

AGENDA

PLANNING COMMITTEE MEETING



Date: Thursday 10 June 2010
Time: 6.00 p.m.
Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Lusty (Chairman), Ash, Chittenden,
English, Harwood, Hinder, Nelson-
Gracie, Paine, Paterson,
Mrs Robertson, Ross, Thick and
Mrs Wilson

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 17 June 2010

Continued Over/:

Issued on 2 June 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

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

6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
10. Minutes of the meeting held on 20 May 2010 1 - 7
11. Presentation of Petitions (if any)
12. Report of the Development Control Manager - Deferred Items 8 - 9
13. MA/09/1217 - 45 Braunstone Drive, Allington, Maidstone 10 - 18
14. MA/09/1784 - Eclipse Park, Sittingbourne Road, Maidstone 19 - 76
15. MA/09/2260 - Former Leonard Gould Works, Pickering Street, Maidstone 77 - 85
16. MA/10/0140 - Corbin Business Park, Caring Lane, Bearsted 86 - 125
17. MA/10/0669 - Oak House, Couchman Green Lane, Staplehurst, Tonbridge 126 - 131
18. Report of the Development Control Manager - Appeal Decisions 132
19. Chairman's Announcements
20. Update on Matters Referred to the Cabinet Members for Environment/Regeneration

PART II

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

	Head of Schedule 12A and Brief Description	
21. Exempt Appendix to the Report of the Development Control Manager relating to application MA/09/2260	3 – Financial/Business Affairs	133 - 134

PLEASE NOTE

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

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

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 20 MAY 2010

Present: Councillors Ash, Chittenden, English, Harwood, Hinder, Lusty, Nelson-Gracie, Paine, Paterson, Mrs Robertson, Ross, Thick and Mrs Wilson

Also Present: Councillors Horne and Marchant

1. **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

2. **NOTIFICATION OF SUBSTITUTE MEMBERS**

There were no Substitute Members.

3. **NOTIFICATION OF VISITING MEMBERS**

Councillor Horne indicated his wish to speak on the report of the Development Control Manager relating to application MA/10/0140.

Councillor Marchant indicated his wish to speak on the report of the Development Control Manager relating to application MA/10/0323.

4. **ELECTION OF CHAIRMAN**

RESOLVED: That Councillor Lusty be elected as Chairman of the Committee for the Municipal Year 2010/11.

5. **ELECTION OF VICE-CHAIRMAN**

RESOLVED: That Councillor Nelson-Gracie be appointed as Vice-Chairman of the Committee for the Municipal Year 2010/11.

6. **ITEMS WITHDRAWN FROM THE AGENDA**

There were none.

7. **URGENT ITEMS**

The Chairman stated that due to an administrative error, item 18, Corbin Business Park, was not on the agenda for five working days prior to the meeting. He did not intend to use his discretion to take it as an urgent item. However, in his opinion, the update reports of the Development Control Manager and the Assistant Director of Development and Community Strategy should be taken as urgent items because they

contained further information relating to matters to be considered at the meeting.

8. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Ash disclosed a personal interest in the report of the Development Control Manager relating to application MA/10/0381. He stated that he was a Member of Bearsted 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.

With regard to the report of the Development Control Manager relating to application MA/10/0323, Councillor Ash stated that he had been present at the meeting of the Cabinet earlier that day when matters relating to the proposed conversion and extension of Senacre Community Hall for use as a Vocational Skills Studio incorporating a purpose built nursery and provision for other community activities had been discussed. However, he had not participated in the debate and intended to speak and vote when the planning application was considered.

Councillor Chittenden disclosed a personal interest in the report of the Development Control Manager relating to application MA/10/0323. He stated that he was a Member of Kent County Council, the applicant, but he had taken no part in the County Council's discussions on the proposed development and intended to speak and vote when the application was considered.

Councillor Harwood disclosed a personal interest in the report of the Development Control Manager relating to application MA/10/0323. He stated that he was an employee of Kent County Council, the applicant, but he did not work in the Department which had submitted the application and intended to speak and vote when it was discussed.

Councillor Hinder stated that since he had only recently ceased to be a local authority Director of the Maidstone Housing Trust, he would not participate in the discussion or voting on application MA/09/2297.

9. EXEMPT ITEMS

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

10. MINUTES OF THE MEETING HELD ON 29 APRIL 2010

RESOLVED: That the Minutes of the meeting held on 29 April 2010 be approved as a correct record and signed.

11. APPOINTMENT OF POLITICAL GROUP SPOKESPERSONS

RESOLVED: That the following Members be appointed as Spokespersons for their respective Political Groups for the Municipal Year 2010/11:-

Councillor Ash – Conservative Group
Councillor Harwood – Liberal Democrat Group

12. 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 still 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 Members that he hoped to be in a position to report this application back to a meeting of the Committee in June or July.

- (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 was still awaiting the additional information requested in respect of this application.

13. MA/09/2297 - MIXED USE DEVELOPMENT COMPRISING DOCTORS' SURGERY, CHILDREN'S NURSERY SCHOOL, PLUS 16 THREE BEDROOM AND 9 TWO BEDROOM LOCAL NEEDS HOUSING UNITS - LAND EAST OF CHANCE, GRIGG LANE, HEADCORN

All Members stated that they had been lobbied.

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

Councillor Thomas of Headcorn Parish Council (in support) and Mr Begeman, for the applicant, addressed the meeting.

RESOLVED:

1. That subject to the prior completion of a legal agreement in such terms as the Head of Legal Services may advise to secure the following:-
 - The development as 100% affordable housing;
 - The occupation of the development by persons meeting local connections criteria; and
 - The provision of a "wildlife corridor" with appropriate management regimes on land to the west and north of the development area

the Development Control Manager be given delegated powers to grant permission subject to the conditions and informatives set out in the report as amended by the urgent update report.

2. That any proposals to amend the heads of terms of the legal agreement and/or the conditions to be attached to the planning consent must be reported to the Planning Committee for consideration.

Voting: 8 – For 1 – Against 4 – Abstentions

Note: Councillor Harwood requested that his dissent from this decision be recorded.

14. MA/10/0323 - ERECTION OF A TWO STOREY EXTENSION TO THE WEST ELEVATION AND A SINGLE STOREY EXTENSION TO THE NORTH ELEVATION - SENACRE COMMUNITY HALL, TITCHFIELD ROAD, MAIDSTONE

The Committee considered the report of the Development Control Manager.

Mr Beaman, for the applicant, and Councillor Marchant addressed the meeting.

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

Additional Conditions

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines.

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

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.

Informative

The landscaping details submitted pursuant to condition 4 should provide tree cover/shade for the children's play area and screening to alleviate the mass of the flank wall of the building.

Voting: 13 – For 0 – Against 0 – Abstentions

15. MA/10/0081 - REPLACEMENT OF WINDOWS AND DOORS TO ALL ELEVATIONS IN UPVC, INCLUDING TWO WINDOWS OF "MONDRIAN DESIGN" - CHESTNUT TREE HOUSE, WELL STREET, LOOSE

The Committee considered the report of the Development Control Manager.

Councillor Andrew of Loose Parish Council (against) addressed the meeting.

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

Voting: 12 – For 0 – Against 1 – Abstention

16. MA/10/0381 - ERECTION OF A PART TWO STOREY PART SINGLE STOREY SIDE AND REAR EXTENSION - 14 PLANTATION LANE, BEARSTED

The Committee considered the report of the Development Control Manager.

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

Voting: 13 – For 0 – Against 0 – Abstentions

17. MA/10/0140 - ERECTION OF A TWO STOREY REAR EXTENSION TO EXISTING OFFICE BUILDING INCLUDING RECONFIGURED SITE LAYOUT, PARKING AND LANDSCAPING - CORBIN BUSINESS PARK, CARING LANE, BEARSTED

See Minute 7 above

18. TREE PRESERVATION ORDER NO. 27 OF 2009 - TREE ON LAND ADJACENT ULCOMBE PRIMARY SCHOOL, THE STREET, ULCOMBE

The Committee considered the report and the urgent update report of the Assistant Director of Development and Community Strategy concerning Tree Preservation Order No. 27 of 2009 which was made under Section 201 of the Town and Country Planning Act 1990 to protect one Dawn Redwood on land adjacent Ulcombe Primary School. It was noted that three objections to the Order had been received.

Mr Hampton, an objector, Councillor Beale of Ulcombe Parish Council (against) and Mrs Wilkins, an objector, addressed the meeting.

RESOLVED: That Tree Preservation Order No. 27 of 2009 be confirmed without modification.

Voting: 13 – For 0 – Against 0 – Abstentions

19. TREE PRESERVATION ORDER NO. 29 OF 2009 - WOODLAND SOUTH OF LENHAM ROAD, KINGSWOOD

The Committee considered the report of the Assistant Director of Development and Community Strategy concerning Tree Preservation Order No. 29 of 2009 which was made under Section 201 of the Town and Country Planning Act 1990 to protect woodland south of Lenham Road, Kingswood consisting of coppiced Sweet Chestnut, Oak, Hornbeam, Silver Birch, Holly, Hawthorn and Hazel. It was noted that one objection to the Order had been received within the statutory 28 day period from its making.

Mrs Eastman, the objector, addressed the meeting.

RESOLVED: That Tree Preservation Order No. 29 of 2009 be confirmed without modification.

Voting: 13 – For 0 – Against 0 – Abstentions

20. APPEAL DECISIONS

The Committee considered the report of the Development Control Manager setting out details of an appeal decision that he had received since the last meeting.

RESOLVED: That the report be noted.

21. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that:

- Arrangements had been made for a Members' tour of the new Depot at Park Wood on Wednesday 2 June 2010. He hoped that all Members of the Committee would attend.
- A training session on planning matters had been arranged to take place at 10.00 a.m. on Tuesday 8 June 2010.

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

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

23. DURATION OF MEETING

6.00 p.m. to 8.00 p.m.

Agenda Item 12

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

10 JUNE 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
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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.

