF ONE DWELLING WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATION - LAND ADJACENT FORGE HOUSE, BERESFORDS HILL, BOUGHTON MONCHELSEA, MAIDSTONE

The Committee considered the report of the Development Control Manager.

Mrs Hubert addressed the meeting on behalf of the applicant.

RESOLVED: That permission be refused for the reason set out in the report.

Voting: 12 – For 0 – Against 0 – Abstentions

398. MA/10/0092 - ERECTION OF SINGLE STOREY PRE-SCHOOL TO REAR OF VILLAGE HALL (RE-SUBMISSION OF MA/09/1903) - NETTLESTEAD VILLAGE HALL, MAIDSTONE ROAD, WATERINGBURY, MAIDSTONE

All Members except Councillor Mrs Gooch stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Development Control Manager.

Mr Waller, for the applicant, and Councillor Mrs Blackmore (in support) addressed the meeting.

RESOLVED: That permission be refused for the reason set out in the report.

Voting: 9 – For 1 – Against 2 – Abstentions

399. ENFORCEMENT APPEAL DECISIONS

The Committee considered the report of the Development Control Manager setting out details of recent enforcement appeal decisions. The Development Control Manager advised the Committee that, with regard to the appeal against the enforcement notice served in respect of development at Redwood Glade, Forge Lane, Bredhurst, the Inspector had placed considerable weight on sworn affidavits. The Council had relied upon aerial photography.

RESOLVED: That the report be noted.

400. S106 AGREEMENTS 2009/10 YEAR END REPORT

The Committee considered the report of the Development Control Manager setting out details of the Section 106 planning agreements entered into with developers during the 2009/10 financial year; the payments received during the 2009/10 financial year; and the overall contributions received during the 2009/10 financial year compared with 2008/09 (% difference figures amended at the meeting).

RESOLVED: That the report be noted.

Note: Councillor Moriarty was not present during consideration of this report.

401. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that since this was the last meeting of the Municipal Year, he wished to thank Members and Officers for their work and support.

402. UPDATE ON MATTERS REFERRED TO THE CABINET MEMBERS FOR ENVIRONMENT/REGENERATION

It was noted that there was nothing to report at present.

403. DURATION OF MEETING

6.00 p.m. to 7.50 p.m.

# Agenda Item 15

## MAIDSTONE BOROUGH COUNCIL

### PLANNING COMMITTEE

20 MAY 2010

#### REPORT OF THE DEVELOPMENT CONTROL MANAGER

##### 1. DEFERRED ITEMS

- 1.1. The following applications stand deferred from previous meetings of the Planning Committee. The Development Control Manager will report orally at the meeting on the latest situation. The applications may be reported back to the Committee for determination.

1.2. <u>Description of Application</u>	<u>Date Deferred</u>
(1) <u>MA/08/1766 - RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE TO CARAVAN SITE TO PROVIDE GYPSY ACCOMMODATION WITH 4 PLOTS, INCLUDING 4 MOBILE HOMES AND 6 TOURING CARAVANS AND ASSOCIATED WORKS (INCLUDING HARDSTANDING, FENCING, UTILITY BUILDINGS AND CESS POOL) AND KEEPING OF HORSES - FIELD KNOWN AS WHEATGRATTEN, LENHAM FORSTAL ROAD, LENHAM</u>	18 March 2010

Deferred to enable the Officers to:-

- Seek a noise assessment and any necessary mitigation measures.
- Seek an ecological survey in relation to the adjacent pond in the south west corner of the site and any necessary mitigation measures.
- Investigate the agricultural grading of the land.

(2) <u>MA/09/1784 - OUTLINE PLANNING PERMISSION FOR THE ERECTION OF A NEW HOTEL WITH ACCESS TO BE CONSIDERED AT THIS STAGE AND ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION - ECLIPSE PARK, SITTINGBOURNE ROAD, MAIDSTONE</u>	18 March 2010
--	---------------

Deferred to enable the Officers to seek to negotiate conditions to ensure that the height, form and mass of the development sympathetically considers the setting of the Kent Downs Area of Outstanding Natural Beauty.



(3) MA/09/2043 - ERECTION OF A REPLACEMENT DWELLING WITH DOUBLE GARAGE AND CREATION OF A NEW DRIVEWAY (RE-SUBMISSION OF MA/09/1298) - STUBBLE HILL COTTAGE, SANDWAY ROAD, HARRIETSHAM, MAIDSTONE

18 March 2010

Deferred to enable the Officers to:-

- Seek an ecological survey with any necessary mitigation measures.
- Seek a more comprehensive and detailed landscaping scheme to enhance the setting of the site.
- Discuss with the applicant the possibility of improving the design of the replacement dwelling.



APPLICATION: MA/09/2297 Date: 17 December 2009 Received: 24 February 2010

APPLICANT: Mr Colin Begeman, Cascade Partnerships

LOCATION: LAND EAST OF CHANCE, GRIGG LANE, HEADCORN.

PARISH: Headcorn

PROPOSAL: Mixed use development comprising Doctors surgery, children's nursery school, plus 16 three bedroom and 9 two bedroom Local Needs housing units as shown on drawing nos. HS/01, 02, 20, 22, 23, 24, 25, 26, HS/10SK, 11SK, 12SK, 30SKN and Planning Design and Access Statement (Maidstone Housing Trust), Reptile Survey (Swift Ecology), Amphibian Survey (Swift Ecology), Arboricultural Implication Assessment (PJC Consultancy Ltd.), Housing Needs Survey Report (The Rural Housing Trust), Speed Survey (Jacobs), Statement of Community Involvement, Strategic Flood Risk Assessment Report prepared for Maidstone Borough Council (Mott MacDonald), Report on a Ground Investigation (Soils Limited), Report on a Phase 1 Desk Study (Soils Limited) all received on 17/12/2009 and as amended by Transport Statement (Bellamy Roberts) received 10/02/2010, drawing nos. HS03revA, HS/04 and plan showing habitats at end of development prepared by Swift Ecology received 11/02/2010, BREEAM Education and BREEAM Healthcare Pre-Assessment indicators received 19/02/2010, Drawing nos. HS/21revA, HS30revA, HS31revA received 19/02/2010, Code for Sustainable Homes Pre-Assessment indicator and drawing no HS/03A/SPT received 24/02/2010.

AGENDA DATE: 20th May 2010

CASE OFFICER: Steve Clarke

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

- It is a departure from the Development Plan in that the site lies outside the village envelope as defined in the Maidstone Borough-wide Local Plan 2000 and has been advertised as such.

## **POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV49, T13, CF1  
South East Plan 2009: SP2, CC1, CC4, CC6, C4, H1, H2, H3, H4, H5, T4, NRM1, NRM4,

NRM5, NRM7, C4, BE4, BE5, BE6, S3, S6, AOSR6, AOSR7

Village Design Statement: N/A

Government Policy: PPS1, PPS3, PPS4, PPS7, PPS9, PPS25, PPG13, PPG16

## **1 HISTORY**

- MA/82/1514: Stationing of two caravans for residential use: REFUSED 14/01/1983
- MA/78/1397: Residential development: REFUSED 03/11/1978
- MK2/61/0305: Outline application for residential development: REFUSED 23/10/1961
- MK2/57/0067: Outline application for the erection of 12 houses: REFUSED 20/05/1957

1.1 The previous site planning history set out above saw three applications for residential development refused generally on the grounds that the sites were on unallocated land in the countryside and that there was no need to release the land for development. Application MK/2 61/305 was additionally the subject of objections to the loss of agricultural land from the Ministry of Agriculture. Application MA/78/1397 was also refused on the grounds of the inadequacy of Grigg Lane to accommodate the development.

1.2 Application MA/82/1514 sought permission for use of the land as a gypsy site for two caravans, upon which, if approved the applicant would have moved from Plumtree Bottom in Stockbury and the plot there would likely to have been purchased by the Council in view of its policy at the time to reduce the number of pitches on that site. Planning permission was refused on the grounds that there was no overriding need to permit the development, the resultant unacceptable addition to existing sporadic development in the area and a general presumption against any proposed development outside built-up areas that generates vehicular or pedestrian traffic.

## **2 CONSULTATIONS**

**2.1 Headcorn Parish Council:** Were consulted on 31 December 2009 and 8 March 2010 following the receipt of additional details from the applicants. The Parish Council initially considered the application at a meeting on 29 March 2010 and raised objections to the proposals. (A formal response was not however submitted by the Parish Council to the Council following this meeting). The Parish Council reconsidered the application at a meeting on 14 April 2010 and has now formally advised that they wish to see the application APPROVED and have made the following additional comments.

Local Needs Housing –the standard S106 agreement for such housing on an exemption site but in particular:-

- Headcorn Parish Council to be named as the agency that confirms the local connection of any proposed tenants and any tenants whose local connection is not confirmed in writing by said council should not be offered accommodation for rental or shared ownership on the development.
- No housing transfer can take place unless Headcorn Parish Council has been informed, and local connections of the new tenants have been verified. Local connections are defined as either current residents or have existing family or employment connection.
- In the event that houses cannot be filled by Headcorn persons, then the properties can be offered to families in the surrounding villages that adjoin Headcorn borders. These will be subject to the same conditions and approvals with the relevant parish council as in conditions 1 and 2 above.
- All Local Needs Housing must only be available for this purpose in perpetuity.
- In view of the results of the Rural Housing Trust Survey and as experience demonstrates that this contributes towards a more balanced community, Headcorn Parish Council would wish to see a percentage of the affordable housing being offered for shared equity housing.

Grigg Lane and Oak Lane – all the conditions detailed on safety grounds in Kent Highways Report in particular

- An extension to the 30mph speed limit along Grigg Lane to encompass the accesses to the development site.
- Enhancement of the give-way signs and lines at the junction of Grigg Lane with Oak Lane.
- The provision of coloured high friction surfacing at the junction of Grigg Lane and Oak Lane.
- Street Lighting along Grigg Lane.
- Passing areas along Grigg Lane.
- Extension to the footway along Grigg Lane with dropped kerb crossings.

In addition following discussion between the developers and the Parish Council to increase highway safety in Oak Lane

- A virtual footpath along Oak Lane which will give pedestrian priority.
- Appropriate traffic calming measures in Oak Lane in association with the virtual footpath.
- Enhancement to road signage in Oak Lane to increase safety.
- The provision of high friction surfacing to the junction of Oak Lane and the A274.
- Provision of additional lighting in Oak Lane

If Kent Highways object to the proposals for Oak lane they need to recommend a suitable solution to the safety issue in Oak Lane for the developer to implement via the S106 agreement

A Condition regarding the construction period

- Building works should take place between the hours of 7am-8pm Monday-Friday and Saturday 8am-1pm. No works to be carried out on Sundays or Bank Holidays.'

2.1.1 Officer comment: The specific comments of the Parish Council relating to highways issues and the terms of the s106 agreement are considered in the relevant section later in the report.

## **2.2 Natural England:** Commented originally as follows:-

2.2.1 "Great crested newts: The survey information provided by the applicants indicates that great crested newts are utilising ponds or terrestrial habitats that are likely to be affected by the proposals. The proposals set out in the application, however, appear sufficient to mitigate any potential impacts on newt populations. Therefore, subject to the condition listed below, Natural England is satisfied that these proposals should not be detrimental to the maintenance of the population of great crested newts at a favourable conservation status in their natural range (as defined in Regulation 44 of the Habitat Regulations).

*Prior to the commencement of any works which may affect great crested newts or their breeding sites or resting places, a detailed mitigation strategy shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.*

2.2.2 Widespread reptiles: The survey information provided by the applicants indicates that grass snake, common lizard and slow worms are present within the application in areas that are to be affected by the development. The proposals set out in the application, however, appear sufficient to mitigate any potential impacts on local reptile populations. Therefore, Natural England is satisfied that these proposals will not be detrimental to the population of reptiles, subject to the condition listed below.

*Prior to the commencement of any works which may affect reptiles or their habitat, a detailed mitigation strategy shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.*

2.2.3 Biodiversity Enhancements: This application has many opportunities to incorporate features into the design which are beneficial to wildlife such as the incorporation of roosting opportunities for bats, the installation of bird nest boxes or the use of native species in the landscape planting, for example. As such we would recommend that should the Council be minded to grant permission for this application, measures to enhance the biodiversity of the site are secured from the applicant. This is in accordance with Paragraph 14 of Planning Policy Statement 9.

2.2.4 Summary and conclusions: Based on the information provided, **Natural England has no comments to make** regarding protected species subject to the conditions described above.'

2.2.5 They subsequently confirmed 17 March 2010 that they have no further comments to make on the additional information submitted by the applicants which indicated the enhancement measures that are to be provided within the site and the management regime for the grassland.

2.2.6 *Officer Comment: Natural England has not therefore raised objections to the development on ecological grounds subject to the appropriate conditions they recommend being imposed on any permission.*

**2.3 Kent Wildlife Trust:** Commented originally on 22 January 2010 as follows:-

2.3.1 "Statements submitted in support of the application confirm that the site has considerable ecological value. Each of these reports makes recommendations as to how the current interest should be retained and/or the effects of development mitigated.

2.3.2 Unfortunately, I have been unable to identify any statements or drawings that demonstrate how all these recommendations are to be met. The proposed layout plan seems only to demonstrate just how little regard has been shown towards the nature conservation interest in the site. A narrow 'newt migration' strip has been shown along the northern boundary but it is outside the site boundary, not under the control of the applicant and there appear to be no specifications for its management. Furthermore, the small scale of rear gardens along the north and west boundaries will place the valued boundary features in those parts of the site under severe pressure from human occupation. Finally, the Arboriculturalist's "recommended route for protective fencing" along the northern boundary has been ignored.

2.3.3 More fundamentally, Key Principle (vi) of PPS9 (see footnote) has not been addressed. The application fails to demonstrate that there are no reasonable alternative sites for the development. This test is relevant not only because of the requirements of PPS9 but also because the site lies outside the settlement boundary where there is a normal land use policy presumption against built development.

2.3.4 In these circumstances, the Trust **objects** to the grant of permission. The proposal threatens the nature conservation interest of the site and appears to be contrary to land use and biodiversity planning policy presumptions and requirements."

2.3.5 Kent Wildlife Trust confirmed on 22 March 2010 that they wish their earlier objections to stand as the latest ecological information has not addressed their concerns relating to the principle of the development. They are still therefore objecting to the development.

**2.4 Kent Highway Services:** Do not object and have commented as follows:-

2.4.1 "A Transport Statement has been submitted with this application containing the following information:-

Traffic Generation

2.4.2 Nursery: A survey of traffic movements to and from the existing nursery has been used to estimate the traffic generation associated with the proposed nursery. It is estimated that 22 two way vehicle movements will be generated during the morning peak period and 11 movements during the evening peak period.

2.4.3 Doctors Surgery: The TRICS database has been used to calculate the number of vehicle trips likely to be attracted to the Doctors surgery. The outcome indicates that there is likely to be 29 two way vehicle trips during the morning peak period and 26 movements during the evening peak period.

2.4.4 Residential: Again the TRICS database has been used to calculate the vehicle trips associated with the residential aspect of the development. The results indicate that there is likely to be 11 two way vehicle trips during the morning peak period and 14 movements during the evening peak period.

2.4.5 Total: The total number of vehicle trips to the site would be in the order of 62 (two way) during the morning peak and 51 during the evening peak with an estimated 526 trips daily.

2.4.6 Therefore it is considered that the existing highway network can adequately accommodate this increased level of traffic.

Deliveries:

2.4.7 Tracking diagrams have been submitted indicating that deliveries/emergency services and refuse vehicles are able to turn within the site. Details are required of the frequency of the trips to the site by the MRI Scanner and how this vehicle is to enter and leave the site.

Access:

2.4.8 Two points of access are proposed along Grigg Lane one to serve the doctors surgery and the other for the nursery and residential uses. Visibility splays are to be provided in accordance with Manual for Streets and the measured 85<sup>th</sup>ile speeds which is acceptable.

2.4.9 Due to the narrow nature of Grigg Lane passing areas are required on the eastbound approach to the site to allow sufficient space for HGVs and cars to pass without inconvenience and hazard to road users.

Pedestrian access:

2.4.10 A new footway is proposed along Grigg Lane to connect the surgery with the existing footway. Dropped kerb crossings are required to enable safe crossing between the footways.

Parking



- 2.4.11 Residential: 1 allocated parking space is proposed for each dwelling plus 4 unallocated spaces. This falls short of the recommendation given in the Kent Design Guide – Interim parking guidance Note 3 which recommends a minimum of 2 spaces per 3 bedroom dwelling and 1.5 spaces per 1&2 bedroom dwellings with 0.2 spaces per dwelling for visitors in suburban edge/village/rural areas. However Headcorn has good public transport services and the village centre with its wide range of facilities is within walking distance of the site. Guidance in respect of residential parking in town centres/urban edge and suburban areas recommends a minimum of 1 space per unit for both 2 and 3 bedroom dwellings.
- 2.4.12 Having considered this information I can confirm that the parking provision proposed for the residential aspect of the application is acceptable.
- 2.4.13 Vehicles parked in the parking spaces alongside Plot 13 and Plot 20/21 have insufficient space for turning. Consideration should be given to the relocation of the parking spaces.
- 2.4.14 Nursery: 11 parking spaces and a drop off area providing space for 2 vehicles is proposed. The Kent & Medway Vehicle Parking Standards are used for guidance on the maximum parking provision. This recommends 1 space per two members of staff and 1 space per four children. With 16 staff on site at any one time and 50 children the maximum parking requirement is 20 spaces.
- 2.4.15 Doctors: 12 staff spaces and 21 visitors' spaces are proposed. The Kent & Medway Vehicle Parking Standards recommends a maximum of 1 space per two staff and 4 spaces per consulting room. Given that there would be 25 staff and 9 consulting rooms, a maximum of 12 staff spaces and 36 visitors' spaces would be required.
- 2.4.16 Clearly the visitors parking at the surgery falls short of these maximum standards, however it should also be borne in mind that there is currently no allocated parking available at the existing doctor's surgery.
- 2.4.17 Parking – summary: Parking within the site is limited; however the site lies within walking distance of the train station, bus services and the village centre. The application is below the threshold where a Travel Plan is normally required, however in view of the limited parking within the site I would recommend that an approved travel plan is in place prior to any occupation of the site. Indeed a basic travel plan has been submitted and this is currently being enhanced by Transportation Consultants.
- 2.4.18 Cycling: Space should be provided on site for cycles to be parked in accordance with the Kent and Medway Vehicle Parking Standards.
- 2.4.19 Safety: There have been no reported injury crashes along Grigg Lane or Oak Lane within the latest 3 year period, however safety is an issue as Oak Lane has limited footways and this aspect has been highlighted as a real concern of the parish council. The development will intensify the use of Oak lane and Griggs lane by both cars and pedestrians. In order to improve safety a number of measures have been put forward and agreed by the developer to enhance safety for all road users visiting the site. These can be secured through s38 or s278 agreements.

These include:-

- An extension to the existing 30mph speed limit along Grigg Lane to encompass the accesses to the development site. This will require a TRO therefore the developer has agreed to provide a financial contribution of £2000 to enable KHS to process the works.
- Enhancement of the give way signs and lines at the junction of Grigg Lane with Oak Lane.
- The provision of coloured high friction surfacing at the junction of Grigg Lane/Oak Lane.
- Street lighting along Grigg Lane.
- Passing areas along Grigg Lane.
- Extension to the footway along Grigg Lane with dropped kerb crossings.”

2.4.20 As a result of the specific comments made by the Parish Council in their response to the application (see para 2.1 above), additional comments were received from Kent Highway Services on 5 May 2010.

‘As you are aware, Kent Highway Services only install Traffic Calming at locations that have a proven personal injury crash record. According to the County Crash Database, there have been **no** reported personal injury crashes along Oak Lane over the past 10 year period. Due to this fact, Oak Lane does not justify the need for traffic calming at the present time.

There is insufficient width for a formal footway to be built on the existing carriageway, discussions were held between myself and the Parish Council regarding this. I explained to the Parish Council that a footway along Oak Lane would cost potentially in the region of £500k due to land transfers. Should one owner not wish to sell their land, we would not install a footway. This is still the case. A virtual (painted/marked on the carriageway) footpath is also not considered to be necessary, given the personal injury record.

I personally I feel that the developer would be unable to fund a footway and this would result in Headcorn not having a surgery whatsoever. This would then increase vehicle trips within The Weald.

I was under the impression that additional signage together with additional street lighting was to be provided as part of the application. Perhaps roundels painted on the carriageway could also be added to back up the speed limit signage.

I do suggest the installation of 'Pedestrian in Carriageway' signage along Oak Lane to enforce the possibility of pedestrians being on the carriageway.’

**2.5 KCC Heritage Conservation:** Have commented as follows:-

2.5.1 “Although the focus of the medieval settlement of Headcorn is considered to be around the church, the full extent of early settlement here is not known. The development site is located in Grigg Lane which is considered to be a route of an early possibly late Saxon, droveway linking Faversham/Ospringe with the Weald around Sissinghurst. The drove is thought to have crossed the River Sherway at Franks Bridge to the south east of the development site. A hamlet known as Spears Ash is shown immediately south on

eighteenth century maps which suggests that the site may be close to an early settlement focus. The ponds nearby are likely connected with historic iron extraction and remains connected with this industry may also survive on the site. I would therefore recommend in any forthcoming consent that provision be made for a programme of archaeological works prior to any works commencing."

**2.6 Environment Agency:** Commented as follows:-

2.6.1 "We note that we are in receipt of a Flood Risk Assessment and a Desk Top Study. There are no environmental constraints at this site and the development is not over 1ha therefore we have **no objection**. However we wish to make the following comments.

2.6.2 Soakaway

We have **no objection** to the above proposal. The developer should be aware however, that due to the impermeable nature of the geology (Weald Clay) which underlies the proposed area, the infiltration rate for soakaways may be negligible.

2.6.3 Contamination

All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention measures, the applicant should refer to our guidance 'PPG1'- general guide to the prevention of pollution', which is available on our website at [environment-agency.gov.uk](http://environment-agency.gov.uk)."

**2.7 KCC Mouchel:** Have confirmed that as the development is to be restricted to local needs occupancy criteria through a s106 agreement, that no contributions are requested.

**2.8 West Kent Primary Care Trust (PCT):** Seek a contribution of £22,608 plus their legal fees for completion of the s106 agreement towards the provision of Primary Health Care facilities based on an assumed occupancy of 62.8 persons at a rate of £120/person for a three year period (£360).

**2.9 Kent Constabulary Architectural Liaison Officer:** Has confirmed that providing the issues discussed with the applicant around Secured by Design and designing out crime are addressed, there are no objections to the planning application proceeding if permission is granted.

**2.10 EDF Energy:** No objections

**2.11 MBC Housing:** Have commented as follows:-

2.11.1 "The Housing Department are supportive of the scheme as there is a recognised and proven need for affordable housing within Headcorn. In November 2005 a housing needs survey was undertaken in the Headcorn parish by the Rural Housing Enabler from the Rural Housing Trust on behalf of Headcorn Parish Council. This survey identified 77 households indicating that they needed re-housing. As a result, Maidstone Housing Trust (soon to be called Golding Homes) have come up with this proposed scheme. The mix of units reflects a good range of affordable, family accommodation and meets the

household composition and recommendations of the survey for a mix of two and three bedroom accommodation.

- 2.11.2 A Village Information and Consultation Event was held in Headcorn in November 2009, and events such as this are often used as an opportunity to update original housing needs surveys to determine whether there has been any change of circumstances. Local people with a need for an affordable home were asked to complete a Registration of Interest Form indicating their housing needs, which also looks at the nature of their local connection, reasons for re-housing, and household incomes. Analysis of the data has been carried out which further supports the case for affordable housing within the parish.
- 2.11.3 The Housing Department are keen to see mixed, socially inclusive, sustainable communities, which offer a choice of tenure to people. Particularly in cases where people aspire and are eligible to buy, rather than just rent, in order to get a foot on the home ownership ladder. Whilst the affordable housing units will initially comprise of 25 units for social rent, it has been agreed that Maidstone Housing Trust will use reasonable endeavours to provide as many shared ownership units as possible within the scheme (up to a maximum of 8) provided that it is economically viable to do so. The s106 agreement will capture this agreed tenure position, by including provision to vary the tenure type of any of the affordable housing units from rented to shared ownership."
- 2.11.4 Further comments were made on 22 April 2010 in response to the Parish Council comments on the local connections criteria selection process they wished to be involved with in relation to the s106 agreement and also issues of tenure. The Parish Council's request and the response of the housing section are set out below.

**Headcorn Parish Council to be named as the agency that confirms the local connection of any proposed tenants and any tenants whose local connection is not confirmed in writing by said council should not be offered accommodation for rental or shared ownership on the development.**

I'm afraid we cannot agree to this. It is not appropriate for the parish council to be involved in the detail of the selection process. It is the responsibility of the Council to ensure the nomination process is fair and in accordance with the Council's Allocation Scheme and eligibility criteria for local needs housing in rural areas. The Council have a duty to ensure that our policies and procedures are compatible with the obligations imposed by existing legislation (Housing Act 1996) when offering accommodation to people with priority under the authority's allocation scheme.

One of the most important factors and principal concerns of the Council with schemes of this nature, is that the affordable homes built are allocated to local people/households in identified housing need. Our housing software is able to highlight applicants who have a rural housing local connection. An applicant's priority for housing will be assessed through the local connections criteria first and the Points Scheme which is used to measure the housing needs of their household, compared against another local applicant's needs.

**No housing transfer can take place unless Headcorn Parish Council has been informed, and local connections of the new tenants have been verified. Local connections are defined as either current residents or have existing family or employment connection.**

Again, we cannot agree to this due to the aforementioned reasons. The starting point for selecting who will be considered for the affordable housing on this scheme would obviously be set out in the s106 agreement, to ensure that people with a defined local connection, who have an identified housing need, will be offered the properties in the first instance. We could however provide a summary report to the PC during the allocation process advising of the number of bids for properties. The parish council could also be sent a list of the local connections of the selected applicants, but not the applicants details due to data protection requirements.

The defined local needs connection and eligibility criteria used in schemes of this nature are as follows:

- has lived in the Parish for a period of at least five years ending with the date of application for accommodation or
- has lived in the Parish in the past for a period of at least five years or
- has close family in the Parish who have lived there for a period of at least five years ending with the date of application for accommodation or
- has had continuous employment in the Parish for a period of at least one year or
- has been forced to move away from the Parish due to lack of suitable accommodation.

**In the event that houses cannot be filled by Headcorn persons, then the properties can be offered to families in the surrounding villages that adjoin Headcorn borders. These will be subject to the same conditions and approvals with the relevant parish council as in conditions 1 and 2 above.**

There is a cascade mechanism built into the s106, which allows any properties to be offered to qualifying persons in neighbouring parishes that adjoin Headcorn. The parishes would be named within the s106. In this case, they would be Ulcombe, Boughton Malherbe, East Sutton, Sutton Valance, Staplehurst. We again however, cannot agree to this being subject to conditions 1 and 2 above.

**All Local Needs Housing must only be available for this purpose in perpetuity.**

This we can agree to and is normal procedure. The s106 legal agreement will ensure that the properties will remain affordable in perpetuity. Headcorn is a Rural Designated Protected Area. Any shared ownership properties will be retained by either restricting to 80 per cent the share owners can buy or allowing owners to acquire up to 100 per cent but ensuring the provider buys the property back to retain it for future purchasers.

**In view of the results of the Rural Housing Trust Survey and as experience demonstrates that this contributes towards a more balanced community, Headcorn Parish Council would wish to see a percentage of the affordable housing being offered for shared equity housing.**

This is a sentiment and wish shared by Housing also, which has been repeatedly told to Golding Homes. Whilst the Affordable Homes will initially comprise of 25 units for Social Rent, it has been agreed with Golding Homes, that they will use reasonable endeavours to provide as many shared ownership units as possible within the scheme (up to a maximum of 8), provided it is economically viable to do so. An appropriate clause will be included within the s106 to cover this issue.

## **2.12 MBC Landscape Officer:** Commented as follows:-

2.12.1 "There are a number of individual trees to the west of the site which are subject to TPO No 3 of 1978. However, they are far enough away not to pose any significant constraints to the proposed development.

2.12.2 The plans show that the proposed development will only occupy half an unused field. It is unclear what is proposed for the remaining half of the field.  
*(Officer comment: the remaining half of the field is shown to remain in agricultural use with access secured through the development site).*

The southern and eastern boundaries consist of hedgerow and, situated within the hedgerow, are a number of individual Oak trees, which are a common feature within the landscape. There are in total 7 trees within the southern boundary and 5 along the eastern boundary, although only 3 will be within the grounds of the proposed development. The western boundary consists of small woodland. None of the trees that bound the site are of any significant amenity value, either individually or as a group.

2.12.3 The proposed layout plan indicates that the 3 Oaks on the eastern boundary are to be retained and incorporated into the scheme. A number of trees are to be removed on the western side, although it is unclear how many and which trees. The trees which front onto Grigg Lane appear to be shown to be removed; however this needs to be clarified. The plan suggests that the retained trees will not pose any significant constraint. However referring to the same drawing I am concerned that two of the Oaks, on the eastern boundary, given the close proximity to the property, No 21, may be a concern to the residents during windy conditions; in addition leaf litter will also be a nuisance.