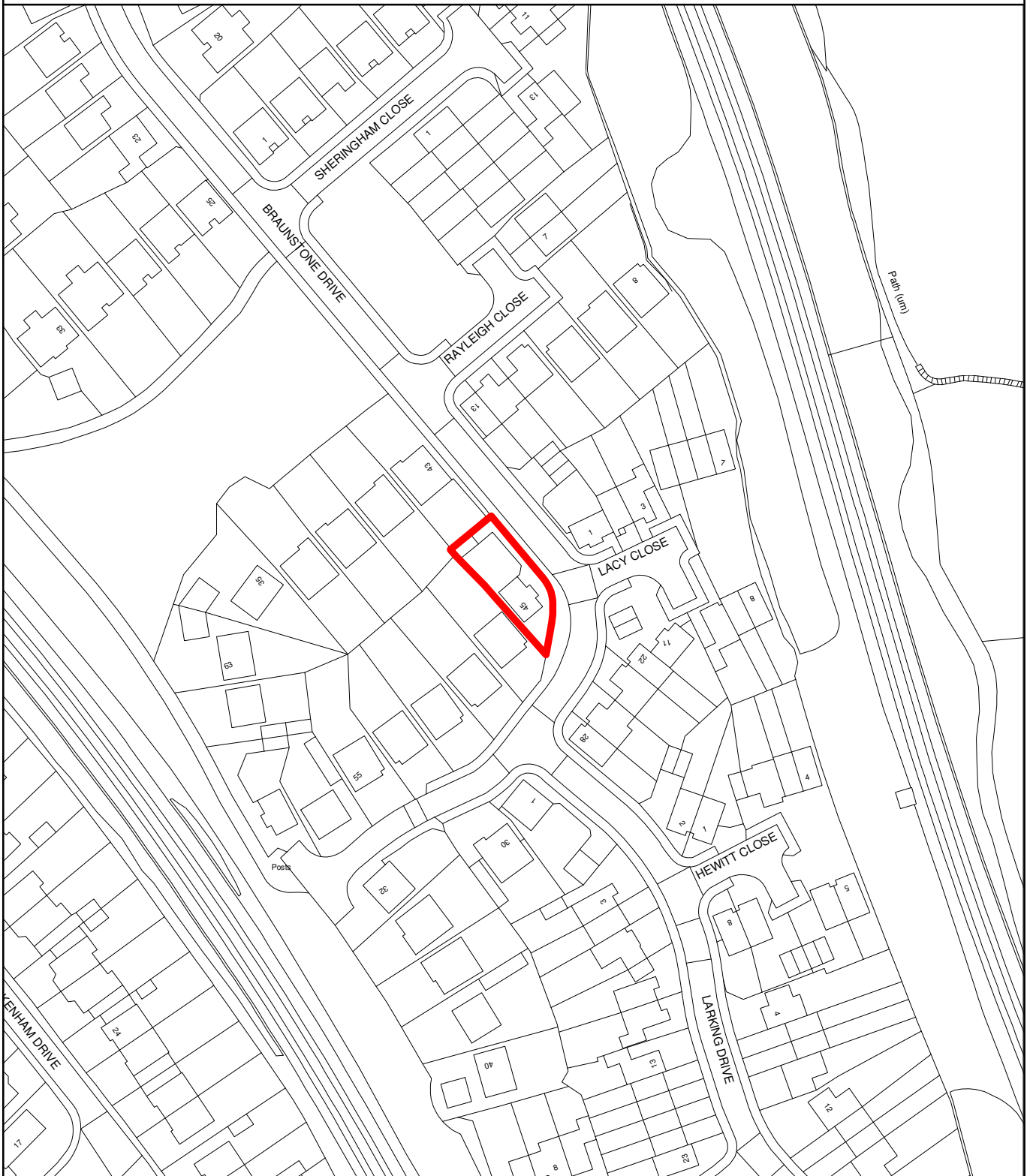
Agenda Item 13

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/09/1217

GRID REF: TQ7457

45 BRAUNSTONE DRIVE,
ALLINGTON, MAIDSTONE.



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Alison Broom
Director of Prosperity and Regeneration

APPLICATION: MA/09/1217 Date: 8 July 2009 Received: 27 April 2010

APPLICANT: Mr M Wells

LOCATION: 45, BRAUNSTONE DRIVE, ALLINGTON, MAIDSTONE, KENT, ME16 0QZ

PARISH: Maidstone

PROPOSAL: Construction of new roof including 3 dormers to rear and 1 dormer to front and insertion of a first floor window to rear elevation as shown on drawing numbers CB2329.02/REV B & CB2329.03/REV B received on 12/03/10.

AGENDA DATE: 10th June 2010

CASE OFFICER: Angela Welsford

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

- Councillors Malcolm Robertson and Dan Daley have requested it be reported for the reason set out in the report.

POLICIES

Maidstone Borough-Wide Local Plan 2000: H18.

The South East Plan RSS 2009: BE1.

Government Policy: PPS1 - Delivering Sustainable Development.

Other: Maidstone Local Development Framework, Residential Extensions Supplementary Planning Document.

HISTORY

05/0285 Change of use of land from amenity land to land within the residential curtilage of the dwelling, plus erection of a new fence and erection of a conservatory
APPROVED

1 CONSULTATIONS

- 1.1 **Councillor Malcolm Robertson & Councillor Dan Daley:** Were consulted on the original scheme on 27/07/09 and on the amended scheme on 29/04/10. In response to the original scheme they requested that, if the recommendation was

one of approval, the application should be reported to Planning Committee for the following reasons:

- a) The development, by virtue of three large dormers in the roof slope to the rear has a massing and overbearing effect on the amenity of the adjoining property, 47 Braunstone Drive.
- a) The development, by virtue of the massing in the roof structure to the rear has a detrimental effect on the rhythm of the street-scene as, due to the orientation of the properties, it is visible from the highway at certain points.

No response has been received to the consultation on the amended scheme.

2 REPRESENTATIONS

- 2.1 One letter of **support** has been received from no. 43 Braunstone Drive, stating that no objections are raised to the proposed changes.
- 2.2 Representations have been received from nos. 41 & 47 Braunstone Drive, raising **objection** on the following (summarised) grounds:
 - Loss of light/overshadowing of rear garden (no. 41);
 - Loss of privacy/overlooking of rear garden (nos. 41 & 47);
 - Visual appearance will not be in keeping with the style or size of this or surrounding properties;
 - Loss of privacy/overlooking of rear bedrooms, bathroom and rear ground floor of no. 47;
 - Light pollution from the rear dormer (no.47);
 - Frosted glass will not prevent overlooking of no. 47 as the buildings are so close, and even if it does, there will be a feeling of being overlooked;
 - Large dormers at the rear will be visible as this is a corner plot and will spoil the well-designed estate;
 - Setting of a precedent;
 - Velux roof lights have been used elsewhere on the estate and there would be no objection to these on the existing roof.

3 **CONSIDERATIONS**

3.1 **The Site**

3.1.1 This application relates to a detached dwelling located on a corner plot on a modern estate, within the urban area of Maidstone. The estate is made up of dwellings of considerable variety both in terms of design/appearance and scale – indeed variation in the height of buildings is a particularly notable feature of the street-scene in both Braunstone Drive and surrounding roads. It is also of note that various dormers feature in a number of house designs throughout the estate.

3.1.2 The application building stands on a bend in Braunstone Drive with its garden running off to the right-hand side (north-west) and its front elevation (north-east) facing the junction of Lacy Close. Consequently, the left-side (south-east) elevation also faces onto Braunstone Drive from which it is clearly visible. The right-hand side is also visible, but to a lesser extent due to the presence of silver birch trees within the applicant’s garden. The rear elevation (south-west) faces the flank wall of no. 47 Braunstone Drive, which features one en-suite bathroom window at first floor level and is set on slightly higher ground as the road begins to climb uphill.

3.2 **The Proposal**

3.2.1 Planning permission is sought for the construction of a new roof to allow a loft conversion that would provide two further bedrooms. The existing building has a half-hipped roof of fairly shallow pitch (approximately 37°). The proposal would see this increased to a 50° pitch, which would have the effect of raising the ridge height by approximately 1.6m. In addition, three pitched-roofed dormers would be added to the rear elevation, the middle one of which would feature an obscure-glazed window capable of high-level opening only. A new window would be inserted in each side elevation at second floor level, and a single dormer window would be added to the front elevation. The existing staircase window on the first floor rear elevation would also be replaced with a wider, obscure-glazed window capable of high-level opening only.

3.3 **Planning Assessment**

3.3.1 In my view, the two main issues for consideration by Members are:

- 1) The impact on the street-scene; and
- 1) The impact on the amenity of neighbouring occupiers.

3.4 **Impact on the street-scene**

3.4.1 Braunstone Drive is part of a modern estate which is characterised by variation in the size and design of the buildings making up its street-scenes. There is no fixed pattern or rhythm. Throughout the estate there is a mixture of detached,

semi-detached and terraced properties, with considerable variation in the height of buildings ranging from single-storey garage blocks, through two storey dwellings of a range of heights, to three and even four storey buildings. Dormers of differing designs and varying proportions are seen throughout. In my view it is this variation that gives the street-scene interest.

- 3.4.2 Although the proposal would increase the ridge height of the application building, I do not consider that this would look out of keeping with the surrounding area, given the aforementioned variation in building heights.
- 3.4.3 Whilst the proposed triple dormer would be fairly large, it would nevertheless be set down from the ridge and set in approximately 0.9m from the sides of the roof as well as from the eaves, plus it has been designed with hipped roofs to the dormers to reduce their bulk. Furthermore, given its location on the rear roof-slope, in close proximity to the currently much taller building at no. 47, it would not be widely publicly visible within the street-scene, but rather would be seen mainly as either a side-view or obliquely from the vicinity of the junction of Braunstone Drive with Larking Drive. From the other side, on approach from the north, views would be even more limited such that, in my judgement, only a very oblique view of the side of the northern-most dormer would be obtained through the trees and across the garden of the application site. From all other public vantage points significant views of the triple dormer would be obstructed, either by the roof of the application building itself, or by other neighbouring dwellings.
- 3.4.4 The front dormer would be gabled to imitate the design of others found on the neighbouring properties to the north-west (nos. 43, 41, 39, 37 & 35 Braunstone Drive), but would nevertheless, in my view, appear subservient on the new roof-slope. As such, I do not consider that it would appear out of keeping with other properties in the surrounding area.
- 3.4.5 On balance, therefore, taking into account all of the aforementioned points, I do not consider that this proposal would look significantly out of keeping or cause sufficient harm to the character or appearance of the street-scene to justify a refusal of planning permission that could be sustained at appeal.

3.5 **Impact on Neighbours - Privacy**

- 3.5.1 The application proposes a triple dormer with central window (serving a bathroom) on the rear elevation facing towards no. 47 Braunstone Drive. Due to the relative positions of the two buildings, the window would look onto the rear garden of no. 47 Braunstone Drive. However, the submitted drawing indicates that it would be obscure-glazed and only capable of opening at a high-level. These matters can be controlled by a condition. And as such, I do not consider that it would result in a significant loss of privacy, or even the perception of

such, to justify a refusal of planning permission that could be sustained at appeal.

- 3.5.2 Similarly, for the same reasons, I do not consider that the replacement window at first floor level on the rear elevation would cause a significantly harmful loss of privacy, as this, which would, as it currently does, serve the staircase. It is also shown to be obscure-glazed with a fanlight capable of high-level opening only and can again be conditioned as such. It is worth noting that the window that it would replace is not currently obscure-glazed and is understood to be capable of opening.
- 3.5.3 The new window at second-floor level in the north-east elevation would look towards no. 43 Braunstone Drive, and, more obliquely and to a lesser extent, no. 41. However, due to the degree of separation between the buildings (approximately 26m at the closest point – nos. 45 & 43) and the fact that this would afford much the same view as can currently be obtained from the existing first floor bedroom window in that elevation, I do not consider that it would result in a significantly more harmful effect on the neighbouring occupiers sufficient to justify a refusal of planning permission that could be sustained at appeal. Any views of the garden of no. 47 would be of the area farthest from the house, and in any case, that area can already be seen from the existing first floor bedroom window.
- 3.5.4 The front dormer and the second floor window in the south-east elevation would both look onto the street and would be sufficiently separated from any neighbouring properties to avoid any harmful impact.
- 3.5.5 On balance, therefore, taking into account all of the aforementioned points, I do not consider that this proposal would result in a significant loss of privacy to any neighbouring property sufficient to justify a refusal of planning permission.

3.6 **Impact on Neighbours – Light/Overshadowing**

- 3.6.1 Although the development would be in fairly close proximity to no. 47 Braunstone Drive, (approximately 2m between the buildings), it would nevertheless be positioned to the north-east in relation to that property such that no part of the development would be situated within 90° of due south of a main window wall (in this case, the rear elevation of no. 47 – although there is a window serving an en-suite on the wall facing no. 45, this is not classed as a main window as it does not serve a 'habitable' room). For this reason, I do not consider that the BRE loss of light calculations are applicable in this case in view of the orientation. Nevertheless, I have carried out those tests, as recommended in the Council's adopted Residential Extensions guidelines, and the bedroom window of no. 47 passes. Although the French doors to the dining room fail both the plan (just) and elevation tests, this is currently the case anyway. Furthermore, as the eaves height of no.45 would remain as existing and

the new roof would pitch away from no.47, as would the hipped roofs of the triple dormer, which would in itself be set in from the eaves at both its base and side, on balance, I do not consider that the proposal would have a sufficiently significant impact on the levels of daylight and sunlight currently enjoyed by the occupiers of no. 47, or the degree of overshadowing, to justify a refusal of planning permission that could be sustained at appeal.

3.6.2 There are no other properties close enough to be significantly affected in terms of daylight, sunlight or overshadowing.

3.6.3 The occupier of no. 47 has also objected on the grounds of light pollution from the window in the rear dormer (serving a bathroom). However, that window would be at second floor level whereas the closest window on no. 47 is a first floor bedroom window. Given that there is already a first floor window on no. 45 which is closer to that bedroom window, and that the dormer window would be at a higher level, set further back on the roof slope and at right angles to the aforementioned bedroom window, I do not consider that the impact of the dormer would be so significant as to justify a refusal of planning permission.

3.7 **Impact on Neighbours – Overbearing Impact**

3.7.1 As already mentioned in paragraph 3.6.1 above, the eaves height would remain as existing and the new roof would pitch away from no.47, as would the hipped roofs of the triple dormer. Furthermore, only approximately 4m of no. 45 actually projects beyond the rear building line of no. 47, and consequently these points, taken in conjunction with the separation distance of approximately 2m between the buildings, lead me to the view that, on balance, the proposal would not result in so significantly harmful an overbearing impact on the occupiers of no. 47 as to justify a refusal of planning permission that could be sustained at appeal.

3.7.2 There are no other properties close enough to be significantly affected in terms of an overbearing impact.

3.8 **Other Matters**

3.8.1 Although the proposal would increase the number of bedrooms, the property already benefits from two off-road parking spaces, which is considered sufficient in this sustainable location. Furthermore, parking on the road in this estate would be unlikely to result in a significant hazard to highway safety.

3.8.2 The matter of setting of a precedent has been raised, but as each case must be assessed on its own merits, I do not consider this to be grounds for refusal of planning permission.

3.8.3 The occupier of no.47 has commented that he would not object to the use of velux roof lights on the existing roof. However, that is not the proposal before me and consequently the merits of such a scheme cannot be taken into account.

4 Conclusion

4.1 Taking all of the above into consideration, the proposal is considered to comply with Development Plan policy and there are no overriding material considerations to indicate a refusal. Consequently, I recommend approval with 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building;

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

3. Before the development hereby permitted is first occupied, the proposed first floor window serving the staircase and the proposed window in the triple dormer, both facing no. 47 Braunstone Drive, shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such;

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers in accordance with Policy BE1 of The South East Plan RSS 2009 and Policy H18 of the Maidstone Borough Wide Local Plan 2000.

4. No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time above ground floor level in the elevation of the building facing no. 47 Braunstone Drive;

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers in accordance with Policy BE1 of The South East Plan RSS 2009 and Policy H18 of the Maidstone Borough Wide Local Plan 2000.

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.



A row of modern houses under a clear blue sky. The house in the foreground has a red brick ground floor and a white upper floor. It features a green front door, a window with a decorative lattice, and a small porch. A large black number '20' is overlaid on the image, positioned between the brick and white sections of the house. A green hedge runs along the front of the property.

20







23

24

PRIVATE DRIVE
Nos 43 41 39 37 35
BRAUNSTONE DRIVE
(NO UNAUTHORISED ACCESS)

25



26



27

LACY CLOSE

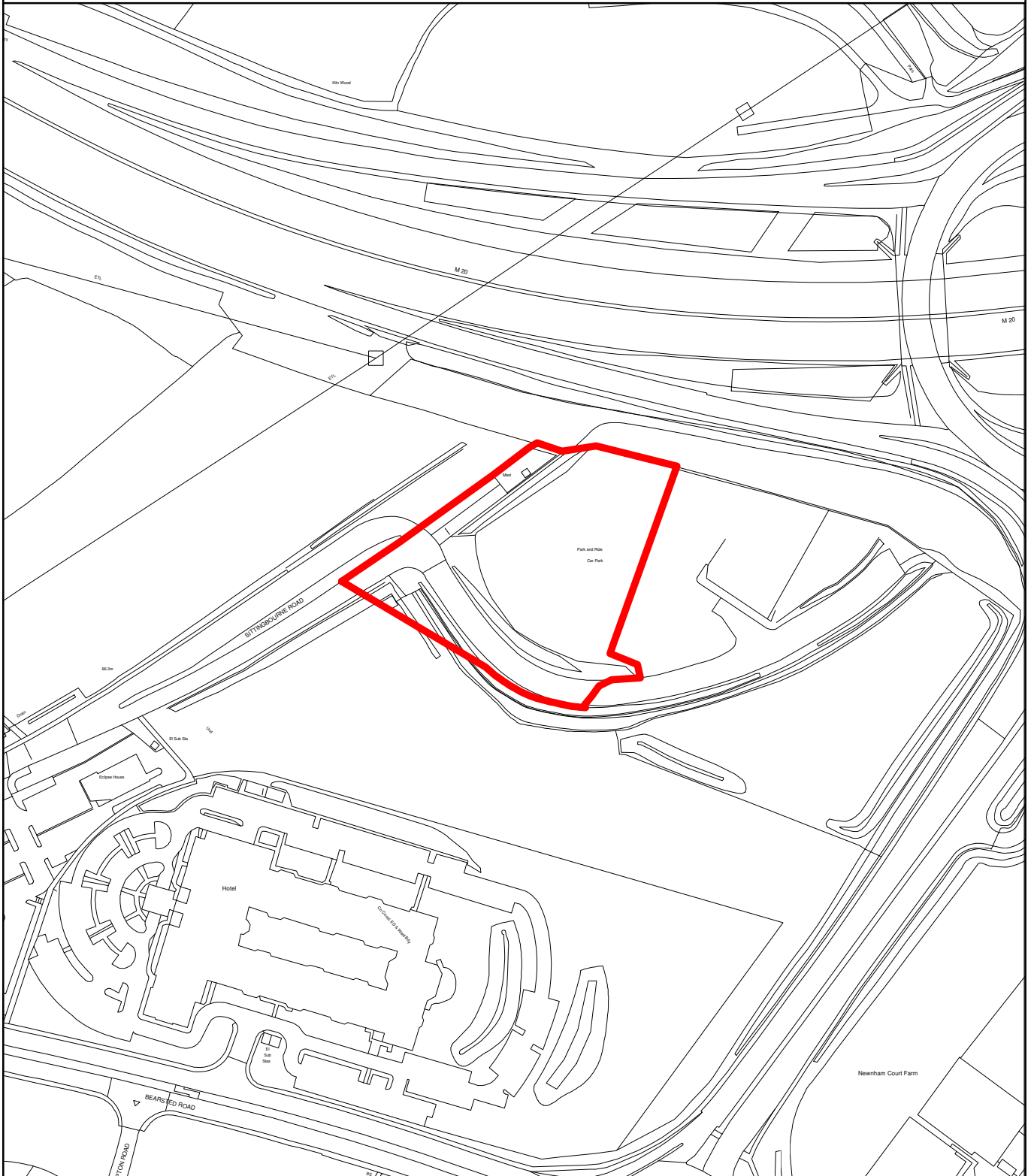
Agenda Item 14

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/09/1784

GRID REF: TQ7757

ECLIPSE PARK, SITTINGBOURNE ROAD,
MAIDSTONE.



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Alison Broom
Director of Prosperity and Regeneration

APPLICATION: MA/09/1784 Date: 2 October 2009 Received: 4 February 2010

APPLICANT: Gallagher Properties Ltd

LOCATION: ECLIPSE PARK, SITTINGBOURNE ROAD, MAIDSTONE, KENT

PARISH: Boxley

PROPOSAL: 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 as shown on drawing nos. DHA/6806/01, 279/PL200, 101062/ENG/SK003, 1010062/SK001revF and design and access statement, planning statement transport assessment and ecological assessment received 02/10/2009 and as amended by letter dated 2 February 2010, Transport Assessment addendum, and drawing nos. T0028/SK002, SK022 and SK023 received 04 February 2010 and letter dated 23 April 2010 and drawing no. DHA/6806/03A and photomontages received 27/04/2010 and drawing no. DHA/6806/02A received 05/05/2010.