2.12.4 Landscaping scheme: The proposed layout plan shows a number of trees to be planted, although it is not clear what size and species are proposed. A hedge consisting of Hawthorn/ Beech is shown to be planted along the boundaries, although it is unclear as to whether the existing hedge will be retained. The applicant should be aware that the current hedge is a natural feature of the landscape, and its removal would be detrimental to the landscape character of the area.

### 2.12.5 Recommendation

It is, therefore, recommended that: on landscape/arboricultural grounds the application should be **APPROVED** with the following standard conditions.

#### Conditions:

Tree survey in accordance with BS 5837:2005; This should include a Tree Constraints Plan which shows the root protection area, the effect of the existing trees in terms of shade and dominance on the proposed development. It should also include a Tree Protection Plan showing the finalized layout proposals, tree retention and tree and landscape protection measures together with an Arboricultural Method Statement

identifying the necessary methodology to ensure any retained trees are successfully integrated into the scheme.

Landscape scheme using native species in accordance with the Council's adopted Landscape Character Assessment."

### **3 REPRESENTATIONS**

3.1 In response to the application as originally submitted, representations were received from 25 letters local residents including a petition opposing the development signed by 44 persons. The comments made are summarised as follows.

- A new doctors' surgery is needed but not here.
- The development is in the wrong place and will be inconvenient to many of its potential users. The surgery is in the wrong place it should be in the centre of the village. It is suggested that the surgery should be located next to the village hall. The nursery has a very good existing site close to the station and is convenient to the village and for parking.
- There should be no housing on the site. There are much better sites to develop social housing in the village.
- A greenfield site should not be developed. This will lead to other development around it in the future and set an unacceptable precedent.
- The development will free up the existing sites for development and enable large profits to be made on these sites.
- Loss of wildlife habitat. The existing hedgerow to Grigg Lane should be retained
- Loss of prime land for agricultural use. (Officer Comment: The land is Grade 3).
- The site is poorly allocated to accommodate the traffic likely to be generated by the development. Surrounding roads are narrow with a number of parked cars on the street and cannot accommodate the increased traffic. Ambulance traffic and the MRI scanner will find it very difficult to access the site.
- There are no pavements in Oak Lane and Grigg Lane as well as no street lighting. Both of these should be provided.
- Why can't the whole site be accessed from Lenham Road to the north?
- Parking provision is unacceptably low. The site's location is such that people are unlikely to walk to the site. The indicated provision for the nursery is too low for traffic that will be dropping-off and picking-up children. Parking is likely to occur outside the development which will be dangerous and cause highway safety problems.
- There will be an unacceptable increase in noise and disturbance for the residents of Grigg Lane and Oak Lane due to the increase in traffic.

- The development should include an NHS dentist for the people of Headcorn.
- The design of the surgery and nursery is not acceptable being akin to a skateboard park ramp, a traditional approach as used elsewhere within the village should have been taken.
- The relationship between the more traditional design of the new houses and the surgery and nursery will also be awkward and incongruous.
- The ponds will not be safe particularly due to the existence of a nursery on the site.
- The development will result in an increased flooding risk to nearby properties.
- Any housing development should be restricted to local needs occupation in perpetuity and not used for accommodating person from across the Borough.
- The siting of the surgery will not encourage people to use other existing shops and facilities in the village centre resulting in a loss of trade.
- The proposed shuttle service shows the poor location of the site. It is anticipated that this service will not last long due to its cost.
- The local school is at capacity and will not be able to cope with the additional demand from this new housing and others that are proposed elsewhere in the village.
- The development would prejudice the LDF and the SHLAA process. Consent is premature and would not accord with PPS3 or PPS12. An assessment has not been made of alternative sites as part of a strategic process which may be better serve the community.

### 3.2 Maidstone CPRE has also commented on the application.

- They raise concerns regarding the apparent lack of involvement of Headcorn Parish Council in the site selection process and they consider that the Parish should be involved in determining compliance with local connections criteria. The tenure of the development is also important and there is a need for a balanced tenure within the site
- They do accept however that the site is a Rural Exceptions Site and that the site, a greenfield one but close to the village of Headcorn with its various facilities, does criteria for such a location.
- The materials proposed for the housing development are acceptable and welcome the commitment to achieving Code Level 3.
- They consider that some of the units closest to the nursery should be moved due to potential noise and disturbance which might lead to complaints from the occupiers of the dwellings.
- They state that they support the overall concept of the development proposed but request that Headcorn Parish Council are more heavily involved to ensure that the development meets the requirements of the applicants and of Headcorn people.



- 3.3 I will advise Members at the meeting of any further representations received as a result of consultation following receipt of the additional information.

## **CONSIDERATIONS**

### **4 Site location and description**

- 4.1 The application site is located on the north side of Grigg Lane approximately 270m north east of its junction with Oak Lane. It amounts to 0.90ha in area.
- 4.2 It is located outside the 'village envelope' of Headcorn as defined by the Maidstone Borough-wide Local Plan 2000, and, in common with the settlement of Headcorn as a whole, lies within the Low Weald Special Landscape Area as defined by policy ENV34 of the Maidstone Borough-wide Local Plan 2000.
- 4.3 In terms of its proximity to the 'village envelope' of Headcorn as defined in the Maidstone Borough-wide Local Plan 2000, the site is some 40m northeast of the closest point of the village boundary on the south side of Grigg Lane and 100m from the defined boundary on the north side of Grigg Lane. The existing footpath along Grigg Lane terminates on its south side some 40m west of the site. In terms of straight-line distances, the site is located some 650m north east of the existing surgery in Forge Lane, some 750m from the Sainsbury's Local store in the village centre and some 600m from Headcorn Station.
- 4.4 The site comprises an open field bounded by mixed native species hedgerows (approximately 2m in height) on all sides. There are a number of hedgerow trees along Grigg Lane and elsewhere along other site boundaries. There is currently one gated access off Grigg Lane onto the site at its eastern end, adjacent to Elizabeth House.
- 4.5 The site is relatively flat falling approximately 0.5m from north to south and by approximately 0.25m from east to west.
- 4.6 There are a number of ponds which are of ecological interest in close proximity to the site the closest of which is in the field some 15m to the north of the site. Others are located north of Kent Cottage approximately 80m west of the site boundary and on the south side of Grigg Lane 20m west of the site boundary. There are also a series of connecting ditches in the area. As a result the application site and its surroundings have been subject to ecological surveys, the results of which have been submitted with the application and taken into account in the design of the scheme.
- 4.7 Elizabeth House is a two-storey dwelling located on the adjacent plot to the north-east of the application site. It has 1<sup>st</sup> floor windows facing towards the

site. It is sited approximately 16m from the site boundary and has a large single-storey detached garage/shed located adjacent to the application site boundary.

- 4.8 There is a detached two-storey farmhouse (Gibbs Hill Farm) on the south side of Grigg Lane with an access directly opposite the application site's current access point. This dwelling is approximately 25m from the carriageway in Grigg Lane and has two small ground and first floor windows on its north flank elevation facing northwards towards Grigg Lane.
- 4.9 The buildings at Chance Holdings to the west of the application site are single storey wooden buildings and are well screened by existing planting.

## **5 Proposals**

- 5.1 The application is a full application and seeks planning permission for the erection of a Doctors' surgery, a childrens' nursery school, and 16 three-bedroom and 9 two-bedroom two-storey 'Local Needs' housing units. The Doctors' surgery would be a replacement for the existing facilities at Clerks Field (off Forge Lane) just north of the main village centre. These premises have been occupied since the mid 1960s. The childrens' nursery would be a replacement for the existing facility converted from a former laboratory building (comprised of portable flat-roofed buildings) in the late 1990s at Station Approach.
- 5.2 The housing element would be located towards the western and northern site boundaries, the day nursery in the centre of the site and the doctors' surgery towards its south east corner.
- 5.3 A new estate road 4.8m in width would be created with its junction with Grigg Lane located some 25m from the site's western boundary. This would serve the housing and childrens' nursery and providing access to the public car park for the doctors' surgery. A footpath would be provided along the northern side of Grigg Lane running westwards from the estate road to the point opposite where the footpath on the south side of Grigg Lane terminates. A secondary access to Grigg Lane serving the staff car park for the doctors' surgery would also be formed some 29m west of the site's eastern boundary.

### Housing element

- 5.4 The housing development is 'L' shaped in form with units predominantly sited along the western and northern boundaries fronting the estate road and their rear elevations facing the site boundary with one block with its rear backing onto the doctors' surgery. On entering the site there would be a terrace block of 4 units followed by a terrace of 5 units, the north-west corner of the site would be occupied by two pairs of semi-detached units and then there would be two

further terraced blocks of four units along the northern side of the site. The final terrace of 4 units would be located opposite and to the south of the block in the north east corner and face on to the estate road with the rear elevations backing onto the Doctors surgery.

- 5.5 All the housing units would be two-storeys in height with eaves heights of 4.9m and ridge heights of 7.5m with the end of each terraced block being 8m to ridge. The semi-detached units would have eaves of heights of 4.9m and a ridge height of 8m. The end of terrace units and the semi-detached units would be 3-bedroom and the mid-terrace units, 2-bedroom. Block 7, which backs on to the doctors' surgery, would comprise four 3-bedroom units.
- 5.6 The first floor flank elevations of the end units of each terrace and the semi-detached residential units have 'oriel' windows serving bathrooms. On the flank elevation of Plot One facing Grigg Lane, the horizontal boarding will be provided for the entire first floor level, on other end terrace units, the boarding partially returns onto the flank elevations for a depth of 1.2m.
- 5.7 Parking provision is one space/plot.
- 5.8 The applicant's original intention was for the residential units to all be rented. However discussions have taken place between the applicants and the Council's housing section with a view to the applicants providing up to 8 shared ownership units if funding arrangements allow. An appropriate clause has been suggested for inclusion in the s106 agreement.

#### Nursery and surgery buildings

- 5.9 The doctors' surgery and childrens' nursery have been specifically designed for the site. They are both more 'organic' in form than the housing units. The combined floor space of the doctors' surgery and nursery is 1030m<sup>2</sup> the nursery is approximately 420m<sup>2</sup> in area and the surgery 610m<sup>2</sup>.

#### Childrens' nursery

- 5.10 The nursery would be a single storey building, with a butterfly roof, comprising two main classrooms either side of a central core area providing kitchen, toilets, plant rooms and staff rooms. The nursery would have a drop-off/pick-up point and 7 staff parking bays and a further 6 parking bays including 2 dedicated disabled parking bays. The 6 parking bays could be used for visitors to the nursery or as overspill to the surgery and after hours would be available for use by residents.
- 5.11 In form, the nursery building is perhaps best described as being akin to a kidney bean in shape. It would have curved walls that would be smooth cast rendered

in an off-white colour. The roof would be grass planted with species currently found on the site and would fall from either end of the building towards the centre. It would be approximately 32m x 18m.

- 5.12 The walls would be 6.5m high at their tallest falling to 3.5m in the centre of the building. The roof would over-sail the walls by up to 2m and would be 7m above ground level at their highest. A striking feature of the building would be the principle windows which are 'Y' shaped in form restricting direct views into the building at lower levels but widening-out above eye level allowing light into the building at higher levels. A series of sun-pipes set into the roof would also provide daylight to the classroom and central core area.
- 5.13 The nursery compound would be enclosed by a hawthorn/beechn hedge and a 1.2m high chain link fence to provide security.

#### Doctors' surgery

- 5.14 The doctors' surgery building would again be single storey, but would have a more complex roof form than the nursery. The roof would be formed of a series of curved 'lips' that rise from one end to the other. The building would house 2 nurses rooms, 6 GP consulting rooms and a minor surgery room together with, a plant and equipment room, storage and archives room, staff facilities, meeting room, a dispensary, practice manager's office, a general administration office, a waiting area and toilet facilities.
- 5.15 It would be finished externally in the same materials as the nursery with off-white smooth cast rendered walls and grass roofs. The roof form of this building would differ from the nursery building in that it would comprise a series of separate curved roof forms. A series of sun-pipes would also be located on the roof of this building to provide internal light.
- 5.16 The plan form of the doctors' surgery is more elongated than the nursery at 49m but is generally narrower varying from approximately 18m in width to 9.5m. The walls would vary in height from 5.5m to 2.8m and would be curved. The roofs would again over-sail the walls by up to 2m approximately. Fenestration would generally be more conventional in design than in the nursery building but varying from square or round to tall narrow windows. A large 'Y' shaped window would be formed in the north elevation of the surgery emulating the detail used in the nursery.
- 5.17 Proposed parking provision for the surgery would comprise a 21-bay car park (including 4 disabled spaces) for patients, accessed from the main site access road that serves the nursery and housing. There would also be a separate doctors'/staff car park with a second access point off Grigg Lane comprising 12 bays including 2 disabled bays. This area would also include space for an HGV

based MRI Scanner to park on the site and for an emergency ambulance if needed. The Doctors have stated that they will run a pick-up service from patients from the village centre to the site.

5.18 The staff car park would be secured out-of-hours, but the patients' parking area would not be.

#### Materials

5.19 The indicated materials are as follows:-

#### Housing

- Bricks: Brickwork will be a red multi stock brick namely Pevensey Multi Stock or West Hoathly Medium Multi Stock both by Ibstock.
- Weather Boarding: This would be Cedral Weather Boarding colours to be Black and Cream white.
- Roofing Slates: These would be Black Rivendale Slates as Manufactured by Eternit with Terracotta Clay ridge and hip tiles. The roofs would have barn-hips at the end of each block and on each semi-detached pair.
- Window Frames: These would be softwood painted white.

#### Doctor's Surgery and Children's Nursery

- Externals Walls: These will be finished in Off White through colour render with a course texture finish.
- Windows: Would be of softwood stained Light Oak in colour.
- Fascias: Would be of Softwood Plywood Timber painted with light oak stain/varnish.
- Roofs: These will be of a built-up construction whereby a Grass Roof finish is provided to both buildings. The grasses will consist of the same varieties as present in the adjoining fields including wild flower mixes such that the overall colour of the roofs will change to reflect the seasons of the year. These will also be highly likely to encourage use by ground nesting birds away from much prey.
- Roof lights: There will be round roof lights in the roofs as shown on the concept models which will distribute natural day lighting throughout the interior of the buildings which will give vitality to the internal spaces and reduce the need for artificial lighting.

A materials board will be available for Members at the meeting.

#### Ecology

- 5.20 As part of the application and in view of the identified presence of Great Crested Newts and other reptiles on the site and in the vicinity, the application has been submitted with a detailed ecological assessment.
- 5.21 Specific mitigation measures have been proposed as part of the application. These include the retention of a 2m wide separation corridor (bounded by a hedge and chain-link fence) along the site's western boundary to provide a wildlife corridor and protection to the existing ditch on adjacent land, a corridor along the northern boundary of the site that will be uncultivated to provide a linked corridor to the eastern boundary, the hedgerows along which will be maintained. Within the site 3 secured hibernacula will be created, a compost heap area formed, meadowland provided around the surgery (with a twice yearly cut) with areas set apart as rough grassland (two yearly cut) and a new pond.

#### Landscaping

- 5.22 Landscaping proposals have also been submitted. The proposals show the provision of a replacement native species hedgerow along the site's boundary with Grigg Lane behind the vision splays on the northern side of the existing ditch. The proposed hedgerows on the western and northern site boundaries will include the planting of Wild Service tress a 12m centres. Within the estate road street trees (Hornbeam) will be planted. Shrub beds adjacent to Plot 1 and within the car park area would be planted with wild spindle and holly and other native species.

#### Sustainability

- 5.23 A BREEAM health pre-assessment indicator has been submitted in respect of the surgery, this indicates that the building would achieve 64.27% which equates to a Very Good rating the threshold for which is 55%.
- 5.24 A BREEAM Education pre-assessment indicator for the nursery has been submitted. This indicates a potential 'score' of 60.31% again above the threshold of 55% which equates to a Very Good rating.
- 5.25 A Code for Sustainable Homes pre-assessment indicator has also been submitted. This shows that the development will achieve Code Level 3.

#### Highways

5.26 Discussions have taken place between the applicants and highway authority regarding the impact of the development on the local road network. The applicants have agreed to fund specific highway proposals set out below. The proposals would be secured through an agreement under s278 of the Highways Act which is currently being negotiated between the applicants and Kent Highway Services. I understand a draft agreement is not yet in place.

- i) the provision of passing bays in Grigg Lane,
- ii) the provision of a footpath including dropped kerbs from the site to the point to the west of the site opposite to where the existing footpath in Grigg Lane currently ceases (i.e. 40m to the west of the site),
- iii) the provision of new road surfacing, signage and road marking at the junction of Grigg Lane and Oak Lane and along Oak Lane,
- iv) the provision of street lighting in Grigg Lane.
- v) the extension of the existing 30mph speed limit north eastwards along Grigg Lane beyond the site boundary.

In addition, the applicants have also indicated that Travel Plans for the nursery and the Doctors' surgery would also be prepared and submitted and are willing to accept a condition to this effect.

5.27 The application was also accompanied by an arboricultural implications assessment, a planning, design and access statement, a housing needs survey, a statement of community involvement, a transport assessment and speed survey, a copy of the Council's Strategic Flood Risk Assessment and a Phase One contamination assessment.

## **6 Principle of development**

### Affordable Housing

6.1 The site is located in the countryside outside any defined settlement. There is therefore a general presumption against development unless justified in terms of any exceptions set out in Development Plan policy. Policy H30 of the Maidstone Borough Wide Local Plan (2000) referred to local needs housing within rural areas, however, this policy was not saved, and no longer forms part of the Development Plan. However, Policy H3 of the South East Plan (2009) does however refer to the need to provide affordable housing within rural areas.

6.2 In seeking to establish whether the principle of the development is acceptable, it is necessary to consider national policy guidance as well as relevant policies in the Development Plan, as there are no saved policies within the Local Plan.

6.3 As the site is in the countryside, the application should be considered against Planning Policy Statement 7 (PPS7). The more recently published Planning Policy

Statement 4 (PPS4), which has superseded and cancelled significant portions of the advice in PPS7 and Planning Policy Statement 3 (PPS3) should also be considered.

- 6.4 In respect of housing PPS7 states (Para.8) that the 'key aim of government policy is to offer everyone the opportunity of a decent home, with the needs of all in the community being recognised, including those in need of affordable and accessible, special needs housing in rural areas.'
- 6.5 Specifically in relation to the countryside, PPS7 applies (para.14) to the 'largely undeveloped countryside that separates cities towns and villages,' the character of which should be protected and where possible enhanced. Particular regard should be had to areas of countryside that have been statutorily designated for their landscape, wildlife or historic qualities.' Members will be aware that this site is not subject to a statutory designation either in terms of its wildlife or landscape but impact on the countryside is an important consideration.
- 6.6 PPS4 (Planning for Sustainable Economic Growth), has a similar aim to PPS7 in that it sets out the Government objective of raising 'the quality of life and the environment in rural areas by promoting thriving, inclusive and locally distinctive rural communities whilst continuing to protect the open countryside for the benefit of all.' Whilst recognising the need to "strictly control economic development in open countryside away from existing settlements, or outside areas allocated for development in development plans" PPS4 also encourages planning authorities to "identify local service centres (which might be a country town, a single large village or a group of villages) and locate most new development in or on the edge of existing settlements where employment, housing (including affordable housing), services and other facilities can be provided close together." Policy EC12.1a of the PPS states that local planning authorities should "support development which enhances the vitality and viability of market towns and other rural service centres." Headcorn is a Rural Service Centre.
- 6.7 PPS3 (November 2006) sets out Government advice on Housing and is also relevant to this application. The PPS also emphasises the Government's commitment to providing high quality housing for people who are unable to access or afford market housing. Paragraph 30 of PPS3 states as follows:-

'In providing for affordable housing in rural communities, where opportunities for delivering affordable housing tend to be more limited, the aim should be to deliver high quality housing that contributes to the creation and maintenance of sustainable rural communities in market towns and villages. This requires planning at local and regional level adopting a positive and pro-active approach which is informed by evidence, with clear targets for the delivery of rural affordable housing. Where viable and practical, Local Planning Authorities should consider allocating and releasing sites solely for affordable housing, including using a Rural Exception Site Policy. This enables small sites



to be used, specifically for affordable housing in small rural communities that would not normally be used for housing because, for example, they are subject to policies of restraint. Rural exception sites should only be used for affordable housing in perpetuity. A Rural Exception Site policy should seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection, whilst also ensuring that rural areas continue to develop as sustainable, mixed, inclusive communities.'

This Council has not identified sites for Rural Exceptions Housing.

- 6.8 In terms of the national guidance set out above, Headcorn is a defined service centre and I consider that the proposed development site is located close to the existing settlement boundary. In this respect, the advice set out within PPS7 and PPS4 that development should be focused on service centres and that development should take place on land within or adjoining settlements has been met. Both PPS7 and PPS3 encourage the provision of housing (including affordable housing to meet local needs) that contributes to the creation and maintenance of sustainable rural communities in market towns and villages.
- 6.9 The residential element of the current application has been proposed in the light of an identified local need.
- 6.10 Turning to local and regional policy for affordable housing and particularly local needs ('exceptions site') housing of the type proposed in this application, the Maidstone Borough-wide Local Plan (Policy H30) and the former Kent & Medway Structure Plan (policy HP8) both contained an exceptions site policy but these were not saved in the case of the MBWLP and have fallen away in the case of the Structure Plan. The Council's Affordable Housing DPD December 2006 makes no specific reference to exceptions site policies but refers back to policy H30 of the MBWLP which has not been saved.
- 6.11 There is therefore no longer a local policy on which to consider local needs housing applications at either Borough or County level.
- 6.12 The South East Plan 2009 contains policy H3 on affordable housing which states as follows;

**'POLICY H3: AFFORDABLE HOUSING**

A substantial increase in the amount of affordable housing in the region will be delivered. Local authorities and their partners will work to bring together households in need with funding and new affordable housing stock to support this policy and the Regional Housing Strategy. This will be achieved by:

- i. basing policy and funding decisions on a sound evidence base, gathered through the strategic housing market assessment process. Assessments should examine housing need and demand in relation to both affordable and market housing and where markets cross boundaries should be conducted jointly between authorities

- ii. development and inclusion of targets for the provision of affordable housing, taking account of housing need and having regard to the overall regional target that 25% of all new housing should be social rented accommodation and 10% intermediate affordable housing. Where indicative targets for sub-regions are set out in the relevant sections of this RSS, these should take precedence over the regional target
- iii. setting affordable housing targets which are supported by evidence of financial viability and the role of public subsidy in the light of guidance from the regional planning body and the regional housing board
- iv. the incorporation of locally set thresholds covering the size of site above which an affordable housing contribution will be required. These may vary across a local authority area depending on the anticipated pattern of new development. Such thresholds will have regard to an assessment of economic viability, scale of need and impact on overall levels of housing delivery
- v. working with local communities in rural areas to secure small scale affordable housing sites within or well-related to settlements, possibly including land which would not otherwise be released for development.'

6.13 The supporting text for the policy refers back to paragraph 30 of PPS3 as outlined above. Paragraph 7.17 of the supporting text for policy H3 states;

"The need to provide more high quality affordable homes in the region's extensive patchwork of rural communities is also acute, given high prices and demand, the 'pricing out' of local populations and the need to support essential local services. Paragraph 30 of PPS3 sets out national policy on securing affordable housing in rural communities." (my underlining)

6.14 There is clear government general support for the provision of affordable housing including for 'exceptions sites' where a need has been demonstrated and this is reflected in the recent Regional Spatial Strategy. It is contended that such development helps to maintain a mix and a balance in a community and also helps to support local infrastructure and services. Central Government also indirectly funds local planning authorities through 'top-up' grants and financial support also comes directly from the Homes and Communities Agency.

6.15 A housing needs survey has been undertaken in the village and forms part of the application. The survey report clearly identifies that a need exists and that there a number of households that cannot satisfy their housing needs on the open market. This has been backed-up by a more recent register of interest.

#### Doctors Surgery and Nursery

6.16 In terms of the proposed doctors' surgery and nursery there are no policies in the Development Plan that directly support such development in countryside locations. Regard should however be had to PPS4, the most recent government advice. Both the nursery and the surgery fall within the definition of economic development set out in PPS4 as public and community uses. They are also

employment generating. The guidance in PPS4 at policy EC6.2(b) advises that local planning authorities should: -

'identify local service centres (which might be a country town, a single large village or a group of villages) and locate most new development in or on the edge of existing settlements where employment, housing (including affordable housing), services and other facilities can be provided close together.'

- 6.17 Headcorn as a settlement has a good range of facilities and services and is classified as a rural service centre. The application site is well related to and is on the edge of the existing settlement and thus complies with the guidance in PPS4. Furthermore, the surgery has outgrown its current site and cannot provide the range of care facilities that are increasingly being demanded. The existing nursery is located in a series of temporary portable buildings that are nearing the end of their useful life. I consider in the light of the advice in PPS4 that the principle of locating the surgery and nursery in the application site is acceptable.
- 6.18 As a counter to this, it is acknowledged that most villages in the South East contain housing too expensive for some local people. This does not mean to say that housing and other forms of economic development should be allowed in any location. There are other considerations to consider and a balance has to be struck between the competing interests. Headcorn is however a Rural Service Centre and the proposed housing, surgery and nursery do comprise a mixed use development located on the edge of the existing settlement.
- 6.19 The question that should be considered however in respect of the proposed development as whole, is whether the current site is the most appropriate for the proposed development. It is clear from the information received from the Parish Council that only a minimal site search was undertaken following the compilation of the housing needs survey. The search was undertaken in conjunction with the Rural Housing Trust prior to them withdrawing from the project. It identified sites on the south side of Lenham Road to the north west of Thatch Barn Road, but the landowner was not prepared to release the land. The only other site that was discussed was land at Grigg Lane at Gibbs Hill Farm (opposite the current site) but it is understood that no formal offer was made.
- 6.20 The doctors undertook a more comprehensive site search having commenced their search for an alternative site in 2003. A shortlist of seven sites was ultimately considered. In drawing up the shortlist, the following criteria were taken into account by the practice.

'We have been looking for a site for new surgery premises since 2003 and have fully investigated all potential sites in the village. Full discussions were had with the Parish Council and subsequently with Mrs Fisher, Planning Officer at the time at Maidstone Borough Council regarding different opportunities. Mrs Fisher was very supportive of the practice wishing to relocate to new premises and pointed out the limitations of

development in Headcorn village itself. There is no development south of the railway, the village not being allowed to expand beyond the existing envelope. The rivers/flood plains restrict development in large parts of the village. The site that was eventually identified and purchased was the only viable available site. Extending the existing premises is not possible.'

Their site assessment is attached at Appendix One to this report.

- 6.21 One other site was proposed (not by the doctors who expressed their objections to the proposals) in an application (MA/05/0748: Outline application for the erection of a care home with associated EMI (Elderly Mentally Impaired) unit, closed care unit and doctors surgery) on land to the east of Oak Farm Gardens in Lenham Road. Permission was refused on 13 July 2005.
- 6.22 I have also considered whether the proposed site is appropriate for the three types of development proposed. Headcorn's environs are heavily constrained by their designation as land liable to flood. Significant areas of land immediately to the south, south east and west of Headcorn lie within designated Flood Risk Zone 3 and are not therefore suitable for development in principle. The development is such that sites also have to be of a certain size to accommodate all three elements.
- 6.23 In reality, this leaves areas of land along Maidstone Road to the north of the village on higher land north of Moat Road and also land to the north east of the village along both Lenham Road and Grigg Lane.
- 6.24 Turning to the Maidstone Road area, Maidstone Road is characterised by unbroken linear ribbon development on both sides of the road. Sufficient land does not become available until the vicinity of the Bowls Club. This is over 1km from the main village centre along a very busy road. I consider that in reality, sites in this vicinity would only be accessible by car. I also consider it to be too remote from the main residential areas of the village.
- 6.25 Members will have noted from paragraph 6.20 that the limited search undertaken by the Parish Council and the Rural Housing Trust did identify a site on the south side of Lenham Road adjacent to Thatch Barn Road, but the land owner was unwilling to make the land available. Application MA/05/0748 was submitted for health care facilities on the north side of Lenham Road to the east of Oak Farm Gardens. The doctors considered this site was unsuitable again due to its remoteness and objected to the proposals. They were not consulted by the applicants prior to its submission.
- 6.26 The currently proposed site is the only realistic option that has come forward for development and on which the landowner is prepared to sell. On this basis I consider that there is appropriate justification for both the local needs housing, doctors' surgery and nursery to be located on the application site. I consider that

each of these elements of the application will enhance the vitality and viability of Headcorn as a rural service centre.

- 6.27 I also consider the application site to be in a sustainable location. It is well related to facilities within the village in terms of the occupiers of the housing element and also from the main areas of housing within the village from which the clientele of the nursery and surgery will be drawn.
- 6.28 I consider therefore that the principle of the development is acceptable and that the site chose is also appropriate both in terms of its sustainability and also in terms of suitability/availability compared to other potential sites around and outside the settlement.