AGENDA DATE: 10th June 2010

CASE OFFICER: Steve Clarke

1: BACKGROUND

- 1.1 This application was reported to the Planning Committee on 18 March 2010. A copy of the previous report and Urgent Update Reports are attached at Appendix One.
- 1.2 Members deferred consideration of the application for the following reasons;
 - *"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 (AONB)."*
- 1.3 This application is an outline planning application seeking permission for the erection of a hotel with access to be considered at this stage and all other matters reserved for future consideration. The submitted details indicate that permission is sought for the erection of a 3-star 150 bedroom business hotel. It is classified as a business hotel because it has smaller restaurant/bar facilities and contains no dedicated leisure complex and as such is not designed as a 'leisure' destination in its own right and thus caters more for the corporate and transient commercial sectors.

- 1.4 The building would be up to 7 storeys in height (the 7th storey being two plant rooms located at roof level at either end of the building). The illustrative details indicate that there would be a small fitness room, a restaurant/bar, 2 meeting rooms and a 300m² function room on the ground floor of the building. It would accommodate 30 bedrooms on each floor from the 1st up to the 5th floors. The plant would be located on the 6th floor at roof level in two small areas at either end of the building.
- 1.5 The site lies within the urban area of Maidstone within an allocated employment site as indicated on the Maidstone Borough-wide Local Plan 2000 Proposals Map

2: CONSULTATIONS & REPRESENTATIONS

- 2.1 Following the deferral, negotiations have taken place with the applicants, seeking primarily to reduce the scale and height of the building.
- 2.2 The applicants have submitted further details showing the relationship of the proposed hotel to its surroundings. This includes scaled cross-sections through the site based on a topographical survey of the site. These show the site's relationship to the M20 Motorway which lies adjacent to the southern boundary of the Kent Downs AONB and to Heath Wood to the west of the site. Three images of the hotel, compiled using photographs, the site survey information and computer modelling of the proposed building and combined with the use of software and using the height of the existing telephone mast as a known reference point have been submitted. The applicants have confirmed that the following methodology was used.

"To prepare the visualisations, an accurate three dimensional model of the proposal was prepared in 'Sketchup', a programme widely used in the design industry to prepare realistic and scaled models for presentation. The proposal was drawn up in 'Sketchup' using the architects' scaled drawings and inputted onto a scaled Ordnance Survey Base to ensure accuracy at all times. At the same time, the existing telephone mast was also plotted and its height modelled in 'Sketchup', so that it could form a reference point when inserting the model into photographs.

Views of the 'Sketchup' model were then taken in order to tie in with the views presented in the chosen photographs. This was achieved by setting the vision point on the OS base using the 'camera' tool, which is automatically set to average human height. A JPEG image of the 'Sketchup' model was then created and inserted onto the chosen photograph, utilising the telephone mast as a reference in order for its scale to be accurate. This was achieved using 'Photoshop'.

(Officer comment: This methodology has through the use of a fixed reference point on the site (the telephone mast) that has been accurately plotted by the site survey, enabled the scaled model of the proposed building to be superimposed accurately onto the three photographic images.)

- 2.3 Further consultation with previous consultees and previously consulted local residents has been undertaken on the additional information.
- 2.4 One further letter from a local resident has been received, this reiterates comments previously made and summarised in the earlier (appended) report.
- 2.5 The **Economic Development Manager** has provided the following additional comments as a supplement to previous comments set out in section 3.11 of the appended report.

"I stand by the previous comments regarding this application, particularly concerning the Park and Ride site and need to replace provision if the application is approved. I would like to add:

Eclipse is Maidstone's premier business park, a flagship for business development and investment. It should proclaim to the business community in the region that Maidstone is open for business and offers quality, well located sites from which they can operate. As an allocated employment site, well connected to the national motorway network – at a gateway location to Maidstone - it should be visible from the motorway network both day and night or its potential to attract business and create employment opportunities will be significantly reduced.

Whilst it is the aspiration of the Council's Economic Development Strategy to attract higher skilled, higher wage employment in knowledge driven sectors to create a more competitive local economy and raise living standards, it should be remembered that there is a significant part of the resident population that is not highly skilled and require a mix of employment opportunities. A hotel development will create such jobs directly together with indirect employment plus increased visitor spend should it go ahead. Its use is complementary to a predominately office based business park as demonstrated elsewhere in the Country."

3: CONSIDERATIONS

Additional information

- 3.1 Following the deferral, further negotiation has taken place with the applicant. These discussions have resulted in more accurate plans that have enabled a reduction in the height of the building and further detail relating to the building and the site to be secured.
- 3.2 The achievement of this reduction has been possible through the submission of additional supporting information for the application which provides greater context for the proposals in terms of the surrounding area. Primarily, these are scaled cross-sections based on a topographical survey of the site and some further photomontages showing the site in a wider context. These were important to secure because the height of the building and whether the height

would be dominant in the landscape including the impact on the nearby AONB are key considerations.

- 3.3 The cross-section plan shows two main sections running west–east and south–north through the site at scales of 1:1000 and 1:500.
- 3.4 As an outline application, detailed site levels are yet to be determined, however, in assessing the survey information and providing the sections, a Finished Floor level 1m above the existing Eclipse Park estate road has been assumed by the applicants. This has enabled the modelling to show an indicative maximum building height of 21.8m. Previously it was indicated as 23m. It should be noted that this figure represents the highest part of the building comprising the roof-top plant housings at either end of the building each approximately 9m x 7.5m in size. The plans also show the main part of the building to be six storeys in height with an indicative height of 18.6m.
- 3.5 The proposed hotel building, although it would have more floors than the nearby Towergate building, would be comparable in terms of its height. The Towergate building (4 storeys plus the roof plant housing) is 18m to the roof level and overall 22m at its highest point. The reason for this is that storey heights used in hotels, typically 2.8m, are over 1m lower than storey heights typically used in offices, including the existing buildings at Eclipse Park, at 3.9m.
- 3.6 The hotel building would project approximately 12.5m above the M20 motorway embankment level to the top of the accommodation level and to a maximum of approximately 15m to the top of the plant rooms.
- 3.7 I consider that the reduction in overall height (1.2m) and the greater clarity regarding the overall height of the main accommodation levels within the hotel (shown as 18.6m) have reduced the potential impact on the AONB.
- 3.8 The west–east section runs from Heath Wood through the site to the Towergate building and the A249/M20 junction 7 link road. It is clear from this section sections that the proposed hotel would not be higher than Heath Wood (with in which the trees are on average between 22-25m in height) and would actually sit lower than the existing telephone mast (on the site and to be removed) and the electricity pylon located west of the site.
- 3.9 The south–north section runs from the Hilton Hotel adjacent to Bearsted Road through the site to the M20 slip–road and main carriageway. Here the indicative finished floor level of the hotel is shown at the same level as the main motorway carriageway. With the existing embankment and the slip road intervening to the north of the site, the section indicates that the ground and first floors of the hotel (amounting to approximately 6.5m of the building) would be below embankment level and that overall the hotel at its maximum would not only be

lower than the 'phone mast to be removed but also lower than the pylon located west of the site (which is approximately 22.5m high).

- 3.10 The submitted photomontages are taken from three vantage points. As indicated above these are based on photographs, these were taken from the Chiltern Hundreds roundabout, the Bearsted Road/A249/Nottcuts roundabout and from Jade's Crossing over the A249 at Detling. A computer-generated model of the hotel has been superimposed onto the photographic images using appropriate software and using the information available from the site survey and the known reference point of the existing telephone mast.
- 3.11 Viewpoint one, taken from adjacent to the Chiltern Hundreds roundabout, clearly shows the proposed hotel against the backdrop of the scarp slope of the Downs beyond. The building would not breach the crest of the Downs. Viewpoint two, taken from the south east corner of the Bearsted Road/A249 roundabout, shows the proposed building in the context of the Torgate building and also against the existing phone mast which is clearly higher than the proposed building. The site levels are such that only the upper floors of the building are visible. The third viewpoint from Jade's Crossing on the A249 at Detling shows that the narrow northern façade of the building would be visible and that this would be set against the backdrop of the existing Eclipse Park buildings and that it would also not protrude above the backdrop of the trees in the Vinters Park area on the south side of Bearsted Road.

The setting of the Kent Downs AONB and the height and mass of the building

- 3.12 In deferring consideration of the application at the Planning Committee meeting on 18 March, Members expressed concerns regarding the potential impact of the development on the setting of the Kent Downs AONB. However, given that the site is within an allocated employment site in the urban area, I consider it important to set out some background.
- 3.13 The context of this site in relation to the AONB and the appropriateness of the current's site then designation as part of the North Downs Special Landscape Area (SLA) was considered at length by the Local Plan Inspector in his report into objections to the Deposit Draft of the Maidstone Borough-wide Local Plan. The Inspector was asked to consider specific objections seeking to remove the SLA and Strategic Gap designations on three areas of land; an area including Heath Wood in the west, a central area of land adjoining the Stakis (now the Hilton) Hotel and an eastern area comprising land east of the A249 as far east as Horish Wood and including land at Newnham Court Farm.
- 3.14 The Inspector clearly concluded in respect of the western area to the west and southwest of the current application site that the most southerly part should be allocated for housing development and excluded from the SLA, this is now Shaw

Close, but that Heath Wood and the open meadow area to its east which provided a setting for the woodland should not be excluded from the SLA. In respect of the eastern area, the Inspector concluded that whilst the land and buildings around Newnham Court Farm were prominent, their impact was limited to the western part of the area with the remainder providing an extensive area of open agricultural land unaffected by Newnham Court or the urban influences further west and wholly in keeping with the rest of the landscape in the SLA. He therefore concluded that this area should remain in the SLA.

- 3.15 Of key importance to the consideration of the current application as it includes the application site is the central area considered by the Inspector. He concluded as follows in para 3.391 of his report.

'Turning to the central area, I agree with the objectors that its landscape character has been severely affected by the urbanising influences of the hotel, the M20 and other roads and the park and ride facility. I am concerned that the criteria for establishing SLAs should not be applied to such a small area, since not every part of the SLA will meet all of them. Nevertheless I agree that in itself the site has little scenic quality and that whilst it retains elements of open fields and tree shelter belts they are not enough in this urban context to ensure the site is representative of Kent countryside. Moreover, from the A249 to the east of the site where these features are most apparent, the car park can be seen through the trees further eroding its scenic and representative qualities.'

- 3.16 The Council contended at the Local Plan Inquiry that the original justification for including the land to the south of the M20 in the SLA was that it was foreground to the Kent Downs AONB. The site was important as the undeveloped foreground in views northwards to the open countryside and the Downs.