## **7 Visual impact on the countryside**

- 7.1 A key consideration in relation to the application is the visual impact of the development on the countryside. Clearly there will be some change to the character of Grigg Lane if the development proceeds. It is therefore necessary to consider the impact of the development on the character of the countryside in terms of the site's layout and the design of the buildings. Other issues such as ecology, sustainability, impact on nearby residents and highway safety are dealt with later in the report. If the development is unacceptable in one of these areas, planning permission should not be granted despite the identified need.
- 7.2 The development will result in the loss of open farmland, and as such, the character of the immediate vicinity will be altered. However, it is also important to assess the impact of the proposal to the area as a whole, and in particular whether the development would significantly affect the medium and long distance views of the application site.
- 7.3 Whilst within the open countryside, the development would be within an area of sporadic development, with houses to the north-east, and south-west of the site together with a large nursery to the east of the application site. As such, whilst within the open countryside, the introduction of further built form within this site would not appear unduly incongruous. As one views the site from the south-west it is currently seen with a backdrop of substantial trees, and residential properties – namely Orchard End and Sydney House. Likewise when viewed from the north-east, the site has a backdrop of a substantial trees and residential properties. The proposal would see the retention of many of the existing trees, as such, this backdrop would remain relatively unaffected. As the properties would be a maximum of two storeys in height (approximately 8m to ridge) they would be relatively low level, with many of the trees along the boundary higher than the proposed properties, thus retaining the 'green edge.'

- 7.4 I do not consider that the proposal would have a detrimental impact upon long distance views from the east of the site. There is a significant level of screening along the eastern side of Grigg Lane, with many of the trees at this point in excess of 8metres in height. This, together with the landscaping proposed within the site, would soften the appearance of this development from long range views from the east. As the land is relatively flat in this direction, it would not be possible to obtain an elevated position over the site.
- 7.5 Whilst the land to the west and north does rise, this is with a gentle gradient, and as such, there would be no medium distance elevated views of the site as a whole. Long distance views from any elevated position would see the site in the context of the village as a whole, and would be viewed as clustered next to existing development. As such, whilst there would be a change in the character of the area within the immediate vicinity, I consider that the proposal would not significantly alter the medium to long distance views of the locality, and as such the impact upon the countryside is minimised.

#### Layout

- 7.6 Whilst the development will see the loss of an open field, care has been taken to ensure that the edge of the proposal retains a rural character. The site layout maintains a boundary hedge along the eastern boundary – which fronts the road – and retains the western boundary hedge which faces onto the open countryside, and also proposes a new hedge along the northern boundary of the site, which would further soften the development when viewed from outside of the site. It is acknowledged that the existing hedgerow along the boundary with Grigg Lane will need to be removed to enable the provision of the footpath and to provide the vision splays for the new access points. However, a new replacement hedge is proposed for this boundary on the development side of the existing retained ditch.
- 7.4 The proposed layout has provided for the low-scale surgery towards the front of the site, the nursery in the central area with the housing to the rear (north) and western side of the site. I consider the placing of the public buildings to the front of the site good urban design – creating a focal point, which is helped by their striking design, and creating an obvious presence along this road frontage. As the site is outside of the village confines, I consider it important that these buildings be prominent. In addition to the prominence of the buildings, their positioning also enables a good level of landscaping (both hard and soft) to be provided around the building, further integrating the development into its surroundings. A tree lined boundary separates the surgery and the nursery, with a small pond provided to allow for run-off also within this area. This would create a pleasant open area that could be utilised by the end-users of each premises.

- 7.5 The proposed houses are positioned within a straightforward layout around the southern and western boundaries within the application site. Whilst a simple layout, I consider that this addresses the constraints of the site, as well as providing a suitable setting and space around the public buildings at the front of the site. I consider it appropriate that the houses appear more subordinate, both in terms of their position, and their design.
- 7.6 The property closest to Grigg Lane (Plot 1) is set between 6m and 10m in from the existing highway with the intervening gap planted with native shrubs and Silver Birch trees. This provides the development with a suitable soft edge, and also draws the eye to the access point to the doctors surgery. In addition, the retained hedgerow trees and replanted hedgerow and proposed additional tree planting will provide an appropriate entrance to the development from Grigg Lane. The remaining length of the estate road is also to be planted with street trees (Hornbeam) to provide an avenue and soften the development further.
- 7.7 Once inside the site, the residential properties run along the south-western boundary, each provided with a small front garden and parking space. Each property also has a rear garden, which is considered a suitable size for family use. The properties are designed to incorporate projecting elements, which would add some variety and depth to this otherwise straight row of properties. I consider that this rather formal layout again emphasises the difference between these residential properties, and the softer curves of the public buildings.
- 7.8 Along the north-western boundary, a similar pattern continues. Projecting features are again prevalent, with the street pattern once more linear. It is only at the most northern point of the application site that the layout provides houses on either side of the street. This change in layout denotes the 'end' of the development successfully, ensuring that it has a defined character change. Here we see the retention of an existing, well established tree which would provide a focal point that draws the eye.
- 7.9 I therefore consider that the layout of the proposed development is well considered, and would provide not only a suitable public space, but would also provide a good quality of accommodation for the future residents. I therefore conclude that the proposal would comply with the objectives of PPS1 and PPS3 and the Kent Design Guide.
- 7.10 The visual impact of the development in terms of ecology has also been considered in the application. Care has been taken to maintain existing wildlife corridors and to provide new ones (along the northern boundary and to provide a connection between a retained pond in the remaining part of the current field some 15m north of the site and the corridors along the west and northern site boundaries. Appropriate land management and landscaping with an ecologic and biodiversity bias are also proposed to further mitigate the impacts of the

development in addition to the grass roofs on the nursery and surgery buildings.

### Design

- 7.11 The surgery and nursery buildings are clearly contemporary in their design. The surgery and nursery will have green roofs with the grass sourced from species found on the current field. These buildings are also of a low scale with the walls of the surgery varying between 2.5m to 5.5m. This and the green roofs which will be visible from the Lane will assist in reducing the visual impact of the development. The green roofs, due to the use of grass sourced from species on the existing field will retain their greenness year-round.
- 7.12 Their curved and rendered external walls together with the fenestration detailing when combined with the significantly oversailing curved grass roofs formed from species found on the existing site, produce a vibrant and unique form of development. Despite the need to provide some car parking adjacent to the buildings due to their function, both will still have an acceptably green and landscaped setting, this will be managed in the interests of ecology and biodiversity.
- 7.13 The surgery and nursery are also clearly sustainable in terms of their design and proposed construction method, each having easily achieved at pre-assessment stage, a BREEAM® rating significantly above the threshold of Very Good.
- 7.14 The surgery and nursery buildings are considered to provide an interesting and acceptable foil to the more traditionally designed housing on the site. The housing is acceptable in form and uses elements such as the barn hips to the roofs and horizontal boarding found in local vernacular. The indicated materials are also acceptable.
- 7.15 The dwellings are less contemporary in their design and have elements of the local vernacular such as the use of barn hips and horizontal boarding. Whilst the overall design of the dwellings and the proposed stock brick is common throughout the site, variation is achieved by the changes in the colour of the horizontal boarding at first floor level. The indicated materials are appropriate and will provide an acceptable external appearance to the dwelling units. Each dwelling would have an area of private amenity space and there is room for an element of landscaping to the front of the dwellings to offset the impact of the on-plot parking spaces. The setting of the dwellings will also be enhanced by the proposed street trees. The dwellings will also be built to an appropriate standard of sustainable design and construction with the Code for Sustainable Homes pre-assessment indicator showing that Level 3 will be met.
- 7.16 I consider that the whilst the development will clearly result in change to the character of this section of Grigg Lane, the layout of the development and the



design of its individual elements including the landscaped setting provided, will result in a development that will not unacceptably impact on the character and visual amenity of the wider countryside to an extent where permission should be refused.

## **8 Impact on neighbouring properties**

- 8.1 The site has clear, and well established boundaries, and as such, much of the proposal would be obscured from view from the neighbouring occupiers. Nonetheless, it is clearly important to assess the impact that the proposal would have upon the residents of the nearby residential properties.
- 8.2 The property closest to the application site; and most affected by the erection of residential properties would be 'Chance' which is located to the south-west of the application site. At present there is a good level of screening along this boundary which is to be retained. In any event, the proposed properties would be some 21metres from the side elevation of this property. This distance, together with the screening (both existing and with the provision of a new hedgerow) would ensure that there would be no significant loss of privacy to the occupiers of this property, nor would the proposal result in any creation of a sense of enclosure. I am therefore satisfied that the proposal would not adversely impact upon the amenities of the occupiers of this property.
- 8.3 Furthermore, I do not considered that there will be no adverse impact on either Elizabeth House (approximately 40m east of the single-storey surgery building) or Gibbs Hill Farm (in excess of 50m south east of the surgery building on the south side of Grigg Lane) arising from the development. Again, the distance between these properties, and the proposed development, together with the planting to be retained, and that proposed, would ensure that privacy be retained, and also that there would be no loss of light/creation of a sense of enclosure.
- 8.4 I do not consider that the use of the site is likely to give rise to any significant noise and disturbance to the nearby residents. A doctor's surgery would be a relatively quiet use, with work undertaken inside, and whilst the nursery would generate more noise, I do not consider that children playing would provide to be un-neighbourly in this location, as the openness of the site will aid in the dissipation of this noise.
- 8.5 I therefore conclude that the proposal would not detrimentally impact upon the residential amenity of the neighbouring occupiers, and as such complies with the policies within the Development Plan.

## **9 Ecology and Landscaping**

9.1 As indicated earlier the site has been subjected to detailed ecological assessment in view of the known presence of great crested newts and other reptiles on and in the vicinity of the site. This is in accordance with the advice in Circular 6/2005 which advises at paragraphs 98 and 99 that

“The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Local authorities should consult English Nature (Natural England) before granting planning permission.”

“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”

9.2 Natural England have been consulted as part of the application process as advised under the circular and they have considered the ecological surveys submitted with the application. In respect of Great Crested newts they have stated that the proposals set out in the application, appear sufficient to mitigate any potential impacts on newt populations. They have also stated that whilst grass snake, common lizard and slow worms are present within the application site in areas that are to be affected by the development, the proposals set out in the application, also appear sufficient to mitigate any potential impacts on these species.

9.3 The application proposals clearly show the retention of appropriate corridors for the species and other mitigation measures including the provision of hibernacula and an appropriate management regime for the grassland and meadow land within the site. The specific details of this mitigation can be secured by means of an appropriate condition and the corridor along the northern boundary that is actually located outside the site boundary is being secured through an appropriate obligation as part of the s106 agreement.

9.4 I note the comments of Kent Wildlife Trust. I do consider that appropriate alternative site testing has been undertaken and that an identified need for the development has been demonstrated. The ecological mitigation measures proposed have been considered by Natural England who have raised no objections to the proposals.

9.5 I consider therefore, that the applicants have properly considered the issue of ecology in the submitted details and that no objections should be raised to the development on this issue.

9.6 The Landscape Officer has also commented on the application and raises no objections to the application subject to conditions. The trees that are to be removed along the western boundary of the site are not considered to be of any

significant amenity value either individually or as a group. A native species hedgerow is to be planted along this boundary at the edge of the wildlife corridor and also along the northern site boundary. The hedgerow on the northern and western boundaries will be supplemented by Wild Service Trees planted at 12m centres. On the eastern boundary a number of oak trees are to be retained along with the existing hedge along this boundary and appropriate tree protection measures/root protection areas provided.

- 9.7 The frontage of the site to Grigg Lane is also to be planted with a replacement native species hedgerow behind the retained ditch to enable vision splays to be provided. The existing hedgerow trees on this frontage will be retained. Adjacent to Plot 1, two Silver Birch trees are proposed and shrub planting consisting of Holly and Wild Spindle indicated. Holly bushes will be planted either side of the staff car park entrance. Further Holly and Wild Spindle together with Viburnum opulus will be planted in the car park between the surgery and nursery. Tree planting in the grounds of the nursery will comprise Hawthorns. Also within the development, Hornbeam street trees will be planted along the site access road to provide an avenue.
- 9.8 In addition to the above the ecologist has indicated an appropriate management regime for the meadow areas within the site around the surgery building.
- 9.9 I consider the landscaping scheme reflects the character of the area and will provide an acceptable setting for the development.

## **10 Highways**

- 10.1 Kent Highway Services have considered the transport statement and the potential impact of the development on the local road network. Kent Highways have concluded that the level of traffic likely to be generated by the development can be accommodated on the local network.
- 10.2 A number of improvement measures have been secured from the applicant. These include a contribution towards the necessary Traffic Regulation Order to provide for the extension of the 30mph speed limit on Grigg Lane to beyond the site boundary, the provision of an extension to the existing footpath on Grigg Lane which currently terminates west of the site to the site, street lighting, passing bays in Grigg Lane and improvements to the surface and signage at the junction of Grigg Lane and Oak Lane.
- 10.3 The Parish Council have also requested the provision of a 'virtual footpath' (in effect a painted area on the carriageway) and other highway safety measures along Oak Lane. These had provisionally been agreed by the developer. The additional measures have been the subject of further consideration by Kent Highway Services. Their views are set out in paragraph 2.4.20. Whilst the

provision of a new footway or the 'virtual footpath' has not been deemed reasonable or necessary due to the lack of personal injury accidents within a ten year period, it has been suggested that appropriate signage warning of pedestrians in the carriage way is provided along with appropriate additional speed 'roundels' on the carriageway.

- 10.4 The proposed works are within highway limits and can be secured through an appropriate agreement under s278 of the Highways Act and can therefore be subject to a 'Grampian' condition. I understand that discussions are taking place with Kent Highway Services concerning the s278 agreement but that a draft has not yet been produced.
- 10.5 Concern has been expressed in relation to the proposed parking provision for the development. Kent Highways have raised no objections to the level of provision proposed for any of the elements of the development, whilst noting that the surgery parking and the nursery parking provision is below the maximum standard adopted by Kent County Council.
- 10.6 I would remind Members that the Council does not have parking standards adopted at a local level. I would also draw Members' attention to PPG13, which states as follows in paragraph 51:
- "2. not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety which cannot be resolved through the introduction or enforcement of on-street parking controls;"
- 10.7 In respect of parking, the advice in PPS4 states under Policy EC8: Car Parking for non-residential development
- "EC8.1 Local planning authorities should, through their local development frameworks, set maximum parking standards for non-residential development in their area, ensuring alignment with the policies in the relevant local transport plan and, where relevant, the regional strategy. Local planning authorities should not set minimum parking standards for development, other than for parking for disabled people."
- 10.8 PPS4 also states that local parking standards should apply and in the absence of a local standard (as is the case with Maidstone) the maximum standards set out in Annexe D to PPG13 should be applied. However, there is not a maximum standard for Class D1 development within which the nursery and the surgery fall.
- 10.9 The threshold set out in the KCC document 'Guidance on Transport Assessments and Travel Plans 2008' sets a level of 2500m<sup>2</sup> gross floor area for individual buildings for the submission of travel plans for development such as nurseries and surgeries falling within Class D2 of the Use Classes Order. The currently proposed surgery and nursery developments are considerably below this

threshold with a combined floorspace of 1020m<sup>2</sup>. Despite this, the submitted traffic assessment sets out a commitment from the applicant to produce travel plans for the surgery and nursery. Kent Highway Services have agreed that an appropriate condition can be imposed requiring their submission prior to occupation of the premises. The travel plans will be backed up by appropriate user/mode surveys undertaken once the premises are occupied (3 months is indicated) which will then set revised targets aiming to reduce on a year on year based single-occupancy car based traffic. The impact of the measures will be monitored and reviewed over the life-span of the travel plans (initially five years).

- 10.10 Kent Highway services have also not raised any safety related issues to the proposed level of car parking for the development.
- 10.11 I do not therefore consider that any objections can be raised to the development on highway grounds.

## **11 S106 obligations and highway improvements**

- 11.1 The heads of terms of the s106 agreement have been agreed as follows
- iii) To secure the development as 100% affordable housing.
  - i) To secure the occupation of the development by persons meeting local connections occupancy criteria
  - ii) To secure the provision of a wildlife corridor with appropriate management regimes on the land to the north of the application site.
- 11.2 Members will have noted that Kent County Council have not made any request for contributions as the development will be subject to local connections occupancy criteria.
- 11.3 The applicants have provided information that demonstrates that the requested contributions from West Kent PCT and any open space contribution required pursuant to the Council's adopted Open Space DPD December 2006 cannot be afforded as they would render the scheme unviable. The Corporate Property Manager has assessed the figures and agrees with the conclusions. On this basis the requests for a contribution towards Primary Health Care provision and an open space contribution are not included within the Head of Terms.
- 11.4 Members will have noted that the Parish Council made a number of requests relating to the s106 agreement and in particular tenure and a desire to be involved in the selection of the persons meeting local connections criteria. The response of the Housing section is set out in paragraph 2.11.4. The issue that the Parish have raised with regard to tenure had already been recognised and

the s106 agreement will be drafted in agreement with the applicants to reflect a desire to achieve up to 8 shared ownership units. The other concerns regarding eligibility and selection of people who may meet the local connections criteria cannot be accommodated. The wording of the appropriate s106 agreement clauses on this issue will reflect the Council's normal practice.

- 11.5 The package of proposed and highway improvements agreed by the developer and the highway authority as discussed earlier in the report is to be secured through an agreement between the applicants and the highway authority pursuant to s278 of the Highways Act. The improvements are as follows:-
- i) the provision of passing bays in Grigg Lane,
  - ii) the provision of a footpath including dropped kerbs from the site to the point to the west of the site opposite to where the existing footpath in Grigg Lane currently ceases (i.e. 40m to the west of the site),
  - iii) the provision of new road surfacing, signage and road marking at the junction of Grigg Lane and Oak Lane and along Oak Lane,
  - iv) the provision of street lighting in Grigg Lane.
  - v) the extension of the existing 30mph speed limit north eastwards along Grigg Lane beyond the site boundary.

A 'Grampian' style condition preventing occupation of the premises until the improvements have been undertaken can be imposed.

## 12 **CONCLUSIONS**

- 12.1 The proposed development will provide enhanced medical and childrens' nursery facilities for the settlement of Headcorn in purpose-built buildings of good quality design both in terms of appearance and also sustainability in construction. In addition the housing element of the development will meet a clearly identified local need and be limited to local connections criteria that will be secured through appropriate s106 obligations.
- 12.2 It is acknowledged that the development will have an impact on the countryside. An assessment has been made of alternative locations for the development. As stated earlier in the report Headcorn and its surroundings are heavily constrained by flood risk zoning leaving site along Lenham Road and Grigg Lane as realistically the only areas suitable for development that are close enough to the main centre and residential areas of the village. Sites in Lenham Road have been previously explored and landowners not willing to cooperate. This site is suitable for development in that it is available, is not subject to flooding and the fact that it is acceptably located in relation to the main residential areas of the village and the facilities at its centre.

- 12.3 Due to its location in the countryside the impact of the development has been mitigated through the scale and design of the buildings and through the proposed landscaping and site management measures set out earlier in the report. I also consider that appropriate account has been taken of the ecological implications arising from the development and that appropriate mitigation has been proposed as part of the development.
- 12.4 There will be no adverse impact on the local highway network and appropriate mitigation measures such as the extension of the 30mph speed limit and the provision of footpaths, street-lighting and improved signage/surfacing at the junction of Grigg Lane and Oak Lane and along Oak Lane have been secured. Kent Highway Services are content that the development will not have an adverse impact on highway safety.
- 12.5 I consider that subject to the mitigation in terms of both landscaping and ecology proposed as part of the application being secured and given the identified need for the development that has been demonstrated, the development is considered on balance to be acceptable with the need outweighing the physical impact of the development.
- 12.6 Whilst a departure from the Development Plan, which has been advertised as such, it is not necessary to formally refer the development to GOSE, as the development does not fall within any of the criteria set out in the Town and Country Planning (Consultation) (England) Direction 2009.

## **RECOMMENDATION**

### SUBJECT TO:

- a) The prior completion of a legal agreement, in such terms as the Head of Corporate Law and Legal Services may advise, to secure;
- a) The development as 100% affordable housing.
- a) The occupation of the development by persons meeting local connections criteria.
- b) The provision of a wildlife corridor with appropriate management regimes in the land to the north of the application site.

I BE DELEGATED POWER TO GRANT PLANNING PERMISSION subject to the following conditions:

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

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

2. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development pursuant to policy CC6 of the South East Plan 2009.

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

Reason: To enable the recording of any items of historical or archaeological interest pursuant to policy BE6 of the South East Plan 2009.

4. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (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 pursuant to policy T13 of the Maidstone Borough-wide Local Plan 2000.

5. The development shall not commence until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, have been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.



Reason: To ensure a high quality external appearance to the development pursuant to PPS1.

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

Reason: To prevent light pollution in the interests of the character and amenity of the area in general pursuant to Policy ENV49 of the Maidstone-Wide Local Plan 2000.

7. No development shall take place until details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority;
  - i) Details of the roof overhangs and eaves.
  - ii) Details of windows and doors and recesses/reveals (which shall be a minimum of 70mm).
  - iii) Details of the soldier courses.

The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a satisfactory external appearance to the development in the interests of the visual amenity and character of the surrounding area in accordance with PPS1.

8. The development shall not commence until details of foul and surface water drainage have been submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of pollution and flood prevention pursuant to policy NRM4 of the South East Plan 2009.

9. Prior to the commencement of any works which may affect reptiles or their habitat, a detailed mitigation strategy shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy unless any amendments are agreed in writing by the local planning authority.

Reason: In the interests of ecology and biodiversity pursuant to policy NRM5 of the South East Plan 2009.

10. Prior to the commencement of any works which may affect great crested newts or their habitat, a detailed mitigation strategy shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy unless any amendments are agreed in writing by the local planning authority.

Reason: In the interests of ecology and biodiversity pursuant to policy NRM5 of the South East Plan 2009.

11. The development shall not commence until details of cycle parking spaces have been submitted to and approved by the local planning authority. The subsequently approved spaces shall be provided prior to the first use of the building(s) they serve and shall be maintained thereafter.

Reason: In the interests of sustainability and to reduce reliance on the use of the private car pursuant to the advice in PPG13.

12. The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers pursuant the advice in PPS1.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A, B, C, D, E, F and G to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character, appearance and functioning of the surrounding area pursuant to policy CC6 of the South East Plan 2009 and the advice in PPS1.

14. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. The submitted scheme shall include the following;

- i) details of all existing trees and hedgerows on the site clearly indicating those to be removed and those to be retained,
- ii) details of the retention and location within the site of a proportion of the cordwood arising from the felling of any trees
- iii) details of the planting specification and long term management of the meadow areas within the site in the interests of ecology and biodiversity
- iv) details of the proposed hibernacula and compost areas
- v) details of the species, size, density and location of all new planting within the site
- vi) details of the specification and species proposed for the green roofs of the surgery and nursery buildings and a long-term management programme

Reason: No such details have been submitted and to ensure a satisfactory visual appearance to the development pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000.

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

Reason: To ensure a satisfactory setting and external appearance to the development pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000.

16. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction-Recommendations'. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development pursuant to policy NRM7 of the South East Plan 2009.

17. The development hereby permitted shall not be occupied until the following highway works have been completed in accordance with a detailed design and specification that has been submitted to and agreed by the local planning authority before the highway works commence;

- i) the provision of passing bays in Grigg Lane,
- ii) the provision of a footpath including dropped kerbs from the site to the point to the west of the site opposite to where the existing footpath in Grigg Lane currently ceases,
- iii) the provision of new road surfacing, signage and road marking at the junction of Grigg Lane and Oak Lane and along Oak Lane,
- iv) the provision of street lighting in Grigg Lane.

Reason: In the interests of pedestrian and vehicular safety pursuant to the advice in Manual for Streets.

18. The dwellings shall achieve a minimum of Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that a minimum of Code Level 3 has been achieved.

Reason: to ensure a sustainable and energy efficient form of development in accordance with policy CC4 of the South East Plan 2009, Kent Design 2000 and PPS1.

19. The doctors' surgery shall achieve a minimum BREEAM(r) Healthcare rating of at least very good. The doctors' surgery shall not be occupied until a final certificate has been issued for it certifying that a BREEAM(r) Healthcare rating of at least very good has been achieved.

Reason: to ensure a sustainable and energy efficient form of development in accordance with policy CC4 of the South East Plan 2009, Kent Design 2000 and PPS1.

20. The children's' nursery shall achieve a minimum BREEAM(r) Education rating of at least very good. The nursery shall not be occupied until a final certificate has been issued for it certifying that a BREEAM(r) Education rating of at least very good has been achieved.

Reason: to ensure a sustainable and energy efficient form of development in accordance with policy CC4 of the South East Plan 2009, Kent Design 2000 and PPS1.

21. No part of the doctors' surgery and children's' nursery hereby permitted shall be brought into beneficial use unless and until a detailed Travel Plan has been prepared and approved in writing by the Local Planning Authority in consultation with the

Local Highway Authority. The agreed Travel Plan measures shall subsequently be implemented and thereafter maintained in full within 3 months of the first occupation of the development and by its subsequent occupiers, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that no more trips are generated than predicted and in the interests of sustainability and to reduce reliance on the use of the private car as a means of transport pursuant to Planning Policy Guidance Note 13.

### **Informatives set out below**

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

Clearance and subsequent burning of existing woodland or rubbish must be carried out without nuisance from smoke, etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

No vehicles may arrive, depart, be loaded or unloaded within the general site except between the hours of 0800 and 1900 Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.

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

No development shall commence until a scheme for the use of wheel cleaning, dust laying and road sweeping equipment, have been submitted to and the scheme approved in writing by the local planning authority. The approved scheme shall be implemented in its entirety once development has commenced, for the duration of demolition/construction works at the site.

The developers shall provide adequate space within the application site for the parking/turning/unloading of contractors vehicles before any works commence on site. Such space shall thereafter be maintained during the construction process where practicable.

The proposed development is not in accordance with the policies of the Maidstone Borough-Wide Local Plan 2000. However, the development does comply subject to the conditions stated, with the provisions of policy H3 of the South East Plan 2009 and the advice in PPS3: Housing. It is also considered to comply with recent Government guidance contained within PPS4: Planning for Sustainable Economic Growth, which is considered to represent circumstances that outweigh the existing policies in the Development Plan and there are no overriding material considerations to indicate a refusal of planning consent.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.

# APPENDIX ONE

## Summary of site search by Doctors practice

### **1. AGRICULTURAL LAND IN GRIGG LANE (current site)**

Inspected on 03/07/06

The land located on the left hand side past the end of the village boundary, it is further out of the village than the land previously investigated in Grigg Lane but not by much. Part of a larger holding of agricultural land being level with easy road access off Grigg Lane, appears to be well drained and not subject to flooding. The owner has previously applied for planning permission and is aware that no significant development is likely to be permitted for the foreseeable future. Is prepared to sell two acres adjoining road provided road access is retained for the remaining section of the land. Aware that £100k an acre subject to planning is the likely value.

Planning – likely to be permitted albeit reluctantly if no other sites are available or suitable.

### **2. TALLOW HOUSE, HIGH STREET**

Inspected on 03/07/06

Large timber framed period house Listed Grade II, offered for conversion to Doctors Surgery with a small rear garden, the balance of the garden having been sold for residential development. This is entirely unsuitable.

### **3. THE OLD VICARAGE, HIGH STREET**

Inspected on 03/07/06

The land available is the rear of the formal garden currently unused with extensive trees all the subject of Preservation Orders. The land is probably about 0.75 acre and well located but I could not establish how vehicular access would be achieved – there is an adjoining commercial building that may be prepared to allow access. The land adjoins the land in (2) above which has been granted consent for residential development and so it would be likely to also receive such a consent subject to the TPO`s being overcome. Land too small for surgery use without ancillary car parking being available. Price likely to be set as possible residential development land and therefore too expensive for surgery use.

### **4. THE OLD SCHOOL HOUSE NURSERY, STATION APPROACH**

Inspected on 01/08/06

Site cover: Currently 60% approximately with little space for car parking. Would be prepared to enter into deal to build new surgery but wants to keep a reduced size nursery school on the site – would require two storey building and even then does not appear to be large enough. No space for any car parking, even for staff, would require a deal to be struck to use station car park. Access to the site is over land owned by Rail Track so premium may have to be paid to them for changing the access provisions.

Planning – already D2 use but will require planning permission for new building, car parking provision will be sticking point.

### **5. LAND ADJACENT TO THE BOWLS CLUB, MAIDSTONE ROAD**

Inspected on 02/08/06

About 8 acres of agricultural land adjacent to and to the North and East of the Bowls Club. Level and well drained with no evidence of any flooding, access to the Maidstone Road would be by way of the existing access to the Bowls Club. On the Northern outskirts of the village and accessible only by car. Main problem is that it is well out of the village and fronts onto a fast and busy road.

**6. LAND TO THE REAR OF WHITE MILL BARN, MAIDSTONE ROAD**

Inspected on 02/08/06

About 1 acre of land currently used as garden to the rear of the existing house, located immediately adjoining the Bowls Club to the South. No access at present from land to the Maidstone Road (but there is frontage) so new access would be required subject to Highways requirements. Land is too small for full scheme with adequate parking – same comments apply otherwise as for (5) above.

**7. LAND IN MOAT ROAD**

Inspected on 02/08/06

Large agricultural site on Western boundary of village but closer to the centre than any of the other green field sites, outer part of the site possibly to be new village car park but appears to be subject to flooding.



### **Representations**

One further letter from a resident of the village has been received. This expresses concerns regarding highway safety. Concerns are raised regarding the eventual width of Grigg Lane being inadequate to accommodate the increased traffic when the proposed new footpath is constructed but also objects to the lack of a continuous footpath along the north side of Grigg Lane and the lack of a footpath along Oak Lane to serve the development. The letter also states that the footpaths should be provided with street lighting.