- 3.17 The Inspector considered this argument and rejected it stating in paragraph 3.392;

'I agree that there are views of the Downs particularly from the western end where Bearsted Road rises above the site. However, the hotel is highly prominent in all these views both along the road frontage and into the site in depth. I did not find that the landscaping mitigates the urbanising impact of its extensive roof, since in many places the road is higher than the site and looks down onto the roof.

3.393 For all these reasons I have concluded that this part of the objection site which is also the site of objections DED0122 and DED0123 dealt with in Chapter 5, should be deleted from the SLA. This area includes the site which is subject of objections DENV005 in paragraph 3.372 (*the area to the east of Old Sittingbourne Road and west of the Hilton Hotel*). To be consistent the site of the Stakis Hotel should also be excluded.'

- 3.18 The Inspector also considered a specific objection seeking the allocation of the land adjacent to the Stakis (Hilton) Hotel as an employment site. He set out his views on the site's potential allocation in Chapter 5 of his report at paragraphs 5.30 and following;

'5.30 In Chapter 3 I recommend that the site should be deleted from both the Strategic Gap (DENV0490) and the North Downs SLA (DENV0491). Against this background and with my conclusions in need and the agreement at the inquiry on other matters, the only outstanding issue to my mind is the effect of the proposal on the character and appearance of the area.

Conclusions

5.31 I found on my visits that the character and appearance of the area around the site is very strongly influenced by the urban nature of the Stakis Hotel the M20 and other major roads, the park and ride facility and, to a lesser extent, the buildings at Newnham Court Farm. It was this urban influence which I describe in more detail in chapter 3 which led to my recommendation to delete the objection site from the SLA. It also persuades me that, with the right safeguards on landscaping and uses, development of the type proposed would not materially harm the character and appearance of the area. I therefore conclude that this objection should be supported and I turn to consider the modifications to the Plan which are necessary as a result.'

- 3.19 It is clear that the Local Plan Inspector considered that the site had been affected by existing urban intrusion arising from the hotel and the motorway and other roads to such an extent that its role as part of the SLA and in providing the setting for the Kent Downs AONB had been compromised to the point that designation should not be continued.
- 3.20 Whilst no longer a saved policy, the explanatory text to Policy ED4 of the Borough-wide Local Plan sets out the reasoning for the allocation of the site as suitable for technologically driven businesses;

"5.39 Such industries tend to look for prestige locations in a setting which enhances the image of the business. They are unlikely to be attracted to traditional industrial estates or to town centre office blocks.

5.40 If Maidstone is to maximise its potential to attract and develop these businesses within the local economy, and to achieve the kind of economic diversification which the Council considers to be essential for the future well-being of the Borough, it is critical that a high profile 'gateway' type site be identified and allocated for these activities. Such a site needs to be clearly visible from the motorway, to have good access, the potential for a high quality landscaped environment, good access to a wide catchment of skilled workers and to have the potential for the development to be seen as a gateway to the town."

Members will have noted the views of the Economic Development Manager set out earlier in the report which echo these sentiments regarding the profile of the site and the need for it to act as a gateway to attract quality businesses.

- 3.21 The position and overall context of the site relative to the setting of the SLA and AONB has not changed in the intervening period between the Local Plan report

and the submission of this application. PPS7 which was published after the adoption of the Local Plan has downgraded the importance of local landscape designations such as SLAs but has reinforced the importance of national landscape designations such as AONBs. It is against this context that the application should properly be considered.

- 3.22 I consider it important for Members to be fully aware of the background to the designation of the site as an employment allocation in the urban area, in order to be aware of how much priority/weight can be attached. However, the impact of the scale of the building on the AONB and the surrounding countryside is still an important material consideration. Members were quite rightly concerned with the impact on the AONB and I have taken steps to reduce this.
- 3.23 The applicants have submitted cross sections and the photomontage images, the details of which, are set out earlier in the report. In my view these clearly show that the development would not compromise views either from within the AONB itself looking southwards, nor views of the North Downs escarpment from the south. The additional information has enabled a clear reduction in the height of the building to be achieved. The submitted details have also clarified the relationship of the building to the motorway embankment in that the maximum projection at roof plant level above the embankment would be 15m with the accommodation levels only projecting approximately 12.5m. Overall, the building would also be comparable in height with the Towergate building despite it having a greater number of storeys.
- 3.24 Looking northwards from Bearsted Road/Chiltern Hundreds, the hotel building would not compromise or breach the important backdrop of the crest of the Downs ridge and would not significantly impinge on the visual gap between Eclipse Park and the Chilterns Hundreds PH provided by the former section of Sittingbourne Road, with the proviso that the building is orientated as shown on the illustrative site layout plans with its narrowest facades pointing northwards and southwards. If the building was positioned so that the main facades of the accommodation levels were sited parallel to the M20 carriageway it would in my view be unacceptably intrusive. I consider that its orientation can be secured by means of an appropriate condition.
- 3.25 Looking southwards from within the AONB, the slim northern elevation of the building and an element of the western facade would be visible. This would also not project into the skyline and would be seen against the backdrop of the existing Eclipse Park development and the tree belt beyond to the south which it would also not breach. My view as to the impact of a building sited parallel to the motorway, remain valid here as well.
- 3.26 I consider that the supplemental information has thus clearly confirmed that the development in terms of its height and mass sympathetically addresses the

setting of the AONB provided that appropriate conditions relating to site levels and maximum height of the building (plant rooms) and accommodation sections of the hotel are imposed. I also consider that a condition should be imposed preventing the installation of any further plant or equipment (including telecommunications apparatus) on the roof of the building once erected to seek to ensure its visual impact is not worsened by the installation of such apparatus.

Form and Materials of the building

- 3.27 Whilst the submitted details are illustrative, the building has a clear hierarchy in its design. There would be a solid ragstone base for the taller ground floor. Above ground floor level, the building would feature lighter materials forming and framing the main accommodation floors in the central section of the building with the highest part of the building, the roof and the plant rooms providing a clear termination to the building.
- 3.28 The illustrative material set out in the design and access statement shows a number of material elements introduced into the illustrative design, namely, the use of a ragstone plinth, the use of rainscreen cladding, timber cladding and glazed curtain walling. These are all acceptable materials. The metal rainscreen cladding elements would frame the curtain glazing and face the motorway with the more natural elements used on the entrance elevation. In my view the proposed use of curtain glazing for the accommodation levels within the building would be light in appearance and allow for natural reflection adding visual interest to the building. Ragstone would be used to form a solid base to the building and the entrance tower feature would be timber clad. The green roofs will also add interest to the building, assist in softening its appearance when viewed from within the AONB and with appropriate species, also support biodiversity and ecology. The use of planted gabions to form the western boundary of the site would add further interest.
- 3.29 The juxtaposition of the materials would provide visual interest and together with elements of the design that project or are recessed provide layering on the building, giving it vitality.
- 3.30 The use of appropriate conditions linking the details of reserved matters to the principles set out in the Design and Access Statement will ensure that the building is of a suitable form and that appropriate materials reflect this form are used.

Landscaping

- 3.31 The Local Plan Inspector recognised the importance of landscaping when he considered the site as did Borough-wide Local Plan Policy ED4 when it was

subsequently drafted. This issue is also therefore remains an important consideration in relation to the proposals and their impact.

- 3.32 The applicants have confirmed that no more than 173 car parking spaces within the site are to be provided. This has enabled the provision of substantial additional landscaped areas in the south west and south eastern corners of the site which could involve the use of moulding to accentuate their screening effects. These areas will link to other proposed landscaping along the western boundary (partially to be provided by planted gabion walls) as well as the eastern and northern boundaries of the site. The indicated planting and landscaping on the site's southern boundary reflects that approved for the development on the south side of the estate road.
- 3.33 An avenue of trees is shown to be planted on significantly higher ground along the old alignment of Sittingbourne Road to the west of the hotel building. Whilst outside the application site boundary, they can be provided on land under the applicant's control and will form a medium to long term part replacement of previously existing Poplar trees. I also consider that the indicative site layout shows the car parking areas to be acceptably broken up by planting within the site.
- 3.34 Subject to appropriate conditions requiring detailed landscaping provision to be submitted as a reserved matter, I consider that the principles illustratively shown help to soften the impact of the development and demonstrate that they are capable of ensuring the development is provided with an appropriate setting both within the site itself and also in relation to its immediate and wider context outside the site.

Other issues

- 3.35 Members will note from Section 7 of the previous report that the issue of the principle of a Class C1 development taking place on land designated for development falling within Class B1 and Class B2 was considered. The proposals were also considered against the criteria of Policy ED17 of the Borough-wide Local Plan. This policy does not preclude development on non-allocated hotel sites or sites allocated for other uses.
- 3.36 In terms of the principle of a Class C1 use on the site, it is clear that since designation in the Borough-wide Local Plan, the nature of the employment market has changed, for example, no class B2 development has been forthcoming on the adjacent Eclipse Park or on the larger site designated in the Borough-wide Local Plan. In fact, no class B2 uses have come forward on any allocated site in the Borough-wide Local Plan. Members will have also noted from the site history that the s106 agreement which restricted B1 development to

40% of the floorspace within the site has been revoked. Members will also be aware that policy ED4 which applied specifically to the site has not been saved.

- 3.37 Government advice has also changed in the form of PPS4 published in December 2009. This advice is clearly more up-to date than the saved policies in the Borough-wide Local Plan. It is important also because it has expanded the definition of economic development within which, hotel development as an 'arts, culture and tourism development use' is included and also includes development that creates employment opportunities.
- 3.38 I remain of the view for the reasons set out in the appended report, that despite not being a Class B1 or B2 use, the provision of a hotel on the site would not be contrary to recently published government policy, which makes no distinction between the various Use Classes in terms of employment generation and economic development and is therefore acceptable in principle subject to the tests set out in PPS4 and ED17 of the Borough-wide Local Plan being satisfied. As set out in the previous report I do consider that both the advice in PPS4 and the criteria of ED17 have been met.
- 3.39 In relation to the term 'business hotel', the Use Classes Order makes no distinction in Class C1 between hotels that are leisure orientated with large dining and leisure complexes including swimming pools etc. or hotels such as that proposed here that have no such leisure facilities but cater, as discussed in the market assessment report that accompanied the application, more for the corporate business or transient commercial sectors.
- 3.40 Given this lack of distinction, I do not consider that a specific condition can be applied requiring the details of approved matters to show a business hotel. However, the parameters indicated in the design and access statement can be covered by means of an appropriate condition. I would also advise Members that a hotel seeking to cater for a more leisure orientated market is likely to require a greater level of car parking provision than that proposed and also would need a building of a greater footprint within the site which would very likely be to the detriment of available landscaping space and leading to a larger building with a resultant increased potential visual impact.
- 3.41 I can advise Members that the applicants have been in negotiation with Kent County Council's Travel Plan team and that an Interim Travel Plan for the development has now been approved. This links into the Travel Plan for Eclipse Park and site-wide travel initiatives. The Interim Travel Plan will form the basis for a full travel plan to be developed with the identified operator at reserved matters stage in conjunction with further discussion with KCC. I have recommended an appropriate condition to secure this. I can confirm that there is a bus service from Eclipse Park to the Town Centre and vice versa.