#### Officer comment

*Members will be aware from the report that Kent Highway Services have raised no objections to the proposals on the grounds of principle or highway safety. A number of highway improvements have been agreed between the developer and Kent Highways which will be secured through a s278 agreement. These are set out in paragraph 5.26 of the report.*

*A footpath is to be provided along Grigg Lane and this will be supported by the provision of street lighting.*

*As the report states at paragraph 10.3, it is not considered necessary in highway safety terms to require a pavement to be constructed along Oak Lane due to the lack of personal injury accidents within a ten year period.*

*If planning permission is granted no occupation of the development will be permitted until the package of highway improvements has been completed.*

#### **Officer comment**

I would advise Members that an additional area of land has been included within the application site and notice served on the current landowner. This land forms part of the proposed mitigation for the development and its future management will be secured through the s106 agreement.

A revised landscape proposals plan (attached) has also been submitted. This more clearly shows the proposed landscaping and mitigation strategy for the site and also the location of the additional land to be utilised as a wildlife corridor as part of the mitigation for the development.

The proposed mitigation is divided into areas within the main development site and proposals outside the development area what might be termed 'on-site' and 'off-site' mitigation.

On-site mitigation includes a commitment to ban the use of pesticides on the site, the provision of managed meadow areas, the provision of a pond, new hedgerow and shrub planting areas, three secure reptile hibernacula and a

compost area as well as the retention of the existing ditch along the Grigg Lane frontage and the existing hedgerow and hedgerow trees along the eastern boundary of the site.

Off-site mitigation includes the additional land along the western boundary adjacent to the northwest corner of the site and along the northern site boundary. These areas will be secured from the remainder of the development and managed as connecting corridors maintaining the existing ditches and connections to the pond lying north of the site. An east-west uncultivated connection across the north boundary of the site but outside the development area will also be secured connecting the western and eastern site boundaries and existing planting to be retained.

The current application was supported by both great crested newt and reptile surveys which contained outline proposals for the mitigation strategy. The scheme has been designed with the impact on reptiles and newts in mind.

The scheme, whilst clearly resulting in development of the current field, will maintain connectivity to ditches and ponds for all boundaries of the development. The western boundary and the north western corner of the site in particular will be protected from encroachment from within the adjoining development. Areas within the site will be formed as meadows, managed and cut in the interests of reptiles and newts. These will clearly connect to the eastern site boundary.

Members will have noted from the report that Natural England have not raised objections to the proposals. They have considered the ecological surveys which contained outlines of the extent and type of mitigation measures proposed. These did not include the area along the western boundary or the north west corner of the site that have now been included. Natural England clearly concluded that the proposals appear sufficient to mitigate any potential impacts on both great crested newts (para 2.2.1 of the committee report) and the local reptile populations (para 2.2.2 of the committee report).

I can also advise Members that the applicants have agreed to the installation of bird and bat boxes around the site and swift/bat bricks on the buildings. This can be secured by means of an appropriate condition. In addition, the applicants have also agreed to ensure that the drainage design for the site will be 'wildlife friendly' as well as the design of kerbs and crossing points within the site. Existing conditions 5 and 8 can be amended to achieve this.

I remain of the view that appropriate account has been taken of the impact of the development on protected species and that the proposals will be sufficient to mitigate against any possible impacts on great crested newts and the local reptile population.

### **Amendments to recommendation**

Amend condition 5 to read

5: The development shall not commence until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, and the design of kerb-stones/crossing points which

shall be of a wildlife friendly design, have been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a high quality external appearance to the development pursuant to PPS1.

Amend condition 8 to read

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

Reason: In the interest of pollution and flood prevention pursuant to policy NRM4 of the South East Plan 2009 and biodiversity pursuant to policy NRM5 of the South East Plan 2009.

Amend Condition 12 to read

The development shall not commence until, details showing the provision of 1.8m high privacy panels for a distance of not greater than 2m from the rear wall of each dwelling unit and thereafter 1.2m high stock-proof or chain-link fencing along the remaining flank and rear garden boundaries of the residential units and for 1.2m high chain-link fencing to the boundaries of the childrens' nursery and doctors' surgery where provided, have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details before the first occupation of the buildings or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers pursuant the advice in PPS1.

Amend Condition 13 to Read

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A, B, C, D, E, F and G and Part 2 Class A to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character, appearance and functioning of the surrounding area pursuant to policy CC6 of the South East Plan 2009 and the advice in PPS1.

Amend condition 14 to read

14: The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species. The scheme shall be designed using the principles

established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and be based on the strategy shown on drawing no. HS40/revA received 18/05/2010. The submitted scheme shall include the following;

- i) details of all existing trees and hedgerows on the site clearly indicating those to be removed and those to be retained,
- ii) details of the retention and location within the site of a proportion of the cordwood arising from the felling of any trees
- iii) details of the planting specification and long term management of the meadow areas within the site in the interests of ecology and biodiversity
- iv) details of the proposed hibernacula and compost areas
- v) details of the species, size, density and location of all new planting within the site
- vi) details of the specification and species proposed for the grass roofs of the surgery and nursery buildings and a long-term management programme
- vii) details of the provision of bird and bat boxes and the provision of bat and swift bricks within the development
- viii) details of the design and planting specification of the proposed pond

Reason: No such details have been submitted and to ensure a satisfactory visual appearance to the development pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000 and in the interests of biodiversity and ecology pursuant to policy NRM5 of the South East Plan 2009.



Mainly Hawthorn hedge row planted on boundary line with mixture of some Holly and Hornbeam along full length of boundary as shown complete with chain link fence. 1m wide strip (farmland side) to be retained unkept to provide suitable environment for amphibian migration / protection. Predominantly Hedgerow Oak with some Wild Service Trees at staggered c/c's not more than 12m apart planted within hedge row

Existing fenced coupe to be retained

Mixed Hawthorn hedge row with mixture of some Holly and hornbeam, complete with chain link fencing, planted along full length of garden boundary (2m from side boundary) to provide wildlife corridor / protection to existing ditch on adjacent land. Allow for planting Hedgerow Oaks and Wild Service Trees within hedge row / corridor at irregular spacings not more than 12m c/c's

Existing Trees to be removed

Existing Oak to be retained

Existing Oaks to be retained, tree protection to be in accordance with BS 5837

Area fenced / hedged off to provide hedge and compost heap to support wildlife

Meadow part set aside as rough grassland part planted with native shrubs

Existing Oak to be retained, tree protection to be in accordance with BS 5837

Retain extg hedging along boundary, gaps infilled with similar species.

Area set aside as meadow / rough grassland / part planted with native shrubs

Double banked native species hedge row planted along full length of front boundary, development side of ditch as schedule

Part hedge to be removed to form access. Tree 110 to be removed shown hatched

Existing Trees / hedging to be retained within grassed verge

Extg Crossover to be removed, Hedge row extended comprising similar species.

Hedgerow planting to front of site:-  
 Combination of single species:  
 Hawthorn hedge with Oak standards interspersed with Wild Service trees.  
 Mixed species: Hawthorn 15%  
 Hazel 70%  
 Holly 5%  
 Spindle 10%  
 Hedge to be planted at 450mm spacings in a double staggered row, 300mm between rows.

Landscaped areas planted with native shrubs including 2 No Silver birch trees wild spindle, and holly trees / bushes

Double banked native species hedge row planted along full length of front boundary, development side of ditch as schedule

Notes



Maidman House, St. Leonard's Road, Allington, Maidstone, Kent, ME15 0LS  
 Tel 01622 212800 Fax 01622 212714

Project  
**Headcorn Surgery Site**  
 Griggs Lane  
 Drawing Title

**Landscaping Proposals**

Date **May 10 1:250**  
 Scale  
 Dwg No **HS/40a**  
 Rev

60

NO  
UNLAWFUL  
VEHICLE ENTRY

22.04.2010



61

22.04.2010



62

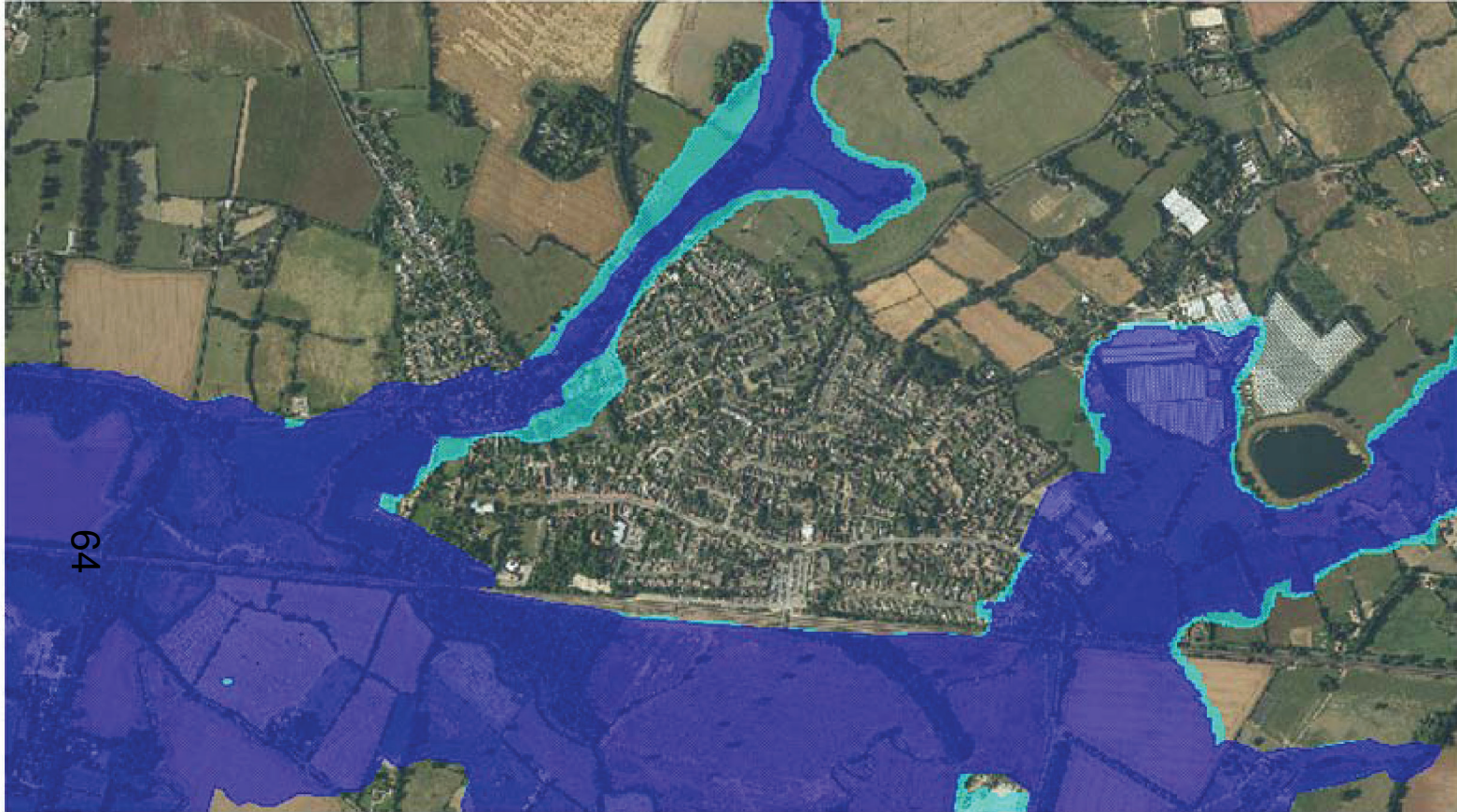
22.04.2010



63



22.04.2010

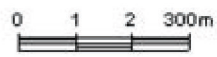


64



Headcorn Flood Zones 2 & 3

Prosperity & Regeneration



1:10000

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council Licence No. 100019636, 2009

65

22.04.2010



22.04.2010

67

22.04.2010

68

22.04.2010

69

22.04.2010

70



22.04.2010





22 04 2010

72

22.04.2010

73

22.04.2010

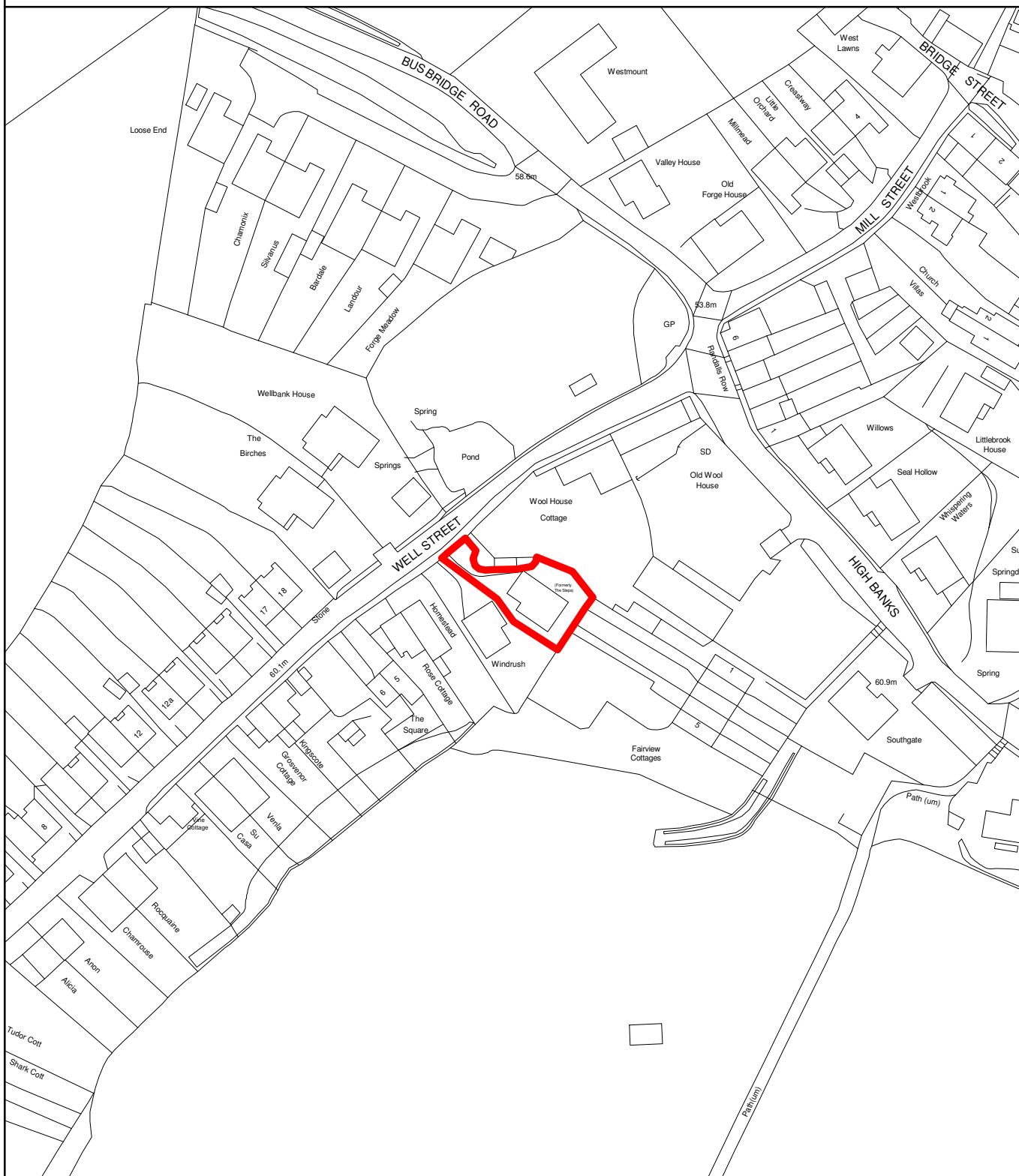
# Agenda Item 17

## THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/10/0081

GRID REF: TQ7552

**CHESTNUT TREE HOUSE,  
WELL STREET, LOOSE.**



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 1000019636, 2010. Scale 1:1250



**Alison Broom**  
**Director of Prosperity and Regeneration**

APPLICATION: MA/10/0081 Date: 19 January 2010 Received: 31 March 2010

APPLICANT: Mr N Moore

LOCATION: CHESTNUT TREE HOUSE, WELL STREET, LOOSE, MAIDSTONE, KENT, ME15 0EH

PARISH: Loose

PROPOSAL: Replacement of windows and doors to all elevations in UPVC, including two windows of 'Mondrian Design' as shown on the site location plan received on 21/01/10, the elevations received on 16/02/10, and the "Mondrian windows" details received on 31/03/10, and as described in the Design & Access Statement received on 09/12/09 and the e-mail from the applicant received on 20/03/10.

AGENDA DATE: 20th May 2010

CASE OFFICER: Angela Welsford

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

- it is contrary to views expressed by the Parish Council

## **1. POLICIES**

- 1.1 Maidstone Borough-Wide Local Plan 2000: H18.
- 1.2 South East Plan 2009: BE1, BE6.
- 1.3 Government Policy: PPS1, PPS5.

## **1. HISTORY**

- 2.1 MK3/68/0282      Details of 2 detached houses with garages  
APPROVED
- 2.2 MK3/65/0343      Outline application for residential development  
APPROVED

## **2. CONSULTATIONS**

### **3.1 Loose Parish Council**

- 3.1.1 "Following the amendments received to the above application with regards to the replacement windows & doors, the Loose Parish Council wish to object most

strongly to the proposal, and would wish to see the application refused and request that it is referred to the Planning Committee.

- 3.1.2 Firstly it is felt that the drawing supplied, showing the Mondrain design, is poor and inadequate, and coloured windows of any description would not be in keeping with the traditional look of other buildings in the area, some of which are listed. We would also like to add that it is believed that his property is located with the article 4 area of Loose.
- 3.1.3 Secondly we object most strongly that the proposed windows are to be made from UPVC, which is also out of keeping with the standards expected within an article 4 and conservation area. Whilst we understand that you have stated that other buildings in the area do have UPVC windows, it is felt that this should not alter our insistence that wood should only be allowed as a replacement material for windows and doors within the conservation area. It is also felt that we should not be governed by building standards of the past.
- 3.1.4 It is felt that the coloured Mondrain design and UPVC material of the proposed replacement windows and doors is unacceptable, and does not reflect the traditional and historical features that the Loose conservation area and village reflects, but clearly detracts from the special local character."

## 3.2 **MBC Conservation Officer**

- 3.2.1 11/03/10 – "I believe I spoke with the applicant some time ago about his ideas on altering the fenestration to his dwelling. Based on the information discussed, I told him informally that we would not be opposed to the re-fenestration in principle, including the use of uPVC, from a conservation standpoint. However, from the limited information submitted, it is difficult to determine if the details of the proposed windows – including the one(s) with Mondrian design elements – would respect the character of the historic environment. It is, therefore, recommended that on heritage grounds the application is currently unacceptable due to lack of information as detailed above."
- 3.2.2 26/04/10 (following receipt of further information) – "PPS5, HE7.2 states, '*In considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations. This understanding should be used by the local planning authority to avoid or minimise conflict between the heritage asset's conservation and other aspect of the proposals.*'"
- 3.2.3 This dwelling, approved for construction in the late 1960s, is located in Loose Valley Conservation Area in an area under an Article 4 Direction which includes window replacement. Due to its age and existing character, the house itself is

considered to have a neutral impact on the character of the conservation area and does not have particular heritage significance in its own right.

- 3.2.4 While we would not welcome the installation of uPVC windows in a more traditional building, we do not object to the use of this modern material in this building of modern construction. While the drawings are lacking in full detail, the photographs submitted of the windows which have been installed are what would be expected of uPVC windows in a modern house. We therefore have no objections with respect to their impact on the heritage environment as they are in keeping with the design of the house itself.
- 3.2.5 Regarding the two so-called "Mondrian windows", the details submitted are adequate to assess the size, colour and materials of the proposed scheme. In our view, the windows would not have an adverse impact on the character of the existing building.
- 3.2.6 It is, therefore, recommended that, on heritage grounds, on balance no objection is raised."

### **3. REPRESENTATIONS**

- 4.1 No representations have been received from neighbouring occupiers.

### **4. CONSIDERATIONS**

#### **5.1 Site Description**

- 5.1.1 The application building is the left-hand one of a pair of late 1960s dwellings of similar design located on the south-eastern side of Well Street, within the village settlement boundary of Loose.
- 5.1.2 It also falls within the Loose Valley Conservation Area. An Article 4 Direction, covering the Conservation Area, removes permitted development rights for, among other things, the alteration of single dwelling houses, including window replacement.

#### **5.2 Proposal**

- 5.2.1 Planning permission is sought for the replacement of windows and doors to all elevations in uPVC, including two windows of "Mondrian design" (which incorporate randomly-arranged coloured glazing panels interspersed amongst clear glass panels). [Piet Mondrian (1872-1944) was a Dutch painter and pioneer of abstract art who developed a style of painting based on the use of simple geometric shapes, notably rectangles, and pure colours.]

- 5.2.2 At the time of my site visit the replacement uPVC windows and doors had been installed. These had all been installed in existing openings.
- 5.2.3 The “Mondrian design” windows had not been installed at the time of my visit. One is proposed to the front elevation (north-west), facing Well Street, and the other would be on the left-hand flank elevation (north-east). The submitted details show that they would both be comprised of twelve irregularly-sized panes, four of which would be coloured glass (two yellow, one red and one blue). The frame of that on the front elevation would be white uPVC, whilst that on the side would be black.

### **5.3 Impact on the Character and Appearance of the Conservation Area**

- 5.3.1 Planning permission is only required for this development as a result of the Article 4 Direction being in force, the purpose of which is to protect the special character and appearance of the conservation area from insensitive and inappropriate development. The impact on the character and appearance of the conservation area is therefore the main issue for consideration by Members.
- 5.3.2 As stated, the application building is one of a pair of late 1960s dwellings of similar design. It is of no special architectural merit or heritage significance in its own right, and, due to its age and character, is considered by the Conservation Officer to have a neutral impact on the character of the conservation area. These points are considered to be material to the determination of this application since PPS5 – “Planning for the Historic Environment” states that *‘In considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations. This understanding should be used by the local planning authority to avoid or minimise conflict between the heritage asset’s conservation and other aspect of the proposals.’* (paragraph HE7.2).
- 5.3.3 In this case, therefore, whilst the use of uPVC would be out of keeping and harmful to the historic character of a more traditional building, being a modern material it would not be inappropriate for use on the application building, which is of modern design and construction. This view is shared by the Conservation Officer who does not raise objection with respect to the impact on the heritage environment and special character of the Conservation Area since the windows and doors, as installed, “are in keeping with the design of the house itself”. It should also be noted that the other property of this 1960s/70s pair, “Windrush”, already has uPVC windows installed. On balance, therefore, in view of all of the foregoing points, I do not consider that a refusal on the basis of the use of uPVC on this particular property could be sustained at appeal.



5.3.4 Furthermore, although Mondrian was a famous artist during the first half of the last century, his work became fashionable during the 1960s/70s – the same period from which this house dates. As such, although the proposed “Mondrian design” windows would again be clearly inappropriate on a historic or more traditional building, it is my view that they would be in keeping with the style and design of this particular property and, moreover, would actually enhance its appearance by giving it some character and interest. That said, I do not consider that it would then appear overly-prominent or draw undeserved attention within the Conservation Area due to the significant set-back from the public highway (approximately 25m), the fact that only four of the twelve panes of glass would be coloured, and the fact that there would be only one such window on each of the front and left-flank elevations. Again, the Conservation Officer does not raise objection. In summary, therefore, I conclude that the proposed “Mondrian design” windows would not harm the special historic character or appearance of the Conservation Area, and would, in fact, enhance the character and appearance of the application building.

#### **5.4 Residential Amenity**

5.4.1 As all of the windows and doors either have replaced or would replace existing windows and doors in the same openings, there are no residential amenity issues to consider.

### **5. CONCLUSION**

6.1 In conclusion, it is considered that, in this particular instance, the use of uPVC and “Mondrian design” windows would not be inappropriate, notwithstanding that the application building is located in a Conservation Area covered by an Article 4 Direction, due to its age, design and existing character. As such, the proposal would not harm the special character or appearance of the conservation area or detract from its special historic interest. It is therefore considered that the proposal complies with the relevant policies of the Development Plan and Central Government policy and there are no overriding material considerations to indicate a refusal. Consequently I recommend that Members grant planning permission subject to conditions as set out below.

### **6. 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.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.

81

A photograph of a two-story brick house with a grey dormer window and a chimney. The house is partially obscured by a dark stone wall in the foreground and lush green trees on the right. The number '81' is overlaid on the left side of the image.





83



84



85



86





87

87



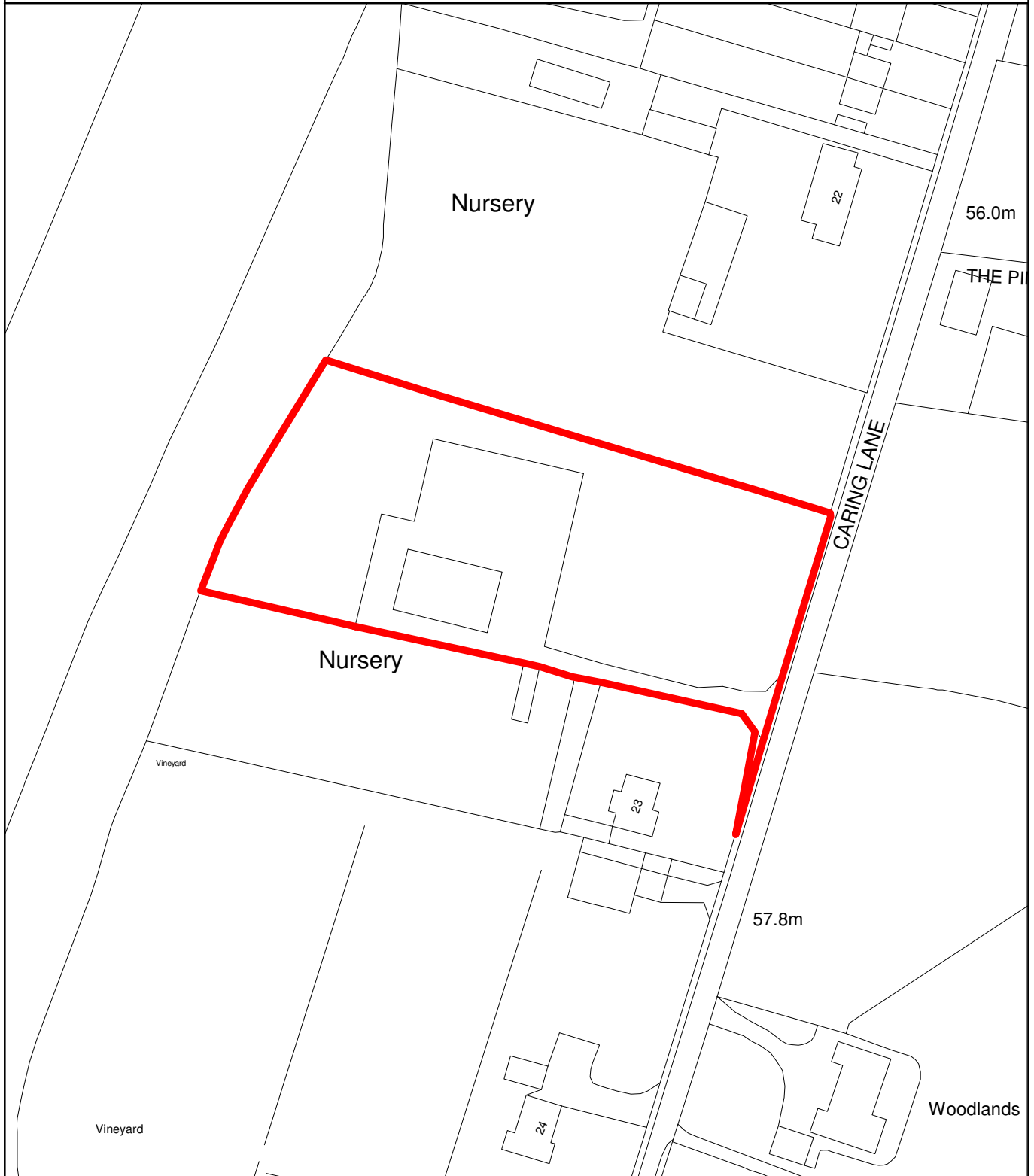
# Agenda Item 18

## THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/10/0140

GRID REF: TQ8154

CORBIN BUSINESS PARK,  
CARING LANE, BEARSTED.



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 1000019636, 2010. Scale 1:1250



**Alison Broom**  
**Director of Prosperity and Regeneration**

APPLICATION: MA/10/0140 Date: 29 January 2010 Received: 23 March 2010  
APPLICANT: G Forces Web Management Ltd.  
LOCATION: CORBIN BUSINESS PARK, CARING LANE, BEARSTED, ME14 4NJ  
PARISH: Thurnham  
PROPOSAL: Erection of a two storey rear extension to existing office building including reconfigured site layout, parking and landscaping in accordance with design and access statement; sustainable construction and design and renewable energy assessment; full travel plan; transport statement; economic statement and sequential assessment; plans numbered 09135-02; 1010083/SK001; 09135/11C; 1670/01; 1010083/SK002; 09135/10/C/ 09135/12/C received on the 29 January 2010 and ecological desktop study as received on the 23 March 2010.  
AGENDA DATE: 20th May 2010  
CASE OFFICER: Chris Hawkins

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

- It is contrary to views expressed by the Parish Council;
- It is a departure from the Development Plan and has been advertised as such;
- Councillor Horne has requested it be reported for the reason set out in the report.

## **POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV28, ENV34, T13  
South East Plan 2009: RE1, RE2, RE4, RE5, CC2, CC4, A0SR7  
Village Design Statement: N/A  
Government Policy: PPS1, PPS4, PPS7, PPS9, PPG13

## **HISTORY**

MA/07/1361 Corbin Business Park, Caring Lane, Thurnham. An application for advertisement consent for installation of a free standing non-illuminated entry sign. Approved with conditions.

MA/07/0176 The Barn, 23 Caring Lane, Thurnham. Retrospective application for the erection of a replacement building for B1 use and associated car

parking (on site of B8 storage and distribution premises granted permission for conversion from B8 to B1 under MA/05/2133). Approved with conditions.

MA/05/2133 The Barn, 23 Caring Lane, Thurnham. Change of use of existing barn from class B8 storage and distribution use to class B1 business use with associated alterations and parking. Approved.

MA/05/0324 The Barn, 23 Caring Lane, Thurnham. Certificate of Lawful Development for an existing development being the use of the site for storage use within Use Class B8. Approved.

Other planning history has been referred to within representations made to this Authority, however, many of these relate to sites within the locality, rather than the application site itself. Where relevant, these will be discussed within the main body of the report.

## **1.0 CONSULTATIONS**

**1.1 Councillor John Horne** was consulted and has raised a number of concerns and objections which are summarised below: -

- There is a significant planning history;
- Concern is raised over the way in which planning permission was obtained in 2007 for the re-building of the barn – he feels that the policies were misinterpreted;
- The land is sited within the open countryside, and within a Special Landscape Area – policies ENV28 and ENV34 are referred to;
- He quotes the following extract from a recent appeal decision in Caring Lane, regarding development within the countryside: *“National Guidance has the overall aim of protecting the countryside for its own sake and there is a presumption against new development outside the existing settlements that is not associated with the needs of agriculture, forestry or other issues essential to the rural economy. The policies within the Kent and Medway Structure Plan (adopted in July 2006) and those saved in the Maidstone Borough wide Local Plan (adopted in 2000) reflect that national aim and are restrictive. Both plans were still in force at the time of the hearing and whilst the new South East Plan has now replaced them there is no material difference concerning the policy for new development in rural areas.”*
- Therefore, the applicant has no justification in questioning its validity or the weight that the Inspectorate should attach to an SLA;
- This was also the view of Maidstone Borough Council (MBC) at that particular Appeal;
- With regards to the landscaping of the site, Cllr Horne refers to the following extract from the aforementioned Appeal decision: *“There is nothing opposite*

*the site other than open countryside and I do not consider that development on the (appeal) site even if sensitively landscaped on the frontage would be acceptable in this location; any development can be 'hidden' but that does not make it acceptable development in the countryside."*

- Highway safety concerns are raised, particularly regarding speed along the lane, and visibility when leaving the site;
- There is an increase in the ratio of car parking places on site. In view of the submitted travel plan this is curious. For logically, there should even be a reduction of the existing car parking;

Cllr Horne then concludes: -

'For these reasons an application which trebles the footprint must be considered intrusive and adversely affecting the character of the area contrary to the objectives of the relevant policies within the Development Plan which seek to restrict new development in the countryside unless it is for particular needs that are set out in the policies. This development is not one of those that in certain circumstances could be considered acceptable.'

## **1.2 Thurnham Parish Council** objected as follows: -

### 1.2.1 'Thurnham Parish Council has considered the above planning application and wishes to raise its strong objections for the following reasons:

The area lies within the North Downs Special Landscape Area and we feel that the proposals would amount to the over development of this location. The original planning application for this site was for the conversion of a renovated barn; however this was demolished and replaced with a new building for which retrospective planning permission was granted in 2007. The Parish Council feels that the new proposals would further develop the area beyond what is acceptable within a rural area.

The Parish Council is very concerned about the speed and amount of traffic that uses Caring Lane. It is used as a rat run with cars regularly exceeding the speed limit. The Parish Council has raised concerns regarding this with the police and highways authority on a number of occasions and we supported local residents in having a traffic survey of the road undertaken in 2004. Our concerns were also supported by the Planning Inspector appointed to consider the appeal for 22 Caring Lane which was dismissed on 7<sup>th</sup> September 2009. We feel that the proposed increase to the workforce at this site would create further problems with traffic along Caring Lane and onto the A20 Ashford Road.

In conclusion, Thurnham Parish Council objects to this application and would wish to see this considered and refused by the Planning Committee.'

**1.3 Kent Highway Services** were consulted and raised no objections to the proposal. The comments received are as follows: -

'I have checked the details of the application and Transport Statement and I am confident that the traffic generated by the proposals can be accommodated along Caring Lane without detriment to Highway Safety or capacity. Vision Splays for the access of 2m by 90m proposed, this is in excess of Manual for Streets recommendation.

Parking onsite is being provided in accordance with maximum parking standards in Manual for Streets which is acceptable.

A travel plan will be operational for the site. Enhancements are to be made to the existing 30mph limit. In view of the above, I confirm that I have no objections to the proposals in respect of highway matters subject to suitable conditions being attached to any permission granted.'

**1.4 The Environment Agency** were consulted on this application, and raised no objection subject to a condition being imposed relating to potential contamination within the application site. This condition is suggested at the end of this report.

**1.5 Natural England** were consulted and made no comment within their response. They asked for the Council to determine the application in line with their standard guidance.

**1.6 Maidstone Borough Council Landscape Team** were consulted and have raised no objection to this proposal, subject to the native hedge being located at the base of the bund rather than along its ridge.

**1.7 Maidstone Borough Council Economic Development Manager** has made the following comments: -

1.7.1 'The plans set out by G Forces to expand their business and introduce an academy providing work experience and opportunities for students to train in an industry environment is supported by Economic Development for the following reasons: -

1.7.2 G-Forces are a successful web design company which is part of the creative industries sector. This sector has seen significant growth nationally over the last ten years and is considered a key growth sector for the future. In 2009 the government published a paper called Creative Britain: New Talents for the new Economy. The paper recognised the importance of the creative sector and sees economic growth coming from businesses which "... have their origin in individual creativity, skills and talent and which have a potential for wealth and job

creation through the generation and exploitation of intellectual property". Locate in Kent, the county's inward investment agency, targets digital media companies as a key sector for the county's economic growth. Regionally the sector is supported through a consortium called South East Media Network and is recognised regionally as important for the growth of the South East by SEEDA. Locally Maidstone's Economic Development Strategy highlights the potential for Maidstone to grow the media and creative sectors, building upon the presence of the University for the Creative Arts, Maidstone TV Studios and the Media Tree network. The expansion of this business together with the jobs it will create aligns with national, regional and local strategies and is supported, particularly in the context of growing unemployment in the Borough. G-forces offers locally higher skilled, higher paid employed and as such will help to address this imbalance.

1.7.4 With regard to the training element of G-Forces application, in 2009 the government published its Skills for Growth paper – A national strategy for economic growth and individual prosperity. This paper sets out government thinking on how the country should be planning to ensure the skills taught today meets the needs of industry now and in the future. Specifically it states that "government wants to build new bridges between the workplace and higher learning and engage businesses to a much greater extent in communicating the skills students need for the world of work". This is considerable departure from the normal working practices of businesses and will not be easy to achieve but the proposals put forward by G-Forces aim to do exactly that and cannot be over emphasised.

1.7.5 Supporting this application sends a clear message to the business community that Maidstone is committed and serious about growing the media sector and importantly, is keen to see local people benefit from the opportunity of honing the skills taught by schools, further and higher education in an industry setting which will make them far more employable and attractive in the labour market.'

## **2.0 REPRESENTATIONS**

**2.1 Neighbouring occupiers** were notified of this application and four letters of objection have been received. The comments received within these letters are summarised below: -

- The proposal would give rise to a significant level of traffic along Caring Lane;
- The proposal would result in development within the open countryside;
- There are already excessive speeds along this stretch of road, which will be made worse by the additional traffic generated.

**2.2. Leeds Parish Council** were not specifically notified of this application, but have made the following comments: -

2.2.1 'Leeds Parish Council has been made aware of the above planning application and although not a Statutory Consultee as it does not fall within our Parish we do wish to make representation regarding this.

2.2.2 I am therefore writing to raise our objections for the following reasons.

- The increase of traffic with the doubling of their staff would make Caring Lane, Back Street, Forge Lane and the B2163 coming from the south and west even busier than they are now.
- That the original planning application was for use of the building to be allied to horticulture/agriculture, therefore we feel that this development is inappropriate for a rural area.
- Already 60 people are employed there and this application will increase the space by 33% and employ a further 70 people. We feel that the approval of this development would over intensify the site and there is a danger that it would set a precedent for further development between Thurnham (Caring Lane) and the fields towards Leeds.'

**2.3 CPRE** raise objections to this proposal. The concerns that they raise are summarised within the points below: -

- The proposal would be within the open countryside and within a Special Landscape Area;
- They refer to a previous appeal decision for the change of use of land to accommodate a gypsy family. This was considered to be to the detriment of the character of the area;
- The nature of the business does not require a large office development – it is more 'footloose'.
- There is significant free office space within Maidstone that could be utilised;
- CPRE are unconvinced by the information provided with regards to the training on site;
- The impact upon the traffic within the area;
- The site is not sustainable.

### **3.0 CONSIDERATIONS**

#### **3.1 Site Description**

3.1.1 The site is located within an area of open countryside, and is designated as being within the Special Landscape Area that runs from the North Downs AONB



to the north, and is to the south of the A20. The application site is approximately 500metres from the junction of Caring Lane and the A20. The site is located within an area characterised by ribbon development along Caring Lane with properties to both the north and south of the application site, and with a golf course lying immediately to the west. This golf course is well established and has a significant amount of mature planting throughout. There is a further commercial property to the south of the application site (approximately 150metres to the south). The land within the site is relatively flat, with no obvious change in levels throughout. The existing building is set approximately 65metres back from Caring Lane.

- 3.1.2 To the east of the application site are open fields, which are bounded by trees and shrubs. To the south of the application site is again, open fields, with to the south-east, a detached residential property that fronts on to Caring Lane.
- 3.1.3 To the north are residential properties, and their private amenity spaces, the nearest being approximately 30metres from the boundary of the site. The properties along this stretch of road are predominantly two storey in height, (although the nearest property is single storey) and are set back approximately 10/15metres from the road, with driveways to the front.
- 3.1.4 The site currently contains a single detached two storey office building, which is occupied by G-Forces Web Management Ltd. The building is relatively simple in form, and is clad in metal panels, broken by areas of glazing. At present, a tarmac access road leads from Caring Lane along the southern boundary of the site. Parking is provided to the front of the building, with a service road around its perimeter. The front of the site is laid to grass, with a hedgerow marking the frontage with Caring Lane. There are established trees and hedgerows along the northern and western boundaries. The existing company within the site run a web-based advertisement agency.
- 3.1.5 As stated, the site is close to the A20, and within walking distance of the village of Bearsted (approximately ½ mile). There is also a bus stop at the end of Caring Lane with buses running into and out of the centre of Maidstone.

## **3.2 Proposal**

- 3.2.1 The proposal is for the erection of a large extension to the existing operation at what is now known as the 'Corbin Business Park' in Caring Lane, approximately ½ mile outside the village of Bearsted. The proposed two storey rear extension would be approximately 35.5metres in length, 14.3metres deep and would have a maximum height of 8.1metres (which is the same height as the existing building). The proposal would have two pitched roofs with a valley gutter, with the middle section lower than the two main roof structures. The existing building

has a width of 14metres, and as such, approximately 21.5metres of this extension would project from beyond the existing elevation.

- 3.3.2 The extension has been proposed in order that the existing company can expand. G-Forces are a web based organisation, providing IT assistance to many large national, and international companies. At present the company employ 65 staff, and they forecast that over the next 18months they will need to employ a further 60. Whilst the proposal to create an additional 1,030 metres<sup>2</sup> (an approx 130% increase) would seem generous for this number of staff, it is noted that part of this area would be used as a photographic studio (a facility that currently does not exist on site) and areas for training to take place – the company are currently linked to schools within the area, and they are planning on expanding these links in the future through work placements – as well as improved staff facilities for the existing employees.
- 3.2.2 The proposed extension would be constructed of the same materials as the existing building, albeit utilising glass to a greater extent. This would therefore see the use of silver/grey metal panelled cladding, with a dark grey metal roof. Full length windows with brise soleil, would be utilised upon the side elevations of the proposal, to both provide a level of articulation, as well as maximising solar gain.
- 3.2.4 To the front of the site, an increased area for car parking has been proposed, with a total provision of 53 car parking spaces (increased from the existing 26 spaces). It was originally planned that 64 spaces be provided, however this was considered to be an over-provision for a development of this size. The parking would be laid out in a square form, with an area of soft landscaping within the centre. Bicycle parking would also be provided on site, with a total of 10spaces proposed. A travel plan has also been submitted with the planning application which demonstrates that the applicant would promote more sustainable forms of transport. This would also form part of the Section 106 legal agreement.
- 3.2.5 A detailed landscaping proposal has been submitted with the application, which would see the planting of a number of additional trees and shrubs within the site. A number of new sessile oak trees would be planted, as well as a new hedgerow to the front of the site – double staggered consisting of native species. Much of this planting would take place at the front of the application site.
- 3.2.6 The applicant has agreed to sign up to a Section 106 which would ensure that the vocational training that takes place is utilised by those studying at Maidstone schools and Kent Based universities. At present this S106 is to be submitted, although the applicant has agreed to these heads of terms.

### **3.3 Principle of Development**

- 3.3.1 I consider that this proposal is balanced in that it is a large extension to an existing business within the open countryside rather than within the town centre or an allocated site. This has to be fully considered against the potential benefits of providing high quality jobs within the knowledge sector within the Borough. Due to the site being within the open countryside there is a requirement for specific and sound justification for allowing an expansion of the built form. The use of the site for an I.T. business exists, and as such, this is an intensification of an existing use, rather than the creation of a new form of economic development. As such, the assessment of the principle should be whether it is acceptable to *expand* this use within this location at this scale.
- 3.3.2 As the site lies within the open countryside, policy ENV28 of the Maidstone Borough Wide Local Plan (2000) is relevant. This policy restricts development within the countryside, to specific uses including agricultural, forestry or other uses essential to the rural economy, or for uses which comply with other policies within the Development Plan. I do not consider that this use complies with any of the other policies within the Local Plan. As the requirements of this policy are not met by this proposal, I consider that a recommendation for approval would constitute a departure from the Local Plan, and it has therefore been advertised as such. On this basis, should permission be granted, specific justification would need to be provided to override this particular Development Plan Policy. Members should be aware that the policy within the Local Plan that referred to modest extensions within the countryside (Policy ED3) has not been saved, and is not therefore applicable to this application. To this extent there is somewhat of a local policy vacuum for developments of this nature.
- 3.3.3 Furthermore, there is a strong drive, both within the South East Plan and within central government guidance (in particular PPS4) for economic development to be located within the existing urban areas, or on allocated sites. The application site meets neither of these requirements, being within an area of open countryside. In particular Policy AOSR7 of the South East Plan seeks to ensure that Maidstone town centre is a hub for technological and knowledge based industries. Again, I do not consider that this proposal would comply with this policy due to its location outside of the urban confines, and as such would constitute a departure from the development plan.
- 3.3.4 PPS4 (Planning for Sustainable Economic Growth) further emphasises the Government's objectives for prosperous, and sustainable economies. In doing this, the Government seeks to focus new economic growth within existing centres, in order to reduce car travel, and also to improve the vitality and viability of the existing town centres. However, policy EC14 of PPS4 refers to 'town centre uses' which are located within rural areas, and are not in accordance with up-to-date development plans. This sets out that a sequential test is necessary, to demonstrate why the development cannot take place in a

more accessible location – be it town centre or allocated site. A sequential test should demonstrate the following: -

- The sites are assessed for their availability, suitability and viability;
- Ensure that all in-centre options have been thoroughly assessed first;
- Ensure that it is demonstrated that where there are no town centre sites available, edge of town centre sites are given preference;
- Ensure that in considering sites in or on the edge of existing centres, developers and operators have demonstrated flexibility in terms of reducing the scale of their development, look at more innovative site layouts, and to reduce parking space numbers.

3.3.5 As can be seen from the above, government-led planning policy provides a strong focus upon economic development within sustainable locations, and in particular town centre sites. It should also be noted that not all of the allocated employment sites within the Borough (as set out within the Maidstone Borough Wide Local Plan) have been developed, and as such there is land available for this purpose. Likewise, there is available office space within the town centre. Should permission therefore be granted for a new office development within the countryside, there needs to be strong overriding justification to go against this policy framework.

3.3.6 In assessing whether there is this *overriding need*, it is important to look at the wider implications of this application, for the Borough as a whole. It is acknowledged within Maidstone's Economic Development Strategy that the Borough suffers, in part, from a relatively low-skilled, low wage economy, with relatively low numbers of high quality, and well paid jobs within the Borough. Furthermore, the South East Plan acknowledges that it is important for Local Authorities to '*support both innovation and the role of the knowledge-driven industry and to realise the Plan's objective of sustainable economic development within the south-east.*' One of the six key sectors identified within the South East Plan (derived from the Regional Employment Strategy 2006-2016 – RES) is *digital media* – which is the sector within which the applicants operate. This is identified as a key sector to deliver growth on the basis that there is a high potential to 'innovate and grow' within this area, helping the objectives of sustainable development within the South East as a whole. This proposal would fall within the category of digital media, of which there are few within the Borough, and would provide approximately 60 further well paid jobs – the average wage within the organisation is £34,000 per annum, with the average age of staff being 28 years old – within the Borough. I give weight to this 'in principle' support within the Development Plan, however, it is acknowledged that this in itself would not override the focus of development to be within existing centres.

3.3.7 The primary reason for the strong focus of development within existing centres, is the requirement for economic growth to be as sustainable as possible with people able to work locally to where they live – thus reducing the dependency upon the car. A key mechanism for reducing travel distances is to train and employ local people to work within any such business. The South East Plan gives strong direction to encourage applicants to ensure that this forms part of their plan for growth. Indeed, Policy RE4 of the South East Plan states that Local Authorities should work jointly with business sectors and education and training providers to deliver co-ordinated programmes to ensure that the skills provision meets business requirements, and that the workforce is equipped to access and benefit from opportunities within the labour market. This policy relates specifically to Growth Point areas – i.e. Maidstone - with a requirement to provide additional further and higher education facilities. Whilst the South East generally has a higher qualification profile than many other English regions it is acknowledged that there are considerable skills shortages and gaps within the region. Indeed, from my discussions with the applicants, I have been made aware that whilst much of their workforce lives relatively locally; many have trained at colleges/universities not within the Borough/County and have subsequently moved to the South-East in search of work. In order to address this issue, the applicant has forged good links with existing schools in Maidstone and universities within Kent, and is looking to develop these further. The applicant has agreed to provide vocational training for university students, as well as 'workshops' for local schools to utilise the facilities, should permission be granted. This would consist of 20 six month work placements for university students and 30 two week placements offered to schools and colleges. The applicant has agreed to be tied into a S106 legal agreement which would set out that the vocational training to be provided at the site would be made available to local residents first, to ensure that the development would be as sustainable as possible. Should the applicant provide this suitable S106 I am of the opinion that this development would therefore comply with the objectives of Policy RE4 of the South East Plan.

3.3.8 Furthermore, in assessing the sustainability of any given site, one has to assess whether there would be an over-dependence upon the private motor car to get to and from the application site. If overriding justification is provided to allow economic development within the countryside, it would not be appropriate to provide more parking within such a site, than within a town centre site, as this would encourage travel by car. Policy EC18 of PPS4 states that where there are no local parking standards, the maximum standards within Annex D of PPG13 will apply. Within this guidance, it states 'local authorities should be cautious in prescribing different levels of parking between town centres and peripheral locations.' As such, in order for this proposal to be acceptable, it would be necessary for the developer to provide no more parking than one would expect (in accordance with PPG13) within a town centre location. The applicant has demonstrated that the parking provision within the site would broadly fall within

the threshold of PPG13 ('*broadly*' as the provision relates to office space of over 2,500m<sup>2</sup> - there are no maximum standards for developments below this figure) which sets out that there should be no more than 1 space per 30m<sup>2</sup> of internal floorspace. This, together with the provision of a draft travel plan, which would encourage car-sharing, cycling to work etc... would attempt to reduce the dependency upon the private motor car. Full consideration of the parking numbers and the travel plan is provided later within the report, however, I am satisfied that the parking levels shown here would not impact upon the vitality and viability of the existing town centre sites for the reasons given above.

3.3.9 PPS7 states that Local Authorities should support economic activity in rural areas. It states that they should support the re-use or *adaptation* of existing buildings within the countryside subject to there being no significant impact upon the open countryside. It also states that the Local Authority should be particularly supportive of development that is closely related to villages and also address the specific local economic needs within the Borough. As can be seen from the above, it is considered that the Borough of Maidstone is a suitable location to promote 'high tech' industries, and as such, I consider that this statement gives support to the expansion of an existing business within this location (which whilst in the countryside, is close to the village of Bearsted).

3.3.10 As set out above, of particular relevance to this application is the recently released Planning Policy Statement 4 (PPS4) which relates specifically to sustainable economic development. This statement sets out specific policies that concern all forms of economic development. Within this document there is a presumption that economic development should be located within the urban area, to ensure that it be located in the most sustainable location. However, policy EC12 of PPS4 refers directly to determining planning applications for economic development in rural areas. This policy recognises that such locations may be acceptable even if they are not readily accessible by public transport. The policy states that Local Authorities should encourage such enterprises that would support local economic needs.

3.3.11 Where a rural location is sought for a town centre use (which is not in accordance to the development plan) a sequential test shall be provided by the applicant. This assessment sets out the particular requirements of the applicant, and sets out the parameters of the search for sites. The assessment includes existing office buildings, sites with extant B1a office permissions, and those allocated in accordance with the saved Local Plan. This assessments looks at sites within the town centre, on the edge of town centre, and other sites within the Borough (such as Eclipse Business Park and Turkey Mill). This sequential test concludes that the relocation of the existing premises from Caring Lane would not be a viable option due to firstly the level of investment already made at the site (which to date exceeds £3.5m), and secondly as there would be no suitable, affordable accommodation within any other site within the locality. Many of the

alternatives would not have suitable office space, failing to provide high quality office environment, or studio space which could be provided with the correct level of internet (broadband) access required for a business of this nature. The only suitable alternative site would be within Eclipse Business Park, which would prove to be too expensive for the applicants. It should also be noted that the applicants currently own the site, rather than lease it, and as such there are financial constraints should they seek to move. I am satisfied that the sequential test demonstrates that there is not suitable office space for the applicants to move to within the locality. I consider it appropriate to support the provision of high quality jobs within the Borough, and to ensure that these jobs are not lost in the medium to long term. I am of the opinion that the only viable option for the applicants would be to remain and expand within their existing site.

3.3.12 Given the above, I am of the opinion that the principle of this development is a balanced decision. The proposal does not accord with Policy ENV28 of the Maidstone Borough Wide Local Plan, or with the governments drive for economic development to be located within the existing town/village centres, and as such would be a departure from the Development Plan. However, I am of the opinion that there is sufficient justification, in terms of support for this form of enterprise within both the South East Plan and within central government guidance, as well as strong economic arguments to see the expansion of the business at this site, to consider that there be overriding justification to support this proposal. However, due to the particular circumstances of this application, I consider it appropriate to suggest that should permission be granted, a conditioning limiting the use to that relating to digital media would be appropriate to ensure that the premises are not taken over by a less suitable occupant. I therefore consider that the principle of this development is acceptable, subject to all other material considerations being met.

### **3.4 Visual Amenity**

3.4.1 The application site lies within the open countryside, and within an area of Special Landscape Importance (Policy ENV34 of the Maidstone Borough Wide Local Plan 2000). As such, any development shall pay particular attention to the protection and conservation of the scenic quality and distinctive character of the area. The site is located within a ribbon of residential development, within which there are dwellings, together with the gardens and paraphernalia associated with such a use. Furthermore, a golf course is located to the rear of the site which provides a high level of screening from the west.

3.4.2 As set out above, the site is well screened from all directions, with large trees running along the rear (western) boundary, and a large number of trees along the side (northern) boundary. The trees along the southern boundary are well established, but these are not as dense as on the north and west of the site. As such, obscure views through the site can be obtained from the south (although

from the road these are further obscured by residential properties which front on to Caring Lane). It is proposed that an improvement be made to the soft landscaping along the Caring Lane boundary which would further restrict views into the site from the highway.

- 3.4.3 In terms of medium to long distance views of the site, I do not consider that the proposal would have a detrimental impact by virtue of its positioning and the screening in place. The extension would be attached to the existing structure, rather than a stand alone building, which I consider reduces its impact.
- 3.4.4 In terms of its detail, the proposal replicates the form and design of the existing building with a good use of glazing throughout, which ensures that the bulk of the building is somewhat broken up. Other detailing such as brise soleil is included within the design, which further breaks up the elevations, and provides an element of depth and layering to the building. The proposal has been designed in such a way as to provide the floor space required, without appearing unduly bulky or dominant, and I consider that the extension would not appear obtrusive within the application site, nor within the wider area.
- 3.4.5 The roof has been designed in such a way as to minimise the height of the structure. This is broken up into three distinct parts, and ensures that the proposed extension is no higher than the existing building.
- 3.4.6 One has to assess therefore whether this proposal would have a detrimental impact upon the character and appearance of the area. The proposal would see a significant increase in the built form at this particular site, although much of the proposal would be attached to the existing building. However, whilst in the open countryside, it is not within a particularly isolated location, with a number of houses in close proximity both to the north and to the south of the site. To the south east of the site is a large barn behind a substantial dwelling house. Furthermore, the site is well screened, with no significant long distance views of the application site. A well landscaped golf course lies to the west of the application which has banks of tree planting which significantly impacts upon long distance views from the west.
- 3.4.7 From the south of the site, views would be obscured by the boundary planting already in situ, and also by the existing dwellings fronting Caring Lane. To the south of the site, there is a good level of landscaping along the road frontage which restricts views back towards the application site. Likewise, from the north, the rear gardens of the existing properties, and the occupants residential paraphernalia (i.e. sheds/outbuildings) and soft landscaping would somewhat restrict long distance views.
- 3.4.8 I am therefore of the opinion that whilst the proposal is of a significant scale, due to its location, its relationship with neighbouring properties and the



landscape of the surrounding area, there would not be a significant detrimental impact upon the character and appearance of the locality, and as such I consider that to extend this premises at this location would not prove to be contrary to the policies within the Development Plan.

### **3.5 Landscaping**

- 3.5.1 A full landscaping proposal has been submitted with this application. Whilst the proposal would see the loss of the grassed area to the front of the site a specific landscaped area would be created within the centre of the site, and increased soft landscaping provided along the front boundary.
- 3.5.2 The landscaping scheme submitted would see the creation of a bund to the front of the site, which would have a mixed native species hedgerow running along its base. This hedge would contain, amongst other species 17 *Acer campestre* (field maple); 9 *Corylus avellana* (hazel) which are considered appropriate for this location. The hedge would be planted in double staggered rows, at 45cm centres, with rows some 45cm apart. I consider that this would give the eastern boundary of the site a suitable soft edge, and would soften the development to the rear significantly from the road frontage.
- 3.5.3 It is proposed that five *Quercus petraea* (Sessile Oak) trees be planted along the front boundary of the application site. These would give the planting along this prominent elevation some verticality, which I consider to be important, as much of the lane is lined in a similar way with trees. Underneath these trees would be an area of low level planting. Behind these trees, six *Corylus avellana* (hazel) shrubs are proposed. I consider that the combination of these plants to the front of the site would provide a soft buffer at the front of the site, which the correct mix of height, and depth, to ensure that it appears as organic as possible.
- 3.5.4 Within the centre of the application site would be an area set aside for use by the applicant's staff. This area would contain picnic tables, set within trees (*Quercus petraea* – oak) and an area of lower level soft landscaping. Again, a hedge is proposed to surround this area on three sides (native mix).
- 3.5.5 The existing trees and shrubs that run to the north and west of the site are to be retained, with additional hazel planted between these and the new building, to further soften the impact of the proposal. Further areas of low level planting are also proposed around the car parking areas.
- 3.5.6 I consider that the landscaping proposal is of a good standard, and would integrate well into the surrounding area. The majority of the planting proposed would comply with Council's adopted Landscape Guidelines, and as such, I consider that the proposal would comply with the policies within the Development Plan.