- 3.42 The previous report makes reference to the Town and Country Planning (Consultation) England) Direction 2009. The development is contrary to policy ED1 of the Maidstone Borough-wide Local Plan as it not Use Class B1 or B2 development. I would remind Members that the development has been advertised as a departure and no representations were received as a result of the advertisement.
- 3.43 Under the Direction it is necessary to refer the development to GOSE as a leisure development if the floorspace of the proposed building exceeds 5000 square meters.
- 3.44 Although the floor plans are only illustrative, they do indicate that the building is likely to exceed the threshold of 5000 square metres, this has been confirmed by the applicant. I consider therefore, that whilst a hotel development is a Class C1 development and not within the 'Assembly and Leisure' Class D2, it is a form of leisure related development and in my view it is necessary to formally refer the application to GOSE before any planning permission can be issued.

4: Conclusion

- 4.1 The proposed development is considered acceptable in principle as economic development on this site. There are no highway objections to the proposals. The illustrative elevations indicate that a building of quality can be secured and that the development will not have an adverse impact on ecology or biodiversity.
- 4.2 The development will not have an adverse impact on the setting of the Kent Downs AONB in terms of views into or out of the area. In terms of its overall height it will clearly be comparable to the Towergate building on the site and will not protrude above the escarpment of the Downs
- 4.3 Subject to the referral to GOSE, I consider the development to be acceptable and recommend permission is granted subject to appropriate conditions.

RECOMMENDATION

Subject to the referral of the application to the Government Office for the South East and the subsequent expiry of the formal referral period and receipt of no Direction preventing the grant of planning permission, I BE GIVEN DELEGATED POWERS TO GRANT PLANNING PERMISSION subject to the following conditions:

1. The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

a. Layout b. Scale c. Appearance d. Landscaping

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

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

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

2. No development hereby permitted shall be occupied unless and until the completion and opening to traffic of a scheme of improvements to M20 Junction 7 generally shown on drawing no. HTT91271A/1080.1/1A (or other such scheme of works substantially to the same effect which has first been approved in writing in writing by the Local Planning Authority.

Reason: To ensure that the M20 motorway continues to be a safe and effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980.

3. No more than 173 parking spaces shall be provided on the site at any time.

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.

4. No part of the development hereby permitted shall be brought into beneficial use unless and until a detailed Travel Plan has been prepared and approved in writing by the Maidstone Borough Council in consultation with the Secretary of State for Transport and the Local Highway Authority. The agreed Travel Plan measures shall subsequently be implemented and thereafter maintained in full respect within 3 months of the occupation of the hotel, 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.

5. No part of the development shall be occupied until the highway works listed below have been carried out and completed in accordance with a design and specification and construction programme to be approved in writing by the Local Planning Authority.
1. Improvements to the A249 Bearsted Road roundabout incorporating the replacement of the dedicated left turn lane on the eastbound approach to the roundabout with a 3 lane give way entry and signing and lining alterations to the roundabout as shown in principle on Drawing Number T0042/SK002 dated January 2010.
 2. Improvements to the A249 Sittingbourne Road/ Bearsted Road/Penenden Heath Road roundabout (Chiltern Hundreds roundabout), incorporating the replacement of the existing single lane, free flow exit from the Eclipse Park onto the A249 Bearsted Road with a 2 lane give way exit and signing and lining alterations to the roundabout, as shown in principle on Drawing Number T0028/SK023 dated January 2010.
 3. Provision of a new signalised junction forming the new access to the site from the A249 Bearsted Road and replacing the existing left in/left out access as shown in principle on Drawing Number T0042/SK002 Rev A dated January 2010.
 4. Provision of a new pedestrian and cycle lane on the east side of the access road into the Eclipse Park site as shown in principle on Drawing Number T0042/SK002 rev A.

Reason: To ensure appropriate means of access to the site and to ensure an acceptable impact on the local highway network in the interests of highway and pedestrian safety pursuant to policy T23 of the Maidstone Borough-wide Local Plan 2000.

6. The details of the reserved matter of landscaping which shall accord with the principles indicatively shown on drawing no. 279/PL200revA, shall show the use of indigenous species and shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. 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 inter-alia, the following details:-
- i) The provision of a wildlife pond and associated planting,
 - ii) The provision of additional planting on the site's northern boundary to add robustness to the established planting on the motorway embankment and to provide connecting habitat corridors
 - iii) Planting on the proposed gabion walls
 - iv) The provision of a double avenue of lime trees along the disused section of Sittingbourne Road (outside the site boundary but on land within the applicant's control) running the length of the application site's north western boundary.
 - v) Details of the specification and planting mix for the green roofs to the building

- vi) Details of the external surfacing materials to be used for all pathways, roadways, parking spaces and terraced areas within the site.
- vii) Retention of a proportion of the cordwood arising from the felling of any existing trees
- viii) The provision of bat and bird boxes including swift boxes within the site

Reason: No such details have been submitted and to ensure a satisfactory visual appearance to the development in the interests of biodiversity and ecology pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000, policies CC6 and NRM5 of the South East Plan 2009 and the advice in PPS9.

7. 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.

8. 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 and a Tree Protection Plan 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 policies CC6 and NRM7 of the South East Plan 2009.

9. The development shall not commence until, details of all fencing, boundary treatments and walling, which shall include the use of gabions for the retaining walls, 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 pursuant to policy CC6 of the South East Plan 2009

10. The details submitted pursuant to condition 1 above shall show a building with a maximum height of 21.8m with the accommodation levels being no higher than 18.6m above ground level and of no greater than 150 bedrooms and orientated as shown on drawing nos. DHA/0686/02revA and 279/PL/200A.

Reason: To ensure a satisfactory visual impact to the development and to reduce the visual impact on the Kent Downs AONB pursuant to policies CC6 and C3 of the South East Plan 2009 and to accord with the parameters set out in the application.

11. The development shall not commence until, details of the proposed slab levels of the buildings and the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. The finished floor level of the ground floor of the hotel shall be no higher than 1m above the level of the existing Eclipse Park estate road at the point adjacent to the site ingress point. The development shall thereafter be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site and the proposed reductions in land levels within the site pursuant to policy CC6 of the South East Plan 2009.

12. The development shall not commence until, details of any external lighting to be placed or erected within the site or on the building have been submitted to and approved by the local planning authority. The submitted details shall specifically address the impact of the lighting scheme on bats, including their breeding and resting places within and adjoining the site. The development shall thereafter be undertaken in accordance with the approved details and no additional lighting shall be placed or erected within the site or on the buildings at any time without the prior approval of the local planning authority.

Reason: In the interests of the character and visual amenity of the area and in the interests of ecology and biodiversity pursuant to policies ENV49 of the Maidstone

Borough-wide Local Plan 2000 and policy NRM5 of the South East Plan 2009.

- 13.If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, details of how this unsuspected contamination shall be dealt with.

Reason: This site lies on the Folkestone Sandstone Formation, which is classified as a principal aquifer in the Groundwater Protection: Policy and Practice. This site also lies in a Source Protection Zone (SPZ) 3 for the Hockers and Springfield Mill public water abstraction. Public water abstractions are therefore at risk from activities and all precautions must be taken to prevent discharges and spillages to ground both during and after construction and pursuant to policy NRM1 of the South East Plan 2009..

- 14.The development shall not be commenced until details of a scheme to provide for the displaced Park & Ride vehicle parking provision resulting from the construction of the hotel, to be provided on land identified on drawing 1010062/ENG/SK03, has been submitted to and approved by the local planning authority. The subsequently approved parking provision shall be constructed and made available for use prior to the commencement of construction of the hotel.

Reason: To safeguard the existing park and ride car park facilities pursuant to policy T17of the Maidstone Borough-wide Local Plan 2000.

- 15.The development shall not commence until details of cycle parking spaces have been submitted to and approved by the local planning authority. The building shall not be occupied or the approved use commenced, until the approved spaces have been implemented and they shall be maintained thereafter.

Reason: 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.

- 16.The development shall not commence until details have been submitted showing that a minimum of 10% of the energy requirements of the building are to be met from renewable sources. The development shall not be occupied until the subsequently approved details have been implemented and they shall be maintained thereafter.

Reason: In the interests of sustainability and to provide an energy efficient form of

development pursuant to policy NRM11 of the South East Plan 2009.

17. The details of the reserved matters of scale and appearance submitted pursuant to condition 1 above shall show a hotel with ancillary fitness, meeting/function and restaurant facilities of the scale indicated in the Design and Access Statement received 02/10/2009. The design and materials of the hotel shall be of a high architectural standard and be guided by the design parameters set out in the Design and Access Statement received 02/10/2009 and include the use of ragstone to the ground floor, timber cladding and metal rainscreen cladding.

Reason: To ensure a high quality design and to achieve a satisfactory visual impact for the development pursuant to policy CC6 of the South East Plan 2009, the advice in PPS4 and to accord with the parameters set out in the application.

18. No advertisements, or structure, plant, equipment or machinery, including telecommunications apparatus, 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: To safeguard the external appearance and character of the building in the interests of the character of the surrounding area pursuant to policy CC6 of the South East Plan 2009.

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.

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.

Only clean uncontaminated water should drain to the surface water system. Roof water shall discharge direct to any soakaway via a sealed down pipes (capable of preventing accidental/unauthorised discharge of contaminated liquid into the soakaway) without passing through either trapped gullies or interceptors unless collected as part of a rainwater harvesting system. Open gullies should not be used. A minimum amount of

unsaturated zone should be maintained at all times during the year, between the invert level of any soakaway and the maximum height of groundwater. This zone should be at least 10m in depth.

Prior to being discharged into any soakaway system, all surface water drainage from parking areas, roads and hardstanding areas shall be passed through trapped gullies to BS 5911:1982, with an overall capacity compatible with the site being drained.

Where it is proposed to store more than 200 litres (45 gallon drum = 205litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials (such as detergents) should be stored in bunded areas secured from public access, so as to prevent accidental/unauthorised discharge to ground. The area's for storage should not drain to any surface water system.

As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway in accordance with proposals to be submitted to, and agreed in writing by the Local Planning Authority. Such proposals shall include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances.

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, is 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

350. MA/10/0170 - ERECTION OF FIRST FLOOR EXTENSION, SINGLE STOREY SIDE AND REAR EXTENSION AND FRONT PORCH - 10 NURSERY AVENUE, BEARSTED, MAIDSTONE

All Members except Councillors Chittenden, Paine and Paterson stated that they had been lobbied.

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

Mr Field, an objector, and Mrs Stratten, the joint applicant, addressed the meeting.

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

Voting: 12 – For 0 – Against 0 – Abstentions

Note: Having pre-determined the application, Councillor Bradshaw did not participate in the voting.

351. 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

All Members stated that they had been lobbied.

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

Mr Blythin, for the applicant, and Councillor Naghi addressed the meeting.

RESOLVED: That consideration of this application be 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.

Voting: 7 – For 5 – Against 0 – Abstentions

Note: Having pre-determined the application, Councillor Chittenden did not participate in the voting.

352. 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 HARD STANDING, FENCING, UTILITY BUILDINGS AND CESS POOL) AND KEEPING OF HORSES - FIELD KNOWN AS WHEATGRATTEN, LENHAM FORSTAL ROAD, LENHAM

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

Consultations

Natural England in the comments set out in paragraph 3.4.1 on page 59 of the report, seek confirmation that the boundary hedge/tree line is not in the ownership of the applicants, in order to ensure that any dormice that may be present are not adversely affected.

Officer comment

The applicants have confirmed that this boundary hedge/tree line is not under their ownership.

Parking/Landscaping

There has been a further agreed reduction in the number of car parking spaces by two spaces to 173 spaces. This enables the area of landscaping in the southwest corner to be increased further.

I therefore wish to amend condition 3 on the papers to reflect this change.

Highway improvements

I also wish to further amend the wording of condition 5 to reflect the requirements of earlier permissions on the site and in the vicinity.

Scale and appearance of the building

I also consider it appropriate that a further condition relating to the subsequent detailed design of the building is imposed. The condition is considered necessary to ensure that a well designed business hotel is achieved.

I consider that the illustrative details and the indicated materials in the design and access statement would result in a high quality design that would make a positive contribution to the area.

The proposed design should be of the quality indicated by the parameters set out in the design & access statement submitted with the application, whilst allowing the architect and developer some flexibility in the final detailed design of the building. The suggested condition seeks to achieve this.

Amendments to recommendation

Amend condition 3 to read

3. No more than 173 parking spaces shall be provided on the site at any time.

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 and to ensure a satisfactory landscaped setting for the development pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000.

Amend condition 5 to read

5. No part of the development shall be occupied until the highway works listed below have been carried out and completed in accordance with a design and specification and construction programme to be approved in writing by the Local Planning Authority.

1. Improvements to the A249 Bearsted Road roundabout incorporating the replacement of the dedicated left turn lane on the eastbound approach to the roundabout with a 3 lane give way entry and signing and lining alterations to the roundabout as shown in principle on Drawing Number T0042/SK002 dated January 2010.

2. Improvements to the A249 Sittingbourne Road/ Bearsted Road/Penenden Heath Road roundabout (Chiltern Hundreds roundabout), incorporating the replacement of the existing single lane, free flow exit from the Eclipse Park onto the A249 Bearsted Road with a 2 lane give way exit and signing and lining alterations to the roundabout, as shown in principle on Drawing Number T0028/SK023 dated January 2010.

3. Provision of a new signalised junction forming the new access to the site from the A249 Bearsted Road and replacing the existing left in/left out access as shown in principle on Drawing Number T0042/SK002 Rev A dated January 2010.

4. Provision of a new pedestrian and cycle lane on the east side of the access road into the Eclipse Park site as shown in principle on Drawing Number T0042/SK002 rev A.

Reason: To ensure appropriate means of access to the site and to ensure an acceptable impact on the local highway network in the interests of highway and pedestrian safety pursuant to policy T23 of the Maidstone Borough-wide Local Plan 2000.

Add additional condition

17. The details of the reserved matters of scale and appearance submitted pursuant to condition 1 above shall show a well designed business hotel, the design and materials of which shall be guided by the design parameters set out in the Design and Access statement received 02/10/2009.

Reason: To ensure a high quality design and to achieve a satisfactory visual impact for the development pursuant to policy CC6 of the South East Plan 2009 and to accord with the parameters set out in the application.

Item 18, Page 51

MA/09/1784:

**Address
Eclipse Park Sittingbourne Road
Maidstone**

Officer Comment

I wish to correct two errors in the report for which I apologise.

- Page 64 (para 6.3): The originally submitted illustrative site layout plan 279/PL200 indicates 185 car-parking spaces not 175 as set out on the papers.

However, I can now advise Members that the number shown within the site on the attached illustrative site layout plan has been reduced to 175 to reflect the direction from the Highways Agency. This has enabled greater landscaping to be provided in the south east and south west corners of the site.

I would advise Members that the applicants have also agreed to the relocation of the two remaining spaces located in the south west corner of the site to provide further landscaping in this corner.

- The reason for approval set out at the end of the report is incorrect it should read as follows

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, is 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.

I also wish to amend the wording of conditions 2 and 5 to clarify the conditions

Amendments to recommendation

Amend condition 2 to read

No development hereby permitted shall be occupied unless and until the completion and opening to traffic of a scheme of improvements to M20 Junction 7 generally shown on drawing no. HTT91271A/1080.1/1A (or other such scheme of works substantially to the same effect which has first been approved in writing in writing by the Local Planning Authority.

Reason: To ensure that the M20 motorway continues to be a safe and effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980.

Amend condition 5 to read

The development shall not commence until the highway works listed below have been carried out and a full stage 1 safety audit approval is attained, in accordance with a design and specification to be approved in writing by the Local

Planning Authority and to be fully implemented thereafter to the satisfaction of the Local Planning Authority.

1. Improvements to the A249 Bearsted Road roundabout incorporating the replacement of the dedicated left turn lane on the eastbound approach to the roundabout with a 3 lane give way entry and signing and lining alterations to the roundabout as shown in principle on Drawing Number T0042/SK002 dated January 2010.

2. Improvements to the A249 Sittingbourne Road/ Bearsted Road/Penenden Heath Road roundabout (Chiltern Hundreds roundabout), incorporating the replacement of the existing single lane, free flow exit from the Eclipse Park onto the A249 Bearsted Road with a 2 lane give way exit and signing and lining alterations to the roundabout, as shown in principle on Drawing Number T0028/SK023 dated January 2010.

3. Provision of a new signalised junction forming the new access to the site from the A249 Bearsted Road and replacing the existing left in/left out access as shown in principle on Drawing Number T0042/SK002 Rev A dated January 2010.

4. Provision of a new pedestrian and cycle lane on the east side of the access road into the Eclipse Park site as shown in principle on Drawing Number T0042/SK002 rev A.

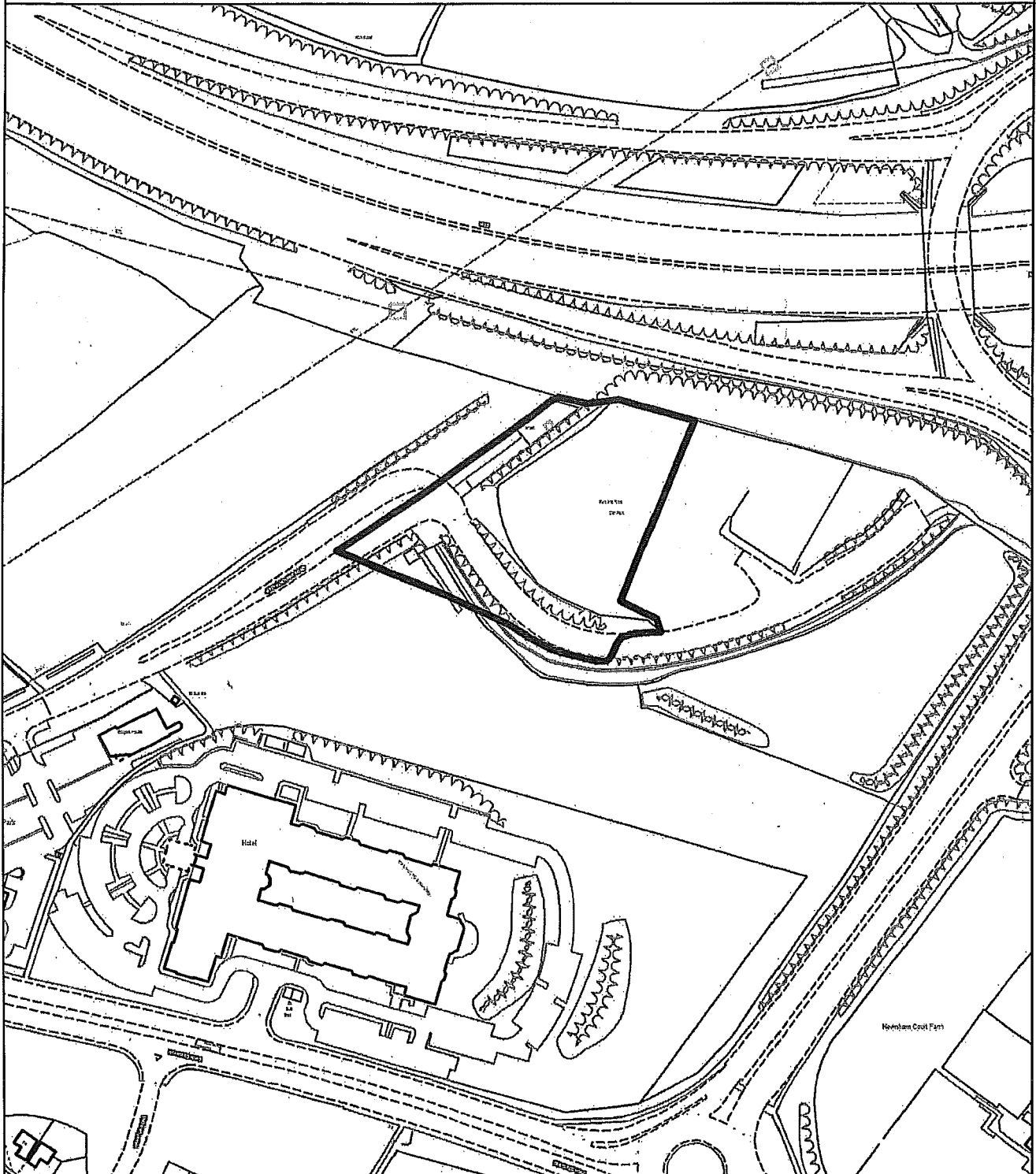
Reason: To ensure appropriate means of access to the site and to ensure an acceptable impact on the local highway network in the interests of highway and pedestrian safety pursuant to policy T23 of the Maidstone Borough-wide Local Plan 2000.