## **3.6 Highways**

- 3.6.1 As can be seen from above, Kent County Council Highway Services raise no objections to this proposal, on the basis that they consider the proposal to provide a sufficient level of parking provision, and there to be suitable visibility splays on either side of the access.
- 3.6.2 Whilst the floorspace within the site is below the threshold where travel plans are normally required by Kent Highway Services as set out in their document 'Guidance on Transport Assessment and Travel Plans 2008'; the applicant has submitted a travel plan with the application which sets out how they would try to reduce car-dependency within their workforce.
- 3.6.3 A site audit of existing travel patterns and modes has been undertaken. This demonstrates that at present, the majority of staff (77.7%) travel to the site by car.
- 3.6.4 However, in assessing where staff are living there are particular clusters where a number of staff travel from, such as Sittingbourne and Ashford. It is therefore considered that there is the potential for more car-sharing between staff to take place. This would reduce the number of vehicular trips to the site. It is proposed that within 5 years, 25% of staff could car share (up from the current 17.6%). This can be achieved through allowing flexible working, through a staff database (making it easy to find out who lives nearby), and by ensuring that in the case of an emergency, all staff are provided with a guaranteed lift home through a local taxi company. In addition it is proposed to dedicate 10 parking spaces within the site out of the 53 in total, solely for use by those participating in the car share scheme. This amounts to 19% of the parking provision on site.
- 3.6.5 The travel plan seeks to reduce the share of car journeys from the current 77.7% to 65% in the five years of the initial travel plan period, a 12.7% decrease. It would also see the contribution made by car sharing rise by 7.4%.
- 3.6.6 Cycling and walking are also to be promoted, with cycle storage facilities, and the company signing up to the Government's 'cycle to work' programme which can provide financial assistance for those cycling to work. In addition, within the proposed extension high quality shower and changing facilities are to be proposed.
- 3.6.7 Within the Travel Plan, the applicant acknowledges the location of the site, and that it would not be reasonable to expect large volumes of staff to cycle or walk to work. This applies particularly to walking as the target is 1% (up from 0.8%). However, it is proposed that within 5 years 9% of trips will be made by cycle up from the current 3.9%.

- 3.6.8 The applicants intend to employ a Travel Plan Co-ordinator who will oversee the marketing and organisation of all in-house travel initiatives. This co-ordinator would regularly update staff to promote new schemes and initiatives, and attempt to raise awareness of sustainable transport and travel. All new staff will be informed of the company's policies regarding green travel.
- 3.6.9 Kent County Council's Sustainable Transport Team has commented on the plan and have requested detailed changes to it. These with the exception of the need to set a target for train-based journeys (not currently in the plan) do not require changes to the key targets discussed and set out above. The applicants are currently amending the plan and additionally they have confirmed their agreement to the travel plan being conditioned despite it being voluntary. I will update Members further at the meeting in respect of the revised travel plan.
- 3.6.10 Concerns have been raised by the local residents with regards to the speed in which traffic travels along Caring Lane. Whilst there is no evidence submitted that this is a particularly dangerous stretch of road (in terms of vehicular accidents), nor that the employees of the applicant drive irresponsibly, it is proposed that traffic calming measures be introduced along Caring Lane, to the north of the application site. Following discussions with KCC Highway Services, it was agreed that a speed control sign would be inappropriate within this location (as there have been no records of serious accidents), however, painted road markings would be acceptable. A plan has been submitted demonstrating where these could be located. I raise no objection to this element of the proposal.
- 3.6.11 Notwithstanding this travel plan, the applicant has demonstrated that there would be an increase in the parking provision. Whilst the increase from 26 to 53 spaces is a significant increase to the existing provision, as the extension is more than doubling the floorspace of the proposal, I consider this level to be acceptable – it falls below the maximum parking standards for a development of this size. The original application was shown to provide 64 parking spaces, however it was considered that this would provide an over-provision of parking spaces, contrary to the sustainable objectives of central government guidance. The amended plans, showing only 53 spaces would provide a ratio of 1 space per 30m<sup>2</sup> of office space which is comparable with the parking provision sought on the Towergate development on Eclipse Business Park (MA/01/0249/04) which has previously been agreed to be a suitable provision for a sustainable development. As well as ensuring that the development was planned in a sustainable manner, it was important to ensure that parking numbers would be sufficient for all staff, as I consider that it would not be appropriate for parking to overspill onto Caring Lane. I am of the satisfied that the parking provision, together with the travel plan, would ensure that there would be no overspill onto Caring Lane.

3.6.12 In order to ensure that parking does not take place outside of the allocated parking spaces, I consider it appropriate to place a condition on any permission seeking high kerb stones to be introduced. This should ensure that the landscaped areas are maintained as such.

3.6.13 It should be noted that the applicants have voluntarily undertaken the travel plan, but nonetheless I consider that at a site within such a location, it is important to promote more sustainable forms of transport to and from the site. The travel plan does address this, and demonstrates that improvements can be made to ensure that car travel is reduced (percentage wise) to the site in the long term. As such, I consider this to be an intrinsic part of the planning application, and should planning permission be granted, I recommend that a condition be imposed to ensure that the travel plan is adhered to. Should this be the case, I consider that the proposal does take reasonable steps to ensure that the proposal would not give rise to any highway safety issues, and that sustainable modes of transport have been adequately assessed, and where appropriate, will be introduced. It is on this basis that I do not consider that it is necessary to seek any further improvements to the highway within the locality of the site. I therefore consider that the proposal would comply with the objectives of PPG13, PPS4 and the policies within the Development Plan in this respect.

### **3.7 Ecology**

3.7.1 Natural England were consulted and have stated that they have no comments to make on this application. They have however, stressed that the Local Planning Authority address a number of issues prior to determining the planning application. These include impacts upon any protected species, and whether there is scope to improve biodiversity on site.

3.7.2 The applicant has submitted a walkover study with the application that states that there is no indication of any European protected species within the application site (at the time of the survey). Furthermore, the statement sets out that the proposed area for expansion is upon land currently part hard-standing and part horticultural grassland habitat. As there is an area of grassland habitat affected, it is recommended that a watching brief be undertaken during the clearing of the extension footprint to ensure that should any habitats be affected, suitable mitigation measures can be introduced (should any habitats be found work will be brought to a halt and the appropriate mitigation license(s) will be sought).

3.7.3 The ecologists report also suggests that the landscaping scheme submitted be approved, as all boundary habitats will be retained, with additional low level planting, and trees to be provided within the application site. The ecologist therefore raises no concerns about the impact of the proposal on the bat

population within the area. It is recommended however, that tree protection measures be undertaken to ensure that the trees within the site are retained, and not damaged during construction works.

3.7.4 The study indicates that there are no badger habitat, or badger use within the application site.

3.7.5 I am therefore satisfied that the information submitted demonstrates that there would be no detrimental impact upon the ecology of the locality as a result of the proposal. Furthermore, I consider that the additional planting proposed within the application site would have the potential for further improve its biodiversity. I therefore conclude that the proposal complies with PPS9.

### **3.8 Sustainability**

3.8.1 The applicant has submitted a sustainable construction and design, and renewable energy assessment with the application. This document anticipates that the new building will reach a 'very good' BREEAM level. In achieving this level, the applicant has demonstrated that a number of sustainable construction techniques will be incorporated within the development. These include increased levels of insulation, increased glazing areas (to increase solar gain) and natural ventilation will be utilised during the summer months. I consider that reaching this level (I have suggested a condition to ensure that a minimum of 'very good' is reached) is acceptable, and in accordance with the policies within the Development Plan.

3.8.2 The proposal would exceed 1000metres<sup>2</sup> and as such would be required to secure at least 10% of energy requirements through decentralised and renewable or low carbon sources. As this is an extension to an existing building, rather than a bespoke new building, it has not been possible at this stage to set out exactly the measures being undertaken to reach this target (there would inevitably be some energy transfer between the existing and proposed buildings) however, it has been agreed that a condition be imposed requesting that this information be submitted prior to the development taking place, once full working drawings have been completed.

3.8.3 I therefore consider that the proposal would meet the requirements of the policies within the Development Plan, and would prove to be a sustainable form of construction, and would continue to be so during use.

### **3.9 Other Matters**

3.9.1 No precise details of lighting have been submitted with this application, however, I am aware that there would be low level bollards provided within the car park – for safety reasons. These would be designed to ensure that there would be no

significant light spill to the surrounding area. This would ensure that there would not be any significant impact upon the character and appearance of the surrounding area.

- 3.9.2 Cllr Horne has commented directly upon the previous Appeal decisions within the vicinity of the application site. As Members are aware, each application is determined on its own merits. I have digested the relevant history to the surrounding area, and whilst I understand the Inspectors decision, I consider that this application is different in several ways.
- 3.9.3 Firstly, this is an extension to an existing building, and as such the impacts upon the character of the area would be less than the erection of a new building. Secondly, it is set well back within the application site, with long distance views relatively unaffected by the proposal. Whilst sustainability was raised in previously decision, I consider that this has been addressed within the main body of the report with regards to the provision of a travel plan, and the parking provision within the site.
- 3.9.4 I do not consider that the proposal would have any significant impact upon the residential amenity of the neighbouring occupiers, in terms of overlooking, overshadowing, or the creation of a sense of enclosure, due to the substantial distance to the nearest residential property. I do not consider that the intensification of the use of the site would give rise to any unacceptable noise and disturbance, due to the nature of the work undertaken at the site.

#### **4.0 Conclusion**

- 4.0.1 As this proposal would see the intensification of economic development within the open countryside, which would prove to be contrary to the Development Plan, I consider its determination to be very much a balanced decision. The proposal is within the open countryside, and yes, it would be preferable to see it located within a more sustainable location, however, the business exists at the site, it already has a bespoke building, and needs to expand into a sector that will provide high quality, and well paid jobs for residents of Maidstone. In addition, the company will be tied into ensuring that local people benefit from the vocational training to be provided. Furthermore, the site is well screened, and not highly visible from long distance views. There is policy support within the Development Plan, and government guidance to encourage growth in knowledge sectors, although this should clearly be assessed against all other policy requirements. In assessing this application, and presenting Members with my recommendation I have carefully considered the implications of permitting a sizeable extension within such a location, and in particular how this addresses government and local policy.

4.0.2 To conclude, I consider that the proposal would have a positive impact upon the economy of Maidstone, whilst having no significant detrimental impact upon the character and appearance of the open countryside. As such, the proposal is, on balance, acceptable subject to the receipt of a suitably worded Section 106 legal agreement, and the imposition of the safeguarding conditions set out below. It is therefore recommended that Members give this application favourable consideration and give delegated powers to the Development Manager to approve, subject to no further additional representations, and the receipt of a suitable legal agreement.

### **RECOMMENDATION**

SUBJECT TO:

- a) Any new representations received as a result of outstanding statutory advertisements;
- a) The receipt of a suitable S106 legal agreement confirming that those using the training opportunities will be schools from Maidstone and universities from within Kent.

I BE DELEGATED POWER TO GRANT 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 use hereby permitted shall be carried on only for the period during which the building or land is occupied by G-Forces Web Management, and at the end of this period the use hereby permitted shall cease and all materials and equipment brought into the building or onto the land in connection with the use shall be removed;

Reason: The use hereby permitted would not normally be allowed and permission has been granted only because of the exceptional circumstances of the applicant.

3. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development in accordance with PPS1 and ENV34.

4. The development shall be carried out in accordance with the submitted landscaping scheme as shown on plan number 1670/01 (received on 29 January 2010).

Reason: In the interests of visual amenity and biodiversity in accordance with PPS9 and policy ENV34 of the Maidstone Borough Wide Local Plan 2000.

5. Within 3 months of the occupation of the extension hereby permitted, the road markings as shown on plan number 1010083/SK002 shall be provided and thereafter maintained.

Reason: In the interests of highway safety in accordance with PPG13.

6. No part of the extension hereby permitted shall be brought into beneficial use unless and until a detailed Travel Plan has been prepared and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. The agreed Travel Plan measures shall subsequently be implemented and thereafter maintained in full within 3 months of the first occupation of the development and by its subsequent occupiers, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The proposal is within an area of open countryside, and as such it is considered important to ensure that the site operates in a sustainable manner, as this forms part of the justification for permitting this development. The Travel Plan is required to ensure that no more trips are generated than predicted and in the interests of sustainability and to reduce reliance on the use of the private car as a means of transport pursuant to PPS4, PPS7 and PPG13.

7. No development shall take place until details of the 'high' kerb stones to be used around the landscaped areas have been submitted and approved in writing by the Local Planning Authority.

Reason: To ensure that the landscaped areas are maintained as such, and only the parking spaces shown on the submitted plans are utilised, to ensure a high quality finish to the development, and to promote sustainable forms of transport, in accordance with PPS1, PPS4, PPS7, PPG13 and Policy ENV6 of the Maidstone Borough Wide Local Plan 2000.

8. The building shall remain as a single unit and at no point in the future shall the building be subdivided.

Reason: In view of the particular circumstances of the applicant and in the interests of ensuring a sustainable form of development in accordance with PPS1.



9. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (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 in accordance with PPG13.

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

Reason: To ensure a satisfactory setting and external appearance to the development in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan 2000, and PPS1.

11. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction-Recommendations' and as per the recommendations set out within the arboricultural report ref SA/0168/08 received on the 21 September. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development in accordance with PPS1.

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

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development in accordance with PPS1.

13.No development shall take place until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To prevent light pollution in the interests of the character and amenity of the area in general pursuant to Policy ENV49 of the Maidstone-Wide Local Plan 2000.

14.The proposed development shall be carried out in accordance with the recommendations as set out within the ecological report submitted to the Local Planning Authority on the 22 March 2010.

Reason: In the interests of biodiversity within the locality in accordance with PPS9.

15.No structure, plant, equipment or machinery shall be placed, erected, or installed on or above the roof or on external walls without the prior approval in writing of the Local Planning Authority;

Reason: In the interest of a high quality finish of the development hereby permitted, in accordance with Policy BE1 of the South East Plan and PPS1.

### **Informatives set out below**

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

Clearance and subsequent burning of existing woodland or rubbish must be carried out without nuisance from smoke, etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.

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

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

#### **REASON FOR APPROVAL**

The proposed development is not in accordance with the policies of the Maidstone Borough-Wide Local Plan 2000. However, the development, subject to the conditions stated, would be an extension of an existing business, and is considered to provide high quality jobs within the locality, whilst not significantly harming the character and appearance of the countryside. There is policy support within the South East Plan 2009 for sustainable economic growth, and I consider that the proposal demonstrates circumstances that outweigh the existing policies in the Development Plan and there are no overriding material considerations to indicate a refusal of planning consent.

114

19.04.2010

115

19.04.2010

116

19.04.2010

117

19.04.2010

1  
8

19.04.2010



119

EY02 XPT

19.04.2010



120

19.04.2010

121

19.04.2010

122

19.04.2010

123

19.04.2010

124

19.04.2010

**Item 18, Page 62**

**Reference number: MA/10/0140**

**CORBIN BUSINESS PARK  
CARING LANE  
THURNHAM  
KENT**

Since the completion of the report, I have been made aware that additional consultation responses on this application have been submitted, and that in fact there have now been twelve letters of objection received with regards to this proposal. The objections raised within these letters are summarised below: -

- The impact upon highway safety;
- The design is out of keeping within the locality;
- It is disputed that the development would bring money into the area;
- The site is within a Special Landscape Area;
- The impact of the lighting on the wider landscape.

In addition, a petition has been submitted to the Authority, containing the signature of 55 local residents.

The matters raised within the concerns above, are dealt with, in the main body of the report.

Further to the completion of the report, the applicants agent has requested that the wording of condition 2, relating to the use of the site, be amended, to be consistent with other similar permissions granted within the Borough. I concur with this view, and do not consider the alteration of this wording to impact upon the objectives of the imposition of the condition. I therefore propose that the condition be amended to read: -

2. The building hereby permitted shall be first used for the use of digital media purposes, by G-Forces Ltd;

Reason: The use hereby permitted would not normally be allowed and permission has been granted only because of the exceptional circumstances of the applicant.

**My recommendation therefore remains unchanged subject to the amended condition as set out above.**

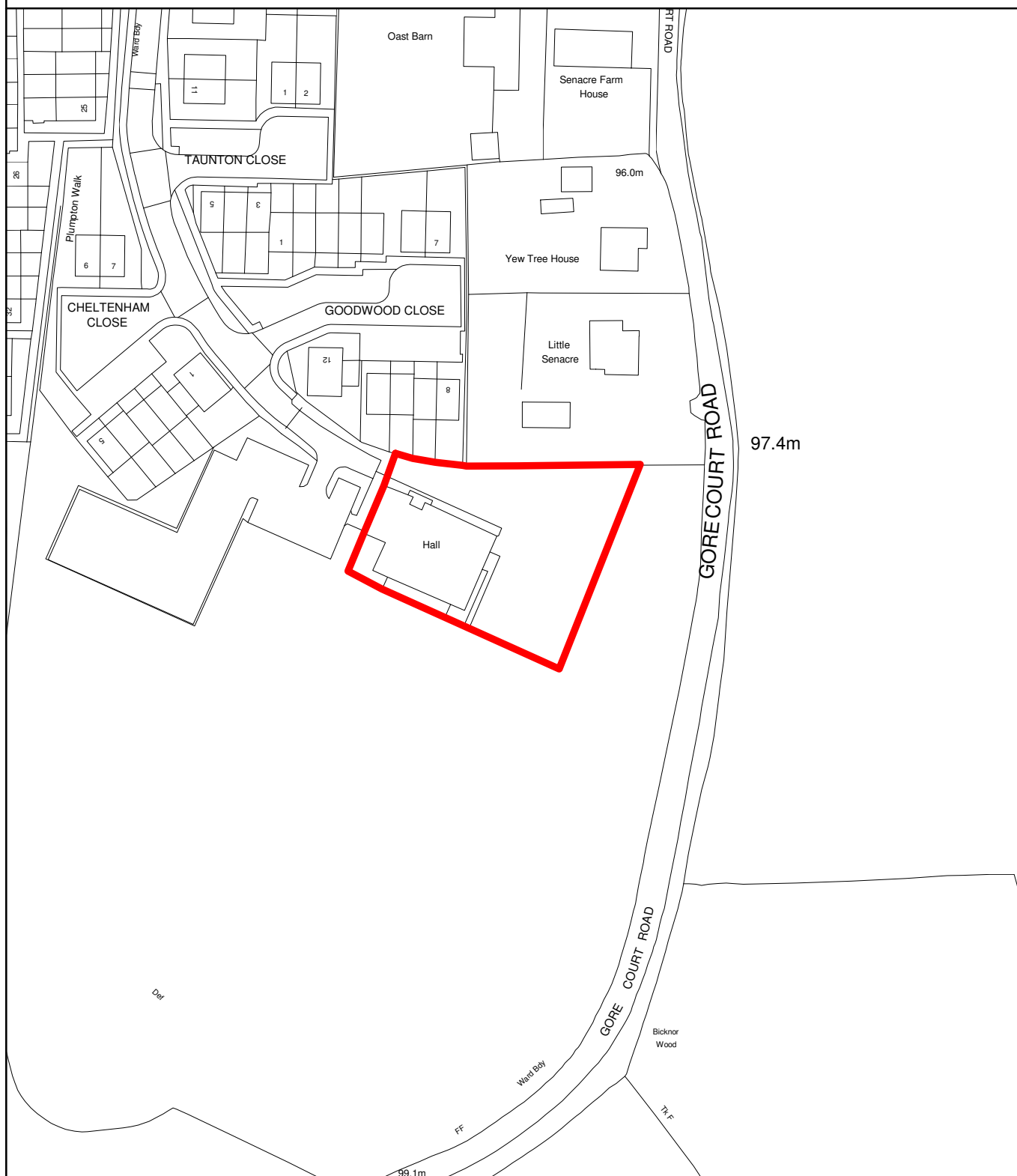
# Agenda Item 19

## THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/10/0323

GRID REF: TQ7852

SENACRE COMMUNITY HALL,  
TITCHFIELD ROAD, MAIDSTONE.



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 1000019636, 2010. Scale 1:1250



**Alison Broom**  
**Director of Prosperity and Regeneration**



APPLICATION: MA/10/0323 Date: 19 February 2010 Received: 29 April 2010

APPLICANT: Mr Mark Beaman, KCC 14 - 24 INNOVATION UNIT

LOCATION: SENACRE COMMUNITY HALL, TITCHFIELD ROAD, MAIDSTONE, KENT, ME15 8FX

PARISH: Otham

PROPOSAL: Erection of a two storey extension to the west elevation and a single storey extension to the north elevation in accordance with the design and access statement, and plans numbered 08142/PLA/06; 08142/PLA/02; 08142/PLA/03; 08142/PLA/04; 08142/PLAS/05; 08142/PLA/07; 08142/PLA/08; 08142/PLA/09; 08142/PLA/10; 08142/PLA/11; 08142/EX/003; 08142/EX/004; 08142/EX/005; 08142/EX/006 as received on the 23 February 2010 and site layout plan numbered 08142/EX/001 received on the 29 April 2010.

AGENDA DATE: 20th May 2010

CASE OFFICER: Chris Hawkins

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

- The Borough Council own the land

### **POLICIES**

Maidstone Borough-Wide Local Plan 2000: CF1, T13  
South East Plan 2009: CC4, BE1, T4  
Village Design Statement: N/A  
Government Policy: PPS1, PPG13

### **HISTORY**

MA/92/0793 Land between Titchfield Road & Gore Court Road, Otham. Erection of new Senacre Community Hall and sports changing facilities. Approved.

MA/89/2236 Land between Titchfield Road & Gore Court Road, Otham. Community Sports Centre. Approved.

## **1.0 CONSULTATIONS**

**1.1 Kent Highway Services** were consulted and raised no objections to this proposal.

## **2.0 REPRESENTATIONS**

2.1.1 **Cllr D Marchant** was notified and made the following comments: -

2.1.2 'As the Ward Member I am delighted that this project is now reached the official planning stage. There is no question in my mind that this is a great improvement on the original and will enhance the facilities locally.

2.1.3 I have been copied in by the Parish Clerk on their reply to the consultation. At the Parish Council meeting the plans were quickly looked at before being passed to a sub-committee for more detailed study. The site plan was immediately commented on.

2.1.4 It was noted that the eastern boundary was not, as might have been expected, the boundary of the playing field, which is surely part of the whole site, but merely delineates the curtilage of the building.

2.1.5 This is a very important issue. There have been serious incursions onto the playing fields by motorcycles as well as pedestrians from Gore Court Road. You will not be aware that our ASB team joined me in a detailed discussion with the police area commander, the rural inspector and others in January. One of the specific areas that the police asked us to take forward to the borough was the need for more robust fencing along this road, and they especially asked for the present gap to be closed. Any access, pedestrian or otherwise along that boundary is very dangerous. Had this been an ordinary commercial developer I would have asked for a section 102 (?) contribution to enhancing the security of this site.

2.1.6 I am not certain who the lead officer from the Borough is on this project. Perhaps you could find out, and bring forward the well founded concerns of residents and police to that department before we are faced with a fait accompli.'

2.1.7 **\*Officer comment:** My view is that it is not be appropriate to request that a new fence be erected along the eastern boundary through this planning application. Planning gain can only be requested when it can be clearly demonstrated that its necessity is brought about by the impact of the proposal. This appears to be an existing problem that would not be exacerbated by the proposed changes to the community centre, with the proposal not considered likely to make problems of anti-social behaviour

any worse. I have however, made the applicant aware of the concerns raised, so that they may address this issue separately.

**2.2 Neighbouring properties** were notified and 5 letters of objection have been received. The concerns raised within these letters are summarised below: -

- The proposal would result in a loss of light to neighbouring occupiers;
- There would be a loss of outlook to neighbouring occupiers;
- There would be an increase in noise and disturbance to neighbouring occupiers;
- Concern about security to the neighbouring occupiers;
- Smells – in particular smokers being located outside of the entrance;
- Increased traffic and parking problems around the site;
- Problems with litter outside of the site.

### **3.0 CONSIDERATIONS**

#### **3.1 Site Description**

3.1.1 The application site is located within the urban area of Maidstone, adjacent to open countryside. The site lies to the north and east of Gore Court Road, and is approximately 500metres north of the A274. To the south of the building are football pitches which are well used at weekends.

3.1.2 To the north of the building are residential properties within Goodwood Close, which are two storey dwellings. These properties have gardens of approximately 7-9metres in depth. There is a 1.8metre high boundary fence running to the rear of these properties.

3.1.3 To the west of the application site is the existing car park, with residential properties beyond. These residential properties would be over 30metres away from the extended community centre when completed.

3.1.2 The site currently contains a community centre, which also has a children's nursery attached. I have been informed that at present the community centre is under-used, with the halls not utilised on a regular basis.

#### **3.2 Proposal**

3.2.1 The proposal is for the extension and refurbishment of the existing community facility. There would be two distinct extensions to the property, one on the northern side and one to the front (west).

3.2.2 The side extension would accommodate a children's nursery (and improvement on the existing facilities). This would also include a play area to the side of the

nursery (this would have a length of 20.7metres) and would run from the side of the building to the boundary fence (a distance of between 4metres and 13metres). The nursery would have a separate entrance, but would also be linked into the main building, to ensure that there is suitable security on site. This extension would have mono-pitched roof, which would run down to form a valley gutter with the eaves of the existing building. It would have a length of 20.7metres, a width of 6.5metres, and a maximum height of 4.5metres. The extension would be clad in metallic panels, with the end panels being provided with a colourful 'leaf' design. The panels facing the residential properties would be a more subdued grey colour to reflect that used on the main building.

3.2.3 The extension to the front of the building would allow for a greater amount of facilities to be provided internally, including a community café. This extension would follow the form of the existing building, and would have a maximum depth of 15metres, a width of 17.6metres, and a maximum height of 9metres (as per the existing building). This building would be finished with metal cladding, with the recessed entrance point finished in a different colour (green). Applied lettering upon the front elevation would be provided. This extension would have one large window on the front elevation (which would be projecting) as well as ground floor level windows on either side. The detailing of these windows would be simple, reflecting the form of the existing building.

3.2.4 The building would be used for a number of different purposes, one being to provide vocational training to young people from the area. Similar schemes exist in Kent and have proved to be successful in providing training in particular trades, which would not be possible to provide within existing schools. As this is a community centre, it is important to ensure that the building is retained for 'community use'. As such, it is proposed to provide a café within the building, which can be used by all, and for there to be sports facilities for the local youth club, and evening classes will also be run. This will hopefully see the building used by a significantly larger portion of the community than at present, and by a wide age group – ranging from small children at the nursery, to elderly people taking advantage of evening classes.

3.2.5 43 car parking spaces are to be retained to the front of the building.

### **3.3 Principle of Development**

3.3.1 The proposal is to extend the community facility, and would involve the improvement of facilities within the building. There would be no facility lost as a result of this proposal, and as such, I consider the principle of development acceptable subject to all other material consideration being met.

### **3.4 Visual Amenity**

- 3.4.1 The proposal would see the extension of the existing community centre both to the front, and to the side (nearest the residential properties). The extension to the front of the building would follow the ridge and eaves line of the existing community hall. This extension would be of a different material to the community centre, as it would be clad (with graffiti proof material) and finished in a metallic colour. I consider that this would respect the original, simple form of the existing building, with the change in material denoting the new element of the building. I do not consider the brickwork of the existing building to be such quality as to warrant replication in this instance.
- 3.4.2 The side extension would have a mono-pitch roof which would adjoin the eaves of the existing building. This element would be clad in the same material, with the exception of the two end elevations, which would have a more colourful 'leaf' pattern. Again, I consider that these extensions are sympathetic to the host building, whilst not simply replicating what is currently on site.
- 3.4.3 Windows are shown to be both recessed, and to project from the building, giving a good level of depth to the elevations, and providing interest. I am of the opinion that the existing building does little to enhance the area's character, but the proposal would see a greater variety of materials used, as well as a more varied roofslope, which would give the building more interest. To the front of the building would be a first floor overhang which would also give the building a more layered appearance. These changes to what is currently a rather straightforward building would add significantly more interest, and as such I consider that these changes to the building must be seen as a progressive step to the overall appearance of the locality.
- 3.4.4 The proposal seeks to encourage the use of the outside space, with a children's play area, and a small garden proposed. This would not require the benefit of planning permission, but in any event, this would not detract from the character of the area.
- 3.4.5 Therefore I consider that the changes proposed would have a positive impact upon both the appearance of the building, as well as the wider area, as not only would the building be used to a greater extent – and as therefore appear more active – but the well considered additions to the buildings, together with the materials used would ensure that the community centre would be a better designed building. I therefore conclude that the proposal complies with the policies within the Development Plan and PPS1.

### **3.5 Residential Amenity**

- 3.5.1 Concern has been raised by neighbouring occupiers with regard to impact upon the amenities of the neighbouring occupiers, adjacent to the community centre. Through an extensive public consultation process, it has been agreed to push the

side extension as far back into the site as possible, so as to reduce the impact, particularly in terms of overshadowing.

- 3.5.2 The extension would be a minimum of 12.5metres from the rear of the nearest residential property (3metres from the boundary with this property) being 8 Goodwood Close. At the point, the extension would be single storey with a maximum height of 4.5metres. I do not consider that this element of the proposal would result in any significant overshadowing, or the creation of a sense of enclosure to the occupiers of this property (or any other neighbouring properties) by virtue of this distance, and relatively small scale.
- 3.5.3 Whilst the side extension would have side facing windows which would face on to the rear boundaries of properties within Goodwood Close, these would be single storey only, and as such, would not result in direct overlooking, due to the height of the existing boundary fencing.
- 3.5.4 With regards to the front extension to the community centre, this would follow the form of the existing building. As this building has low eaves (2.8metres) along the boundary with the residential properties, I do not consider that this would have a significantly detrimental impact upon the amenities of the neighbouring occupiers, in terms of overshadowing, or the creation of a sense of enclosure. There would be no side facing windows on this extension that would be above ground floor level, and as such, there would be no overlooking to neighbouring occupiers.
- 3.5.5 Neighbouring occupiers have raised concerns about noise and disturbance and increased smells. Whilst the community centre would be used to a greater extent than at present, I do not consider that this would result in an unacceptable impact upon the nearby residents in this respect. The building has been designed in such a way to ensure that the noisiest activities (i.e. sports use and vocational training) would be located on the southern side, away from the residents. Whilst children from the nursery playing outside would generate noise, I do not consider this to be unacceptable, and would also occur during the day, not during the late evening. With regards to smells, I do not consider that this would be unacceptable, as any odours would dissipate into the open air.
- 3.5.6 With regards to security, the building has been designed with a mono-pitched roof, to prevent this being used to access the rear gardens of neighbouring properties. In any event, there is a 3metre gap between the extension and the boundary.
- 3.5.6 I therefore consider that the proposal would not have a detrimental impact upon the amenities of the neighbouring occupiers.

### **3.6 Highways**

3.6.1 The proposal would now see the loss of five of the existing parking spaces to the front of the building. However, there would still be 43 spaces provided for this community centre, which is considered to be sufficient. The additional uses of the building will generate more demand for parking at the site, however, the numbers provided are considered sufficient for such a use. In any event, should parking overspill on to the neighbouring roads, as the route to the site is not a main thoroughfare, I do not consider that this would give rise to any highway safety concerns.

3.6.2 It is on this basis that I consider the proposal to be acceptable in terms of highway safety, and as such, comply with the requirements of national guidance (PPG13) and the Development Plan.

### **3.7 Other Matters**

3.7.1 The proposal would not see the loss of any existing sports pitches. As set out above, the property would retain the internal changing facilities for these pitches which will enable their continued use. The pitches would also remain, and as such there would be no detrimental impact upon these facilities.

### **4.0 Conclusion**

4.0.1 I consider the proposal would be an improvement in the facilities available for local residents, and would also provide additional vocational training facilities for local schools. Furthermore, the proposal would improve the appearance of the existing property, and would not detrimentally impact upon the amenities of the neighbouring occupiers. I therefore conclude that the proposal is in accordance with the policies within the Development Plan, and would be a positive addition to the community facilities within the locality. It is on this basis that I recommend that Members give this application favourable consideration, and grant planning permission subject to the imposition of the conditions as set out below.

### **RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

2. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development in accordance with PPS1.

3. No development shall take place until precise details of the boundary treatments within the application site have been submitted to the Local Planning Authority and agreed in writing.

Reason: In the interests of visual amenity in accordance with PPS1.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.





136

14.05.2010

137

14.05.2010

Seneca  
Community  
Hall

138

14.05.2010

139



14.05.2010

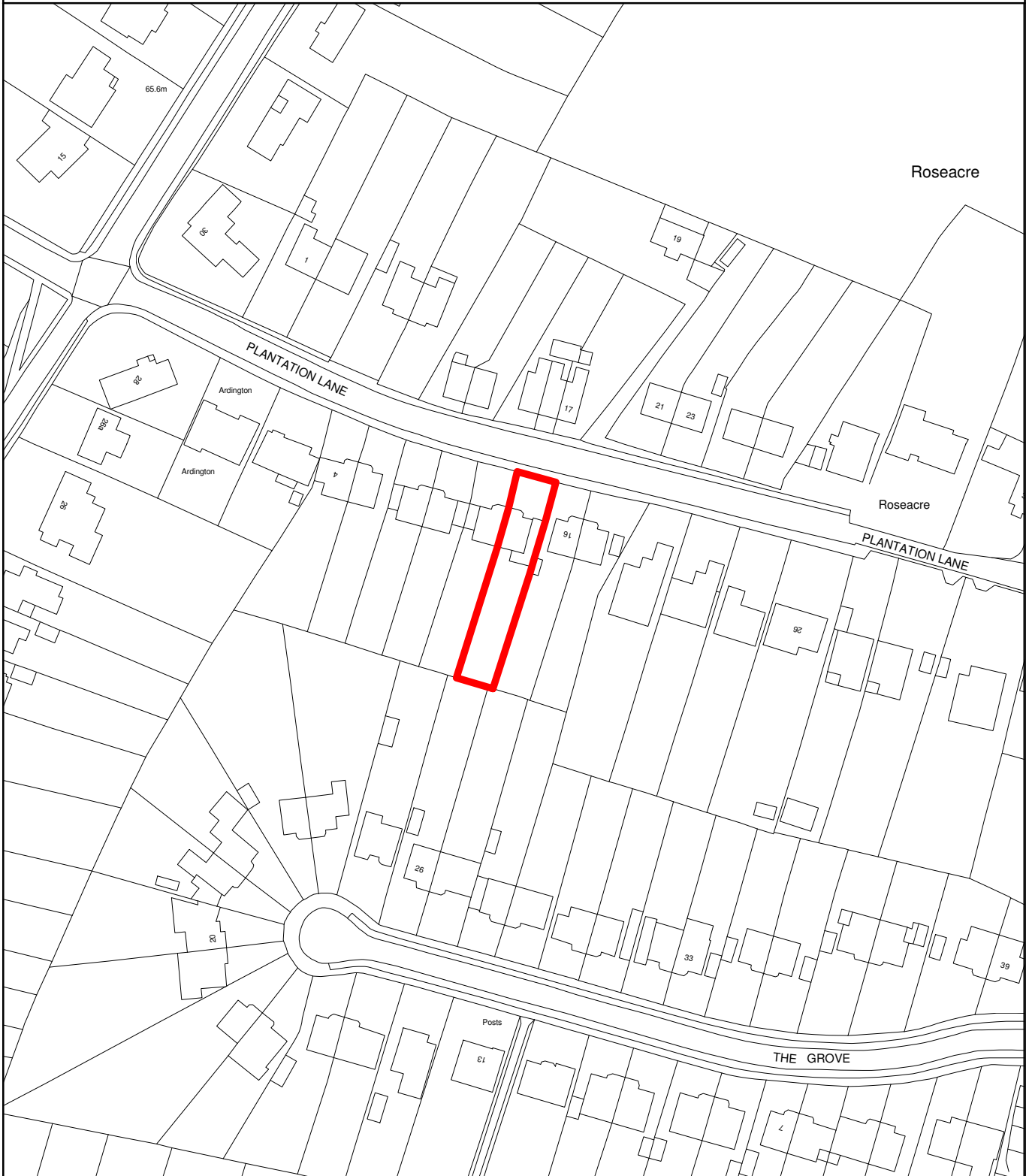
# Agenda Item 20

## THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/10/0381

GRID REF: TQ7955

14 PLANTATION LANE,  
BEARSTED.



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 1000019636, 2010. Scale 1:1250



**Alison Broom**  
**Director of Prosperity and Regeneration**

APPLICATION: MA/10/0381 Date: 25 February 2010 Received: 5 March 2010  
APPLICANT: Mr & Mrs T & S Fuller  
LOCATION: 14, PLANTATION LANE, BEARSTED, MAIDSTONE, KENT, ME14 4BH  
PARISH: Bearsted  
PROPOSAL: Erection of a part two storey part single storey side and rear extension as shown on plan numbers 1673.01 Rev A, 1673.03 Rev B, 1673/04 and application form received 5th March 2010.  
AGENDA DATE: 20<sup>th</sup> May 2010  
CASE OFFICER: Kevin Hope

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

- it is contrary to views expressed by the Parish Council
- an officer of the Local Planning Authority is the applicant

## **1. POLICIES**

Maidstone Borough-Wide Local Plan 2000: H18  
South East Plan 2009: BE1, CC6  
Government Policy: PPS1, PPS3  
Residential Extensions Supplementary Planning Document

## **1. HISTORY**

MA/ 81/0887 – Erection of a garage – (Approved)

## **2. CONSULTATIONS**

**Bearsted Parish Council** – Have recommended refusal on the following grounds:-

- “loss of light
- overshadowing in contravention to the ‘45 degree rule’
- the proposed two storey extension would result in a bulky visual appearance, whilst the total extension to the property will now measure 4m, which is over the 3m ruling regarding extensions”.

**Conservation Officer** – Recommends approval on the following grounds:-

- “The extension would be located in a position where it is unlikely to affect the setting of the listed building.
- The design of the proposed extension also seems to be of sufficient quality and appropriate character for its setting”.

### **3. REPRESENTATIONS**

One objection has been received raising the following points:-

- Loss of light
- Overshadowing to house and patio area

### **4. CONSIDERATIONS**

#### **5.1 Site Description**

5.1.1 The application site is located on Plantation Lane which is within the defined urban area, in the parish of Bearsted. The application property is one of a pair of semi-detached two-storey dwellings which have an ‘art-deco’ appearance to the front elevation. The street scene comprises largely of two-storey semi-detached dwellings which vary in scale, design and age. The property is set back from the road by approximately 7m with a front drive and attached garage to the east of the dwelling. The property is screened, to a degree, by a 2m high hedge on the front boundary. There is a distance of approximately 0.7m at ground-floor level between the garage and the side extension of the neighbouring dwelling to the east, 16 Plantation Lane. At first-floor level, the distance between the property and No16 is 2.8m. To the rear, the property has a single storey flat roofed rear extension which was constructed under permitted development entitlements. The rear garden faces south and extends approximately 28m with a slightly sloping topography to the south. The rear garden is bordered to the east, west and south by 1.8m high close boarded fencing. The neighbouring dwelling to the east, (No16), has a single-storey side and rear extension projecting 1.8m from the side and 3m from the rear elevation. The neighbouring dwelling to the west, (No12), currently has a single-storey rear extension projecting 4m from the rear elevation.

#### **5.2 Proposal**

5.2.1 Planning permission is sought for the erection of a part two-storey/part single-storey side and rear extension which would replace the existing single-storey rear extension. The two-storey element of this proposal would project 4m from the original rear elevation of the dwelling, would be 4.6m in width and would measure 6.6m to the ridge. This would also have a hipped roof and an eaves height that would match that of the existing dwelling at a height of 5m. The single-storey element would have a sloping roof design and would be 2.9m in width, would also project 4m from the rear elevation and would be 3.4m in height with an eaves height of 2.3m.



### **5.3 Principle of Development**

5.3.1 In principle, the proposal is considered acceptable given that it is within the defined urban area. The key policy is H18 of the Maidstone Borough Wide Local Plan 2000. This policy states that:-

*"EXTENSIONS AND ADDITONS TO RESIDENTIAL PROPERITES WILL BE PERMITTED PROVIDED THAT THE PROPOSAL:*

- (1) IS OF A SCALE AND DESIGN WHICH DOES NOT OVERWHELM OR DESTROY THE CHARACTER OF THE ORIGINAL PROPERTY; AND*
- (2) WILL COMPLEMENT THE STREET SCENE AND ADJACENT EXISTING BUILDINGS AND THE CHARACTER OR THE AREA; AND*
- (3) WILL RESPECT THE AMENITIES OF ADJOINING RESIDENTS REGARDING PRIVACY, DAYLIGHT, SUNLIGHT AND MAINTAINANCE OF A PLEASANT OUTLOOK; AND*
- (4) ENSURES THAT ADEQUATE CAR PARKING PROVISION WITHIN THE CURTILAG OF THE DWELLING IS PROVIDED, IN ACCORDANCE WITH THE ADOPTED CAR PARKING STANDARDS.*

I will therefore consider the proposal against each of the criterion set out in this policy.

The Residential Extensions SPD also provides guidance on rear extensions. This document states that:-

- *"Rear extensions on semi-detached and terraced houses should not project more than 3 metres from the rear elevation.*
- *"The in filling of spaces between dwellings with two-storey extensions could create a terraced appearance at odds with the rhythm of the street scene".*
- *"An extension should not cause any significant loss of daylight or cutting out of sunlight for a significant part of the day to principle rooms".*

I will consider these points under sections 5.4 and 5.5 below.

### **5.4 Design and Visual Impact (criterion 1 and 2)**

5.4.1 With regard to the impact upon the existing dwelling, the design of the proposal would be in keeping with the existing dwelling with the inclusion of a matching rendered finish and window design. It is also noted that the extension would have a lower ridge height than the dwelling with a difference of 1.5m; this would ensure the extension is modest and subservient in appearance. Although the extension would project 4m from the rear elevation, which is contrary to the guidance stated within the Residential Extensions SPD, it is considered that by virtue of its siting, it would not

overwhelm the existing form of the dwelling or have a detrimental impact upon its visual appearance.

5.4.2 In terms of visual impact upon the street scene, only the two-storey element of the proposed development would be visible, to a degree, from Plantation Lane through the gap between the dwellings. However, this would be set back from the road by approximately 15m and would be largely screened by the existing dwelling. It is also noted that the extension would be set back from the front elevation by 6.1m; there would also be a gap of 1.6m between the extension and the side elevation of No16 at first-floor level. Consequently, this proposal would not result in a terraced appearance and would not have a detrimental impact upon the appearance of the street scene. The nearby listed buildings are located approximately 32m to the north-west of the proposal and would be screened by the front boundary hedging at the site. Therefore, I concur with the view of the conservation officer in that the setting of the listed buildings would not be harmed by this proposal.

## **5.5 Residential Amenity (Criterion 3)**

5.5.1 With regard to neighbouring amenity, it is noted that a number of issues have been raised regarding potential loss of light and overshadowing to the neighbouring dwelling, (No16) caused by the two-storey element of this proposal. After applying the 45° light test to the extension, it is clear that there would be a loss of light to the near side of the property. However, the first floor near side window on the rear elevation of No16 serves a bathroom and the first floor window to the side elevation serves the landing area. These are not considered to be habitable rooms, therefore in this case, this loss of light would not sufficiently affect the neighbouring dwelling to warrant and sustain a refusal of planning permission on this ground. The single-storey element would be in line with the neighbouring rear extension to the west and therefore would not result in any significant amenity issues to No12. It is considered that this proposal would not cause any significant amenity issues to any other neighbouring properties.

## **5.6 Highways (Criterion 4)**

5.6.1 This development would have no impact upon parking provision at the site, there would remain parking provision for a least three vehicles within the existing front drive and garage.

## **5. CONCLUSION**

6.1 It is therefore considered overall that the proposal is acceptable with regard to the relevant provisions of the Development Plan and amenity impacts on the local environment and other material considerations. I therefore recommend that the application should be approved subject to the following conditions.

## **6. 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 materials to be used in the construction of the external surfaces of the building(s) hereby permitted shall match those used in the existing building;

Reason: To ensure a satisfactory appearance to the development in accordance with policy H18 of the Maidstone Borough Wide Local Plan 2000 and policies BE1 and CC6 of the South East Plan 2009.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.

146

30.04.2010



147

30.04.2010



148

30.04.2010

149

30.04.2010





30.04.2010

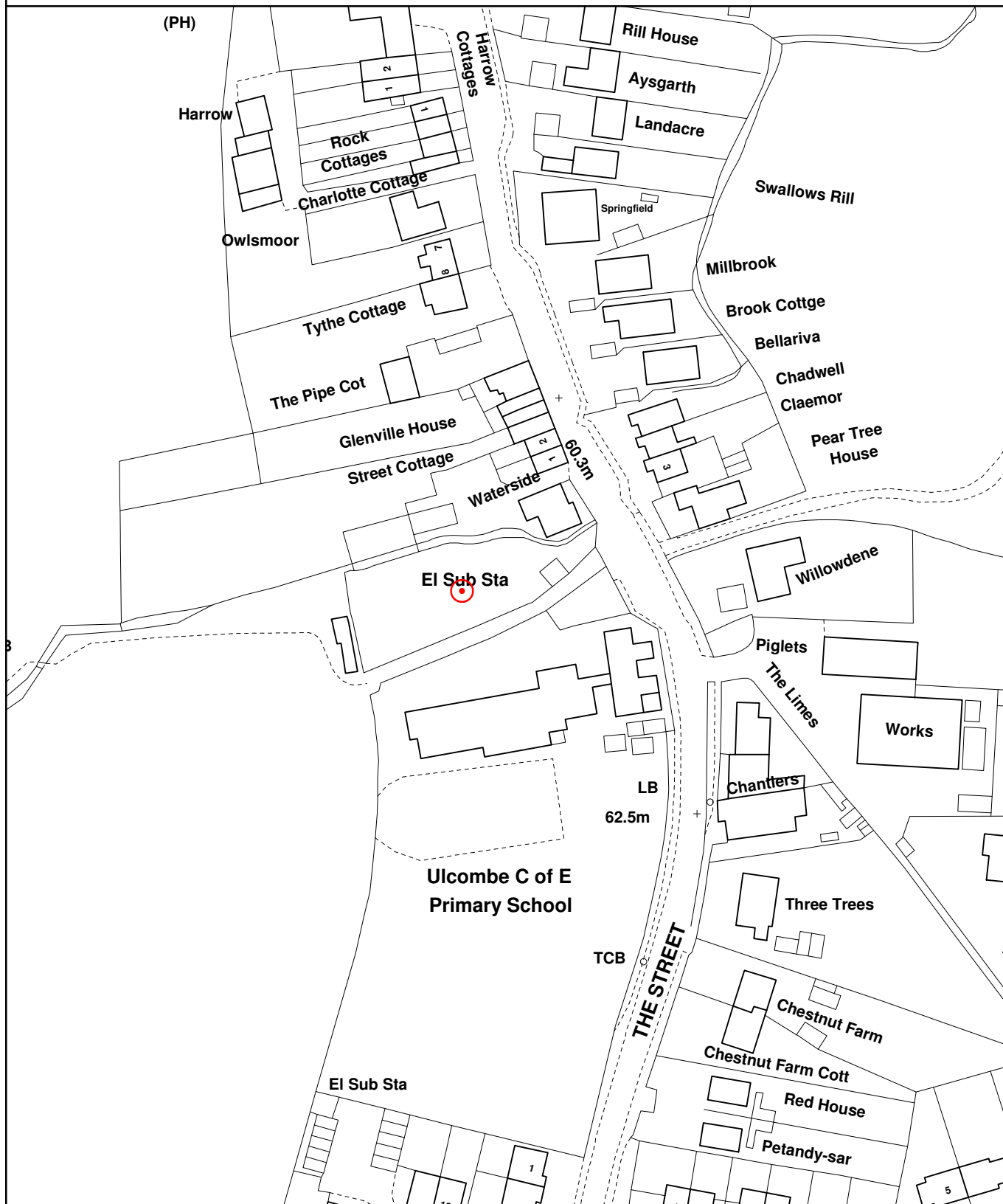


# THE MAIDSTONE BOROUGH COUNCIL

TREE PRESERVATION ORDER No. 27 of 2009

GRID REF: 8478-4900

Tree on Land adjacent Ulcombe Primary School,  
The Street, Ulcombe



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council Licence No. 100019636, 2010. Scale 1:1250



**Brian Morgan BA(Hons), Dip TP, MSc, MRTPI**  
Assistant Director of Development  
and Community Services

**MAIDSTONE BOROUGH COUNCIL**

**PLANNING COMMITTEE**

**20<sup>th</sup> MAY 2010**

**REPORT OF THE ASSISTANT DIRECTOR OF DEVELOPMENT AND  
COMMUNITY STRATEGY**

REFERENCE: Tree Preservation Order No. 27 of 2009

Date: 27/11/2009

TITLE: Trees on land adjacent Ulcombe Primary School, The Street, Ulcombe.

CASE OFFICER: Guy Stephens

Tree Preservation Order (TPO) No.27 of 2009 was made under section 201 of the Town and Country Planning Act 1990 to protect one Dawn Redwood. Two objections to the order have been received and the Planning Committee is, therefore, required to consider this before deciding whether the Order should be confirmed.

The recommendation on whether to confirm this TPO is being reported to Committee for decision because:

- Two objections have been received

**POLICIES**

Maidstone Borough Council, Landscape Character Assessment & Landscape Guidelines, 2000

Government Policy: ODPM, 'Tree Preservation Orders: A Guide to the Law and Good Practice'

**BACKGROUND**

On 16<sup>th</sup> October Landscape Officers became aware of the potential sale of the land where the Dawn Redwood is located. As a result, it was considered expedient to protect the tree by the making of a TPO.

The grounds for the making of the order were stated as follows: -

The Dawn Redwood tree is a mature, healthy specimen, prominent from The Street and therefore makes a valuable contribution to the character and amenity of the area. The tree is considered to be under threat due from the impending sale of the land and it is unclear what will happen to the tree within the site. Therefore, it is considered expedient to make the trees the subject of a Tree Preservation Order.

The Section 201 direction bringing the order into immediate effect expires on 27<sup>th</sup> May 2010.

## **OBJECTIONS**

The TPO was served on the owner/occupier of the land in question and any other parties with a legal interest in the land.

Two objections have been received to the order, within the statutory 28 day period from its making as follows:

1. From the Head Teacher of Ulcombe Primary School. The full text of the objection is attached to this report as Appendix A.

The grounds of the objection are summarised as follows: -

- The reasons given for making the TPO are not valid: -
- There are very few locations within the village where the tree is prominent visually. The tree is set back from the road and is only visible when standing near the entrance of the school entrance. It adds nothing to the character of the area as there are other trees of similar height.
- The tree cannot be an amenity. The only use the tree may have as an amenity feature would be for climbing purposes and as the tree is on land which is owned by the school they will not allow access to the tree to be used for climbing purposes.
- The TPO has been placed on the tree in an attempt by someone to prevent the proposed improvements to the school and little to do with the trees attributes.
- At a recent meeting of the Parish Council there was little support for the TPO.
- The TPO may influence the planning permission and the value of the land. The sale of the land will fund the extension to include a new entrance and a new library.

2. From Kent County Council, Property Group. The full text of the objection is attached to this report as Appendix B.

The grounds of the objection are summarised as follows: -

- The land where the development is proposed has been used on an irregular basis use between 2002 to 2006 as part of an Adventure Playground.
- The proceeds from the sale of the land will enable improvements to the school and the community. The extension will include a new library which could be used for community meetings.
- The Dawn Redwood is not native to the County and would offer very little amenity value to the local area compared to the proposed improvements at the school. KCC would be willing to plant a native tree to compensate for the loss of the Redwood.
- The protection of this tree would suppress huge benefits for the school and the wider community.

## **CONSIDERATIONS**

### SITE AND SURROUNDINGS:

The Dawn Redwood is situated within a disused play area opposite the school and is accessed by using a public footpath (KH320) which runs adjacent to the site. There are a number of other trees along the boundary which form a screen however none are of any significant amenity value and are therefore not included within this TPO.

The land has been classed as surplus to requirements by KCC and is to be sold off for development and the proceeds will be used for the proposed improvements to the school.

### DESCRIPTION OF TREE:

The Dawn Redwood is a young mature specimen; the diameter at breast height measured 72 cm. It is 17 metres in height and the average radial crown spread is 3 metres.

It is located in the centre of the land which has resulted in it becoming the most prominent tree and can be viewed from The Street. Dawn Redwoods are commonly found along the west coast of America and are renowned for their height, which can exceed 30 metres. It is doubtful as to whether it will attain this height, but given its location it has the potential, because it is relatively young, to become a significant landmark.

### LEGAL CONTEXT

Local Planning Authorities (LPAs) may make a TPO if it appears to them to be:

'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'.

The Act does not define 'amenity', nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. In the Secretary of State's view, TPOs should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public. LPAs should be able to show that a reasonable degree of public benefit would accrue before TPOs are made or confirmed. The trees should therefore normally be visible from a public place, such as a road or footpath. The benefit may be present or future. It is, however, considered inappropriate to make a TPO in respect of a tree which is dead, dying or dangerous.

LPAs are advised to develop ways of assessing the 'amenity value' of trees in a structured and consistent way, taking into account the following key criteria:

- (1) visibility
- (2) individual impact

### (3) wider impact

Officers use an amenity evaluation assessment form based on Government guidance and an industry recognized system which enables Arboricultural Officers to make an objective decision on whether trees fulfill the criteria for protection under a TPO.

However, although a tree may merit protection on amenity grounds, it may not be expedient to make it the subject of a TPO. For example, it is unlikely to be expedient to make a TPO in respect of trees which are under good arboricultural management. It may, however, be expedient to make a TPO if the LPA believe there is a risk of the tree being cut down or pruned in ways which would have a significant impact on the amenity of the area. It is not necessary for the risk to be immediate.

#### RESPONSE TO OBJECTION

The response to the principle points of objection set out above is as follows:-

#### **Headmaster of Ulcombe Primary School.**

- The land where the Dawn Redwood is located is next to the main road which runs through Ulcombe Village. The tree is visible from the north of village, looking towards the school. Furthermore it is clearly visible from the school entrance and when using the public footpath.
- In order for a tree to be made subject to a TPO, there are a number of criteria which have to be considered, one of which is whether the tree can be seen from a public place. In this case it can be viewed from the school and from the public footpath, both of which can be classed as a public place.
- There is no definition of 'amenity' defined within the Town and Country Act 1990. The 'Legal Context' section of this report provides additional information regarding the term 'amenity value' and outlines the key criteria for justifying a TPO.
- When carrying out an amenity evaluation the value of the land is not a consideration.
- To date, no views from the Parish Council have been received.
- It is important to note that by making trees subject to a TPO it does not prevent a development from occurring and any planning permission which necessitates the removal of trees to facilitate the development overrides trees subject to a TPO. The school may submit an application to remove the tree prior to the land being sold. Such an application would be assessed on its merits. If permission were granted then a replanting condition would be attached stating the number and species of trees to be planted to mitigate against the loss of the Dawn Redwood. It is quite possible that as the tree is located in the centre of play area it will cause a constraint to how the site could be developed. However, to date no

detailed planning application has been submitted and therefore it is not clear how the site is to be developed.

### **Kent County Council**

- It is evident from the overgrown grass and vegetation that this area is not used on a regular basis. The Dawn Redwood is prominent and therefore should be made subject of the TPO.
- There has been great emphasis on the impact the TPO may have on the sale of the land however no detailed plans showing how the land will be developed or the breakdown of costs have been submitted and therefore it is difficult to justify how the TPO will affect any future planning proposals.
- The fact that the Dawn Redwood is not indigenous is irrelevant, when carrying out an amenity evaluation trees are assessed on their visibility and the individual and wider impact may have on the immediate area and not on their country of origin.
- As stated above no detailed information has been provided regarding the breakdown of costs and details of proposals. But, regardless of this, the presumption that the TPO would suppress benefits for the school and wider community should not form a consideration when deciding whether to confirm this order.

### **CONCLUSION:**

For the reasons set out above it is considered that:

There are no grounds of objection above which are sufficient to throw the making of the Order into doubt.

### **RECOMMENDATION:**

CONFIRM WITHOUT MODIFICATION Tree Preservation Order No. 27 of 2009.

### **BACKGROUND DOCUMENTS:**

406/134/10- TPO No. 27 of 2009 Tree on land adjacent Ulcombe Primary School, The Street, Ulcombe.

objection.

Appendix A.

ack  
31/12/09  
PF.

# ULCOMBE CHURCH OF ENGLAND PRIMARY SCHOOL

Mr V Hampton  
Head Teacher

Tel: 01622 842903  
Fax: 01622 840163

E-mail: office@ulcombe.kent.sch.uk

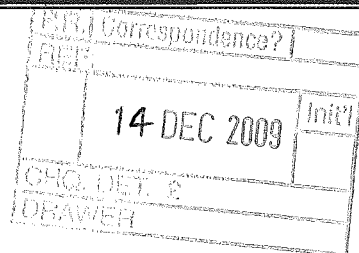


The Street  
Ulcombe  
Maidstone  
Kent  
ME17 1DU

... Learning for Life ...

Website: www.ulcombeschool.uk.org

Team Leader,  
Landscape, Conservation and Design,  
Maidstone Borough Council,  
Maidstone House,  
King Street,  
Maidstone,  
Kent,  
ME15 6JQ.



Wednesday 9<sup>th</sup> December 2009

Dear Team Leader,

**Ref: TPO 27 of 2009 – 406 / 134 / 10**

Thank you for the notification of a Tree Preservation Order on the Dawn Redwood on land described as being 'adjacent Ulcombe Primary School, The Street, Ulcombe.' I am minded to inform you that this land is part of Ulcombe CE Primary School, not simply land adjacent to it, and that it is part of our school playing fields. I am also minded to point out that you have informed me through this letter that I have twenty-eight days to lodge any objections, but only have until Christmas Day. As there will probably not be anyone within your staff team available on that day, the reality is that I have until Thursday 24<sup>th</sup> December, which is only seventeen days from the day on which the Order was received. Perhaps there is a procedural issue which ought to be addressed here? However, these are tangents, as the principle reason for my writing is to raise my objections to the placing of this TPO as I feel in the strongest possible way that the reasons given are not valid.

The Dawn Redwood is, of course, a very tall tree and so it could be prominent visually. My first point is that although this is a fact with which I have no argument, there are actually very few locations within the village from where the tree forms part of the skyline. From most places within the village, the tree is not prominent and it is often obscured from view by other trees, or obscured from view by buildings including the school and houses on The Street. The tree itself is set back from the road and becomes only close to fully visible when standing on The Street, near the school entrance, facing westward. As the road is approximately north-south in direction there are few, if any, people who often see the tree clearly. Indeed the only place from which the tree can be seen completely is when on the plot of land where the tree is situated, which is private land, owned by Kent County Council, or when by the gate to that piece of land. To this end I find it incredible that it should be thought to be making a valuable contribution to the character of Ulcombe. The tree, in my opinion, adds little or nothing to the character of the village since it is within an area where there are other trees, including others of similar height.