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/09/1784

GRID REF: TQ7757

ECLIPSE PARK, SITTINGBOURNE ROAD,
MAIDSTONE.



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Alison Broom
Director of Prosperity and Regeneration

APPLICATION: MA/09/1784 Date: 2 October 2009 Received: 4 February 2010
APPLICANT: Gallagher Properties Ltd
LOCATION: ECLIPSE PARK, SITTINGBOURNE ROAD, MAIDSTONE, KENT
PARISH: Boxley
PROPOSAL: 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 as shown on drawing nos. DHA/6806/01, 279/PL200, 101062/ENG/SK003, 1010062/SK001revF and design and access statement, planning statement transport assessment and ecological assessment received 02/10/2009 and as amended by letter dated 2 February 2010, Transport Assessment addendum, and drawing nos. T0028/SK002, SK022 and SK023 received 04 February 2010.
AGENDA DATE: 18th March 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 is allocated for development within Use Classes B1 and B2 whereas a hotel use is Class C1.

Referral to the Government Office for the South East (GOSE) under the Town and Country Planning (Consultation) England) Direction 2009 as the site is an 'out of centre site', would be required if the floorspace of the building comprises 5000 square metres or more.

Referral is also necessary if the floorspace of the building is greater than 2500 square metres and this floorspace, together with existing development of the same type that has been substantially completed or approved within the period of 5 years before the referral application was submitted or has already been provided, or development that is subject to an application for a use of the same type received but not determined, within a 1km radius of the site exceeds 5000 square metres in aggregate.

The issue is covered further in the main body of the report.

1: POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV49, ED1, ED17, T13, T17, T23
South East Plan 2009: SP2, SP3, CC1, CC4, CC6, RE1, RE3, T1, T4, T5, NRM1, NRM5, NRM7, BE1, TSR5, AOSR7
Village Design Statement: N/A
Government Policy: PPS1, PPS4, PPS9, PPG13

2: HISTORY

2.1 Relevant planning history relating to the site is outlined below.

MA/09/0017: Change of use of land to provide extension to and remodelling of existing Park & Ride car-park site to provide approximately 150 (net) additional vehicle parking spaces for a temporary three year period: APPROVED 19/02/2009

MA/07/1851: Application to discharge the Section 106 Agreement dated 15th March 2002 attached to the outline planning permission reference MA/01/0249 (for the erection of buildings for use for the purposes of either class B1 or B2). This would allow all new development on the premises to fall within use classes B1 (a), B1 (b), B2(c) and B2 of the use classes order without a stipulation on the quantitative split between these uses (currently no more than 40% B1 (a) and at least 60% falling within classes B1 (b) and B2(c) of the use classes order): APPROVED 07/08/2008

MA/07/1414: Partially retrospective application for the completion of estate roundabout to provide access to park and ride car park: APPROVED 14/08/2007

MA/07/0641: An application for the prior approval of the Local Planning Authority by Orange PCS Ltd to operate a public electronic communications network (raising height of mast from 18 to 23m): REFUSED 14/05/2007

MA/05/1871: Variation of condition 1 of planning permission MA/01/0249 (outline application for erection of buildings for employment purposes - class B1 and class B2 with access and car parking to extend the time within which the development may commence and for imposition of a revised condition 1 to allow a further period in which to submit details pursuant to the outline planning): APPROVED 15/11/2005

MA/04/0258: Variation of condition 11 of planning permission MA/01/0249 (outline application for the erection of buildings for employment purposes, class B1 and class B2, with access and car parking) to allow development to commence before a Section 278 Highways Agreement is completed: APPROVED 05/04/2004

MA/01/0249/02: Application for approval of reserved matters being details of access/estate road to serve Phase 2 of business park, pursuant to outline application MA/01/0249 erection of buildings for employment purposes (class B1 and B2) with access and car parking: APPROVED 21/12/2006

MA/01/0249: An outline application for erection of buildings for employment purposes (class B1 and class B2) with access and car parking, with all matters reserved for future consideration: APPROVED 15/03/2002

MA/99/1551: Erection of 18 metre high telecommunications mast and associated equipment and cabin: APPROVED 07/04/2000

MA/97/1305: Change of use of land from highways/contractors depot to provide a Park & Ride car park and access amended site and layout: APPROVED 30/10/1997

Site history considerations

- 2.2 The application site lies outside the area subject to the original outline planning permission for the business park approved under application MA/01/0249, but is within the area designated for employment purposes (Class B1 and Class B2) under policy ED1 of the Maidstone Borough-wide Local Plan 2000.

3: CONSULTATIONS

3.1 Boxley Parish Council:

Do not wish to object. The Parish Council also confirmed on 2 March 2010 that they have noted the additional highways information and have made no further comment.

3.2 Highways Agency:

3.2.1 Commented on 5 November 2009. They do not object to the development.

They stated in their response that their interest relates to their management of the Strategic Road Network (SRN) specifically in this case M20 junction 7 and their duty to safeguard the operation and safety of trunk roads. They stated that the submitted Transport Assessment (TA) did not fully consider the likely traffic implications of the proposed development for the following reasons:

- Trip generation associated with the restaurant not considered.
- They did not consider it appropriate to apply the trip generation associated with the Hilton Hotel to this development site on the basis that the proposed development does not offer the same facilities which would attract local service users. We consider that the consequence of this is that the TA currently underestimates the likely impact at M20 J7.
- They consider the TA underestimates the expected level of background traffic growth anticipated throughout the review period (2009-2019)

3.2.2 However they then go on to state that sufficient information was provided to allow them to come to a view in responding to the consultation and state:-

"As the future year impact assessments have been carried out on the basis the M20 J7 has the signal controlled layout conditioned on nearby committed development, we are therefore directing the same condition in respect of this proposed development. We are also directing conditions relating to the level of parking and the requirement of a Travel Plan."

3.2.3 The directed conditions are as follows;

1: No development hereby permitted shall be occupied unless and until the completion and opening to traffic of a scheme of improvements generally shown on drawing no. HTT91271A/1080.1/1A (or other such scheme of works substantially to the same effect which has first been approved in writing in writing by the Secretary of State for Transport (in consultation with the Local Highway Authority) and thereafter approved in writing by the Local Planning Authority.

Reason: To ensure that the M20 motorway continues to be a safe and effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980.

2: No more than 175 parking spaces shall be provided on the site at any time.

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.

3: No part of the development hereby permitted shall be brought into beneficial use unless and until a detailed Travel Plan has been prepared and approved in writing by the Maidstone Borough Council in consultation with the Secretary of State for Transport and the Local Highway Authority. The agreed Travel Plan measures shall subsequently be implemented and thereafter maintained in full respect within 3 months of the occupation of the hotel, 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."

3.2.4 No further comments have been received to-date from the Highways Agency relating to the additional highway information received on 4 February 2010.

3.3 Kent Highway Services:

3.3.1 Initially commented on 12 November 2009 and sought further information as follows:

"A Transport Assessment and Travel Plan have been submitted in respect of this application for a 150 bedroom hotel with 175 parking spaces. Trip rates have been calculated using TRICS 85%ile data which is considered to be acceptable. The traffic distribution and assignment has been based on survey data of the existing Hilton Hotel traffic which was agreed at the scoping meeting and is considered to be acceptable.

Growth rates have been applied to the traffic data in order that capacity assessments could be completed for the 2009 and 2019 scenarios. Committed development traffic has been included in the capacity assessments.

Capacity assessments have been completed on the following junctions:-

1. M20 junction 7
2. Bearsted Road roundabout
3. Chiltern Hundred roundabout
4. Proposed new signalised junction to access the site from Bearsted Road

1. The M20 junction 7 has been tested with the previously agreed improvement scheme and the results indicate that the hotel traffic would not have a significant impact.

2. The Bearsted Road roundabout has been assessed assuming the previously agreed improvements to the roundabout have been made. The results indicate that the introduction of the traffic signal junction along Bearsted Road to access Eclipse Park will actually improve capacity at the Bearsted Road roundabout both in 2009 and 2019. This is due to the reassignment of the Eclipse Park traffic and removal of u-turners.

3. The proposed new signalised junction along Bearsted Road has been modelled with a 70 second cycle time and assuming pedestrian phases are called every cycle; this being a 'worst case'. The results indicate that the introduction of the new traffic signal controlled junction will not have an unreasonable effect of capacity in the 'worst case' scenario in the design year 2019.

4. The Chiltern Hundreds roundabout has been tested both with and without the previously agreed modifications. The modifications include the replacement of the existing single lane, free flow exit from the Eclipse Park access onto Sittingbourne Road with a 2 lane give way exit and signing/lining alterations on the roundabout. In addition to this a signalised bus exit from Eclipse Park was proposed. The signalisation element of the proposal would no longer be required if the new signalised junction is provided as part of the hotel application as buses will be able to use the new junction to access the Park and Ride site.

The results of the capacity assessments indicate that there would be sufficient capacity at this roundabout to accommodate the hotel traffic if the agreed improvements to the roundabout are implemented. Without the improvements the hotel traffic will have a detrimental effect on capacity.

In summary the previously agreed modification are required to the junctions of the M20 junction 7, the Bearsted Road roundabout and the Chiltern Hundreds roundabout prior to the implementation of the development. The modifications to both the Bearsted Road roundabout and the Chiltern Hundreds roundabout are subject to safety audit and it is considered that a Stage 1 safety audit should be provided prior to the granting of any permission for this site.

Further information is also required in respect of the following:-

- A stage 1 safety audit and technical approval is also required in respect of the proposed new signalised junction to the site off Bearsted Road. This is a new junction on a principal route, therefore, this should be provided prior to any permission being granted.
- Plans should be provided indicating a cycle link which is required between the development site and the existing cycle route on Hampton Road, including crossing facilities on Bearsted Road.
- Measures are required to improve bus services between the site and Maidstone Town Centre during evenings and Sundays.
- An Interim Travel Plan is required in respect of this site."

3.3.2 Additional information was supplied by the applicant on 4 February in response to the above requests and following the undertaking of a Stage One safety audit of the scheme.

3.3.3 Revised comments have been received from Kent Highway Services as follows: - Kent Highway