The second point I wish to make is that this tree cannot be an amenity, since anyone wishing to use it would have to first trespass. As referred to previously, the land is private in the ownership of Kent County Council. My understanding of the word is that the tree, if it were an amenity, would be something to be used. I can think of only one use, which is for climbing. Since health and safety on the site is principally my responsibility (with support from the Governing Body) I know that no one is allowed to climb the tree. Therefore I am unable to comprehend how this Dawn Redwood is an amenity when even those of us with access to the land do not use it.



The third point is that I am of the opinion that having a Tree Preservation Order placed on the tree in question is simply an attempt by someone to block the proposed improvements to the school, and little to do with the tree's attributes or what it brings to the village. This opinion has been formed primarily, but not solely, due to the timing of this order, but also from anecdotal evidence. Since Ulcombe Parish Council unanimously supported the proposal for the school's improvement and all that it entails, I am disappointed that anyone has seen fit to apply for this TPO without any discussion with the school, and potentially delay proceedings for no gain to themselves or the wider community. Indeed I have it on very good authority that at a recent meeting of the Parish Council there was little if any support for this TPO and that there may even be some consideration given to making objections to you yourselves. I believe the Parish Council are holding an extra-ordinary meeting to discuss their response to the TPO in the very near future.

As you will be aware, planning permission for the land may be influenced by the placement of an Order on a tree. It will be a great cause of distress to the staff, governors and parents involved with the school if this influence on planning were to impact upon our own development. The issue of the sale and development of the land on which the Dawn Redwood is situated is intrinsically linked with our own planned improvements, since we are using the capital from the sale of the land to fund an extension to include a new entrance and a new library area. At the present time our fiction library is by the Staff Room and the non-fiction library is in the corridor. These improved facilities will then also be made available to the wider community for a variety of activities including breakfast and after-school clubs, adult education and meetings of village groups such as the Parochial Church Council.

The situation in which we have found ourselves is that KCC have declared the land surplus, but, despite these times of great financial difficulty, we as a school have managed to gain written assurance from the authority that the proceeds from the sale of the land will be made available to the school to fund improvements to the building and playing areas. Therefore, it will be completely true to describe the planning consent, to be applied for in due course, as an enabling development. It will increase the value of the land and so the level of finances made available to the school will be greatly increased. We do not have, and never will have, sufficient funds to tackle these essential works on our own and this is the only means of support that we have been offered. It is vital that we take it, and very many of us would be devastated if this TPO were to affect the value of the land to the extent that we are unable to build our library and improved access and security. There will, I am sure, be no other opportunity like this, when we as a school can benefit from generosity of KCC.

For all of the reasons outlined above I hope you will be able to decide against placing a TPO permanently on the Dawn Redwood as previously identified, here at Ulcombe CE Primary School. We believe that the tree does not merit the Order, but that in fact placing such an order will have only a detrimental impact on the ease of passage for the plans of KCC for the land on which the tree is situated. This could have an extremely adverse affect on our own planned improvements which would be catastrophic. If there are any other issues which you wish to raise I would be only too pleased to help in any way I can. Please do not hesitate to contact me using the contact details at the top of this letter should you wish to do so.

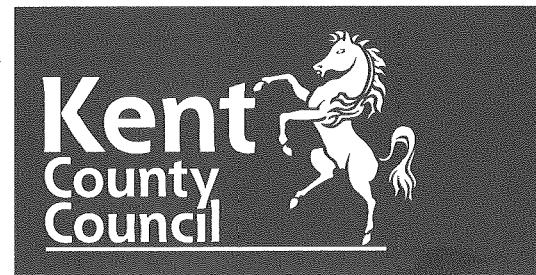
Yours faithfully,



Mr Vincent Hampton,  
*Head Teacher*







Planning Policy & Environment Manager  
Maidstone Borough Council  
Directorate of Development & Community Services  
PO Box 249  
Maidstone, Kent  
ME15 6JQ

**PROPERTY GROUP**  
Sessions House  
County Hall  
Maidstone  
Kent ME14 1XQ  
Tel: 08458 247 247  
Fax: (01622) 694942

**Direct Dial/Ext:** 01622 696872  
**Ask For:** Peter Smith  
**e-mail address:** Peter.smith@kent.gov.uk  
**Our Ref:** 406/134/10  
**Date:** 17 December 2009

Dear Sir/Madam

**Ulcombe Tree Preservation Order no. 27 of 2009 – Tree at Ulcombe Primary School,  
The Street, Ulcombe**

I am writing to advise you that it is the intention of the Kent County Council & Ulcombe Church of England Primary School to dispose of a remote playing field near the School.

The land in discussion has only had irregular use between 2002 to 2006 as part of an 'Adventure Playground'. This land contains a tree that has very recently been shown to be worthy of a Tree Preservation Order.

I think that you should be aware that the proceeds generated by the sale of this land will enable improvements to the school's facilities helping both the children, staff and community. These improvements come in the form of an extension, which will include a new library. The library could be made available for community meetings, adult education and an area for the Police Community Support Officer.

The proposal involves the disposal of the 924sq m remote playing field, leaving 5,497sq m of land for school use.

The Dawn Redwood Tree although a 'mature tree', is not a native tree to this County and would offer very little amenity value to the local area when compared with the proposed improvements at the school. Kent County Council would be willing to plant a native tree within the school grounds to compensate for the loss of the Dawn Redwood tree.

Continued ...

**property**  
group

[www.kent.gov.uk/property](http://www.kent.gov.uk/property)



... continued/2

Planning Policy & Environment Manager  
Maidstone Borough Council

17 December 2009

The protection of this tree would suppress huge benefits for the school, local residents and community users to enjoy. I therefore ask that the decision to protect this one tree is reversed and the benefits of this small development can be promoted to the whole community.

Yours faithfully

A handwritten signature in black ink, appearing to read 'P. Smith', written in a cursive style.

Peter Smith  
Graduate Surveyor

**Officer Comment:**

A letter was received from Ulcombe Parish Council on 14<sup>th</sup> May 2010, detailing its concerns over the Tree Preservation Order (TPO). The full text is attached at **Appendix A** to this update but the key points are summarised below:

1. The description of the TPO is considered inaccurate. The tree is located on land which is part of the school playing field and not on land adjacent to the school.
2. The measurements as shown on the accompanying scale plan are inaccurate.
3. Dawn Redwood can grow up to 28 – 35 metres in height when mature, and is best suited in a park/ arboretum.
4. Whoever planted the tree would have been unaware of its ultimate height. It was probable planted because of it was believed to be extinct for 5 million years. The Parish Council believe due to its location it will become a problem and will need to be removed.
5. The land has been declared surplus to requirements and, is proposed to be sold and the capital receipt is to be made available for a limited time to assist in the financing of the development proposals.
6. The proposed extension will enhance the education provided by the school and provide a meeting point for the community. The village has lost its Post Office and village shop in the last decade and believe that the imposition of the TPO could reduce the value of the land.
7. The Parish Council are willing to plant a replacement Dawn Redwood and have identified a suitable location nearby.

**Officer comment:**

1. The description of the location provides sufficient information for the TPO in the first instance. It was based on the information available at the time the order was made.
2. The location of the tree as shown on the scale plan is diagrammatic and in accordance with government guidance.
3. The remaining issues raised (points 4,5, 6 and 7 above) are similar to those raised in the letter of objection from the Headmaster of Ulcombe Primary School and Kent County Council and have been addressed in the Committee Report.

**My recommendation remains unchanged.**

# APPENDIX A

From: Bridget Samuelson <bridget.sam@thurstonhelis.co.uk>  
Subject: **TPO 27 of 2009 Land adjacent to Ulcombe Primary School, The Street**  
Date: 18 December 2009 11:21:50 GMT  
To: Guy Stephens <GuyStephens@maidstone.gov.uk>

Dear Guy

Please could you note the following comments from Ulcombe Parish Council:

Ulcombe Parish Council is very concerned about the proposal to impose a TPO on the Dawn Redwood tree at Ulcombe Primary School in relation to the school's development plans for teaching and community use.

- 1) On a technicality the draft PTO is misleading in stating that the tree is "on land adjacent" to the school. The tree and the pocket of land in which it stands are part of the school's playing field.
- 2) The location of the tree as shown on the TPO 1:1250 scale plan is inaccurate. The trunk is actually 5.5 metres from the top of the southern bank of the adjacent stream and not 10 metres, and not in the middle of the plot as illustrated. Similarly the diameter of the branch spread is 8 metres and not 4 metres.
- 4) The Dawn Redwood can grow to become a very large tree with mature specimens in its native China being reported as 28 - 35 metres tall. The earliest planted specimen in the UK, at Cambridge University Botanic Garden, has grown at an average rate of 0.6 metres per year. It is conjectured that the species will attain the same size as in China and consequently now recommended that the tree is only suitable to be planted in an arboretum, park or large garden.
- 5) The Ulcombe tree is now 15 metres tall and was planted at a time when nobody knew how the species would fare in the UK and consequently what size it would attain. It was undoubtedly planted as an interesting species that had been believed to be extinct for 5 million years. Although the Ulcombe tree is a fine specimen the Parish Council believes that it will grow to present a problem in the future through its location and would necessitate removal.
- 6) The Parish Council has been in consultation with the school in relation to a proposed teaching/computer/community room. As you may be aware, KCC has declared the redundant adventure play area of the playing field which contains the Dawn Redwood, to be surplus to requirement. The land is to be sold and the capital receipt to be made available to the school for a limited period to assist in the financing of the development proposals.
- 7) Although the school is not currently under any threat of closure, as with many small villages, the pupil roll and facilities are not ideal. The opportunity to enhance the education provided by the school and the potential for a new community facility in the village through the sale of a piece of unused playing field is rare and very much welcomed. Ulcombe has lost its post office and village shop in the last decade and The Harrow public house in the centre of the village has been closed for over 3 years. The Parish Council believes that the village school is vital to the community and that the imposition of a TPO on the Dawn Redwood would severely reduce the potential and value of the plot of land to be sold.
- 8) The Parish Council would be willing to plant a replacement Dawn Redwood in a suitable location adjacent to the stream in the south east corner of the Recreation Ground, if this would be acceptable. There is a small arboretum in this location planted by the Kent Men of the Trees some years ago. Although this contains a mixture of native trees the introduction of a Dawn Redwood would not be any more incongruous than the row of hybrid poplars further along the boundary that Maidstone Borough Council protected by TPO for an unknown reason 35 years ago.

Kind regards

Bridget Samuelson  
Clerk, Ulcombe Parish Council  
Tel 01622 890912

FAO Guy Stephens -  
page 1 of 1.

163

T1 viewed  
from  
entrance to  
school.



T1 viewed  
from High  
Street

164

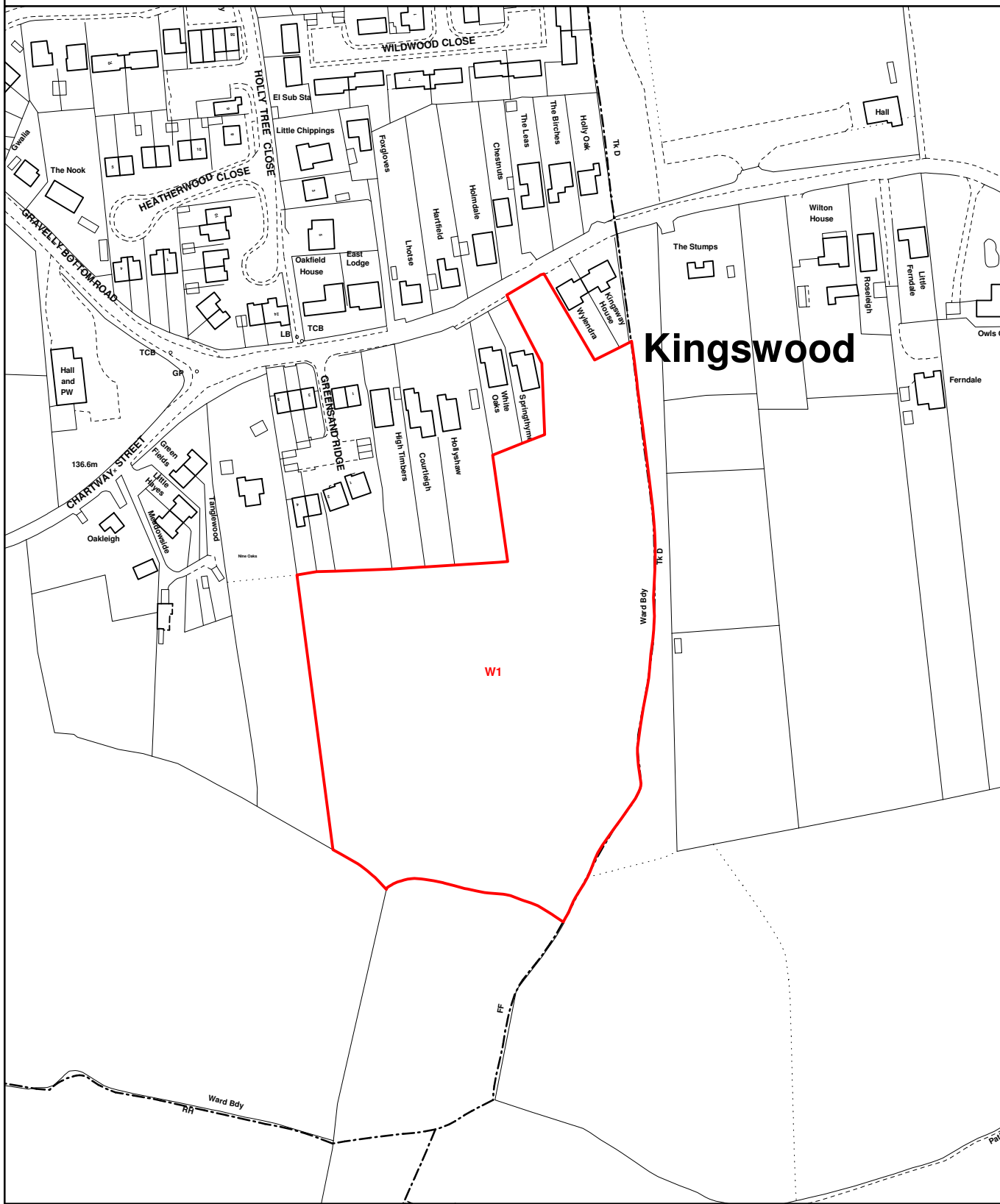


# THE MAIDSTONE BOROUGH COUNCIL

TREE PRESERVATION ORDER No. 29 of 2009

GRID REF: 8425-5048

Woodland south of Lenham Road,  
Kingswood



**Kingswood**

W1

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council Licence No. 100019636, 2010. Scale 1:2500



**Brian Morgan BA(Hons), Dip TP, MSc, MRTPI**  
Assistant Director of Development  
and Community Services

**MAIDSTONE BOROUGH COUNCIL**

**PLANNING COMMITTEE**

**20<sup>th</sup> MAY 2010**

**REPORT OF THE ASSISTANT DIRECTOR OF DEVELOPMENT AND  
COMMUNITY STRATEGY**

REFERENCE: Tree Preservation Order No. 29 of 2009

Date: 16/12/2009

TITLE: Woodland south of Lenham Road, Kingswood.

CASE OFFICER: Guy Stephens

Tree Preservation Order (TPO) No.29 of 2009 was made under section 201 of the Town and Country Planning Act 1990 to protect woodland consisting of coppiced Sweet Chestnut, Oak, Hornbeam, Silver Birch, Holly, Hawthorn and Hazel. One objection to the order has been received and the Planning Committee is, therefore, required to consider this before deciding whether the Order should be confirmed.

The recommendation on whether to confirm this TPO is being reported to Committee for decision because:

- One objection has been received

**POLICIES**

Advice in PPS9: Ancient Woodland & Other Important Natural Habitats

Government Policy: ODPM, 'Tree Preservation Orders: A Guide to the Law and Good Practice'

South East Plan, 2009: NRM7 Woodlands.

**BACKGROUND**

Prior to this making of this TPO the northern part of the woodland was protected under TPO No 2 of 1994. There have been a number of applications to develop this section of land, the most recent being MA/08/1866, which was for the erection of one bungalow with elderly person annexe and associated, works including access and parking. This was refused and an appeal was lodged (APP/U2235/A/09/2105458/WF) which was dismissed.

In December 2009 Landscape Officers became aware that the woodland was up for auction and given the history of the site, it was considered expedient to protect the entire woodland. TPO No 2 of 1994 was therefore subsequently revoked and the new Order made accordingly.



The grounds for the making of the order were stated as follows: -

The woodland consists mostly of coppiced Sweet Chestnut, Oak, Hornbeam, Silver Birch, Holly, Hawthorn and Hazel; all of which are mature, healthy specimens, prominent from Lenham Road which therefore makes a valuable contribution to the character and amenity of the area. The woodland is considered to be under threat due to the impending sale of the land. The southern part of the woodland was identified as ancient woodland in the Provisional Inventory of Kent's Ancient Woodlands, Revised 1994. Therefore it is considered expedient to revoke Tree Preservation Order No.2 of 1994 and make the trees the subject of a new Tree Preservation Order.

The Section 201 direction bringing the order into immediate effect expires on 16<sup>th</sup> June 2010.

### **OBJECTIONS**

The TPO was served on the owner of the land in question and any other parties with a legal interest in the land.

One objection has been received to the order, within the statutory 28 day period from its making by the owner. The full text of the objection is attached to this report as Appendix A.

The grounds of the objection are summarised as follows: -

- The wood was purchased to add a woodland dimension to the property and it is to be managed accordingly.
- The Forestry Commission are to provide a woodland management plan following a site visit from the Woodland Officer. This will involve a programme of rotational coppicing.
- In order to implement the proposed planned management of the woodland it would be more beneficial if the TPO was not confirmed.
- The owners are members of the Small Woods Association which will provide guidance for on-going training and advice on woodland management.

### **REPRESENTATIONS**

The order was also copied to any landowners immediately adjacent to the site.

2 letters in support of the TPO has also been received from neighbours. The full texts of the support are attached to this report as Appendix B.

The reasons for this support are summarised below:-

- The area of woodland is ancient and consists of healthy specimens.

- The woodland contributes to the character of the village which is surrounded by coppiced woodland.
- The Tree Preservation Order will ensure the land is retained for the enjoyment of the villagers.
- Walkers regularly enter the land to enjoy this piece of land.
- There is concern that if the trees were removed then it will affect the wildlife within the woodland.
- When advertised for auction it was described as having potential for 'infilling'. This would result in the loss of the woodland.
- The woodland is an impressive and important feature of the area.
- Concern that any development would erode the rural nature of the area.

## **CONSIDERATIONS**

### SITE AND SURROUNDINGS

The northern section of woodland which fronts onto Lenham road is narrow, approximately 6 metres in width however the southern part of the site increases in width. The eastern boundary follows the rear garden of Kingsway House and extends south a further 350 metres. The widest part of the woodland extends to the boundary of 'Nine Oaks' which is approximately 155 metres in distance. A vehicle track leading through the site gives access to the larger area to the south.

The woodland as a whole consists of predominantly Sweet Chestnut stools, interspersed with Holly, Birch and Oak stands.

### DESCRIPTION OF TREE/S

The Sweet Chestnut stools in the southern part of this site have not been coppiced for approximately 10 years. This is evident by the height and girth of the regenerated stems. Within this section there are a number of mature Oak stands. The boundary along the southern end of the woodland is marked by over mature Sweet Chestnut stools; the purpose of which is to act as windbreak during any coppicing works. The sweet chestnut stools in the northern section have been coppiced. During the most recent planning appeal (APP/U2235/A/09/2105458/WF) an ecological scoping survey was carried out by Kent Wildlife Trust on behalf of the applicant, during which five woodland indicators were found which indicated that the southern part of the woodland was Ancient Woodland, which means there has been a continuous woodland cover since at least 1600AD. Furthermore this section of woodland was identified as ancient woodland in the Provisional Inventory of Kent's Ancient Woodlands, revised 1994. Although there is no physical boundary separating the two sections of woodland the extent of the section of woodland currently protected by TPO No 2 of 1994, is evident because the Sweet Chestnut stools have recently been recoppiced under application TA/0118/07.

### LEGAL CONTEXT

Local Planning Authorities (LPAs) may make a TPO if it appears to them to be:

'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'.

The Act does not define 'amenity', nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. In the Secretary of State's view, TPOs should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public. LPAs should be able to show that a reasonable degree of public benefit would accrue before TPOs are made or confirmed. The trees should therefore normally be visible from a public place, such as a road or footpath. The benefit may be present or future. It is, however, considered inappropriate to make a TPO in respect of a tree which is dead, dying or dangerous.

LPAs are advised to develop ways of assessing the 'amenity value' of trees in a structured and consistent way, taking into account the following key criteria:

- (1) visibility
- (2) individual impact
- (3) wider impact

Officers use an amenity evaluation assessment form based on Government guidance and an industry recognized system which enables Arboricultural Officers to make an objective decision on whether trees fulfill the criteria for protection under a TPO.

However, although a tree may merit protection on amenity grounds, it may not be expedient to make it the subject of a TPO. For example, it is unlikely to be expedient to make a TPO in respect of trees which are under good arboricultural management. It may, however, be expedient to make a TPO if the LPA believe there is a risk of the tree being cut down or pruned in ways which would have a significant impact on the amenity of the area. It is not necessary for the risk to be immediate.

#### RESPONSE TO OBJECTION/S

The response to the principle points of objection set out above is as follows:-

- The reason for purchasing the woodland has no bearing on whether it should be made subject to a TPO. Protecting the woodland should not be seen as a hindrance; rather it allows the Local Authority to have an input on how it is managed. This is particularly relevant as part of the woodland has been identified as Ancient Woodland. Therefore it is important that any future works do not have an adverse effect on the overall structure of the wood.
- To date no woodland management plan has been received.
- The fact that the woodland is subject to a TPO will not in itself prevent the implementation of any works proposed within a management plan. Government guidance, 'Tree Preservation Orders: A Guide to the Law and Good Practice', section 6.41, states that only one application is required

when a programme of works is proposed over a short period of time, for example a 5 year management plan.

- Although the applicant states they are members of the Small Woods Association there is no indication of how they intend to manage the site and this would have no bearing on whether the woodland should be protected.

#### RESPONSE TO REPRESENTATIONS

The response to the issues arising from the representations set out above is as follows:-

The points raised are in support of the TPO given the recent planning history of the site. It is important that any proposals for tree work in this woodland take into consideration the fact that it is classified as Ancient Woodland and that it is an important feature of the village.

#### **CONCLUSION:**

For the reasons set out above it is considered that:

There are no grounds of objection above which are sufficient to throw the making of the Order into doubt.

#### **RECOMMENDATION:**

CONFIRM WITHOUT MODIFICATION Tree Preservation Order No. 29 of 2009.

#### BACKGROUND DOCUMENTS:

406/106/21- TPO No. 29 of 2009 Woodland south of Lenham Road, Kingswood.

**Daren & Alison Eastman**

The Stumps, Lenham Road, Kingswood, Kent. ME17 1LX

E: daren@eastman.uk.com

M: 07764 948085

Team Leader  
Landscape, Conservation & Design  
Maidstone Borough Council  
Maidstone House  
Kings Street  
Maidstone  
Kent ME15 6JQ



Dear Sir or Madam

**TREE PRESERVATION ORDER NO. 29 OF 2009 – WOODLAND SOUTH OF  
LENHAM ROAD, KINGSWOOD, KENT**

Further to your letter of 3<sup>rd</sup> February 2010 (your ref: 406/108/21), I am writing to object to the Tree Preservation Order No.29 of 2009, for the reasons detailed below.

We have purchased the land at auction to extend our garden by adding a woodland dimension to our property, to keep it and maintain it in a sympathetic manner befitting this area which has historically been wooded.

We intend to manage the area as woodland with a plan which has been worked out with the help of the Forestry Commission following a site visit by Andrew Dall'Oglio (Woodland Officer, for the Forestry Commission).

The area of woodland consists of mostly coppiced trees and will require planned long term maintenance to keep it in good condition and, with the plan, we intend to coppice areas of approximately 0.5 to 0.75 acres on a rotation to give a full maximum benefit to wildlife and natural native flora to the area.

We feel that to carry out our planned management of the woodland, with continued guidance and expert advice from the Forestry Commission, it would be more beneficial to the woodland to have the TPO lifted.

In addition, we are members of the Small Woods Association, which will be another of our sources for on-going training and advice on woodland management.

If you wish to discuss any details or have any woodland management requests yourselves for this area, please do not hesitate to contact me. I am happy to meet if you feel it is appropriate.

Yours faithfully

A handwritten signature in black ink, appearing to read "Daren Eastman".

Daren Eastman

Appendix B.

ack  
13.1.10  
PF

Support

The Team Leader  
Landscape, Conservation & Design  
Maidstone Borough Council  
Maidstone House, King Street  
Maidstone, Kent  
ME15 6JQ

N Mills & D Kelly  
4 Greensand Ridge  
Kingswood  
Maidstone  
Kent  
ME17 1JY

11<sup>th</sup> January 2010

Dear Sir,

**Re: 406/108/21**

P.R. Correspondence?	
REF:	
12 JAN 2010	init!
CHQ. DET. £	
DRAWER	

We refer to your letter dated 16<sup>th</sup> December 2009 in the above connection.

Naturally, we are staggered to learn that there may be further development of land to the rear of our property, being already faced with the construction of new houses to the side of our house commencing this month.

When we purchased our house in 2007, we did so having regard for the outstanding area of natural beauty to the rear of the property. The woodland is an impressive and important feature of the area within which we live, and we were assured that this would remain permanent due to a Tree Preservation Order that was already in place.

To now hear that the land has been sold concerns us greatly, since we moved from a large estate in Sittingbourne to effectively "escape to the country".

We objected to the proposed development to the side of our house to no avail, but were comforted by the thought that the land to the rear would remain untouched.


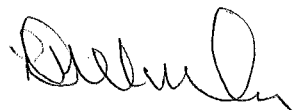
Should this Tree Preservation Order not be made permanent, this surely would allow a developer to further erode yet another rural area, much to our dismay. At the present time, we can look out on coppiced woodland and paddocks and this is one fundamental reason why we moved to this area in the first place.

We are grateful that MBC has put in place a temporary Order and sincerely hope that a permanent Order will follow.

While writing, we would advise that we do not know the details of the owner of the land and hope that this information becomes apparent to you very shortly.

Thank you for your attention to this matter.

Yours sincerely,

N Mills & D Kelly

ack 13.1.10  
PC

Support

Appendix B.

**TOWN AND COUNTRY PLANNING ACT 1990**

**TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999 as amended**

P.R.	Correspondence?
REF:	
12 JAN 2010	Init'
CHQ. DET. £	
DRAWER	

**Tree Preservation Order No. 29 of 2009**

**Woodland south of Lenham Road, Kingswood, Kent**

**REPRESENTATIONS MADE IN ACCORDANCE WITH REGULATION 4**

**OF THE ABOVE REGULATIONS**

As may be seen from the attached form, we have no legal interest in the above piece of land. Our interest is as neighbours to the land, and as such, we believe that it is appropriate that we make representations regarding future consideration by the Planning Authority as to whether the temporary Tree Preservation Order should be made permanent.

This area of woodland is ancient in nature, and comprises the healthy specimens as set out in the temporary order. The woodland contributes to the character of the village, which is surrounded by similar areas, much of it responsibly coppiced. The very name of this village describes what it once was – woodland. We both believe that as great an area as possible should remain so, as it has done for many centuries. A Tree Preservation Order in respect of this parcel of land would help it to be retained for the enjoyment of villagers and others.


Although no legal rights of way seem to exist across the land, it is nevertheless used by walkers regularly, and we believe that this has been so for many years. We mention this not by way of argument regarding those pathways having become rights of way, but to emphasise that local residents regularly enter, use and enjoy this piece of land. We also believe that consideration should be made regarding the wildlife that exists in this woodland, which would not have a home, food or a place to hunt if trees were removed.

When advertised for recent sale by auction, this land was described by the auctioneer as having potential for development and 'in filling'. Such development would undoubtedly involve the destruction of trees, and we believe that it such removal of woodland is exactly what the above statute and regulations were passed by Parliament to prevent.

Any relevant Articles of the Human Rights Act 1998 should be taken into consideration by the Planning Authority.

Signed Gareth Davis Date 8-January-2010

Signed Marek Daniel Date 8/01/2010



coppiced  
sweet  
chestnut  
stools-  
southern part  
of wood.


174



175

recently  
recoppiced  
woodland.





mature S.chestnut  
stool oaks along  
southern boundary.

**THE MAIDSTONE BOROUGH COUNCIL**  
**PLANNING COMMITTEE – 20 MAY 2010**

**APPEAL DECISIONS:**

**1. MA/09/0039 -**

**Change of use from kennel outbuilding to self contained residential annex and internal alterations to be used in connection with Gentian as shown on drawing number 2009/4 Revision A.**

**APPEAL: DISMISSED**

GENTIAN HOUSE, HEATH ROAD, BOUGHTON  
MONCHELSEA, MAIDSTONE, KENT, ME17 4HS

**(Delegated Powers)**

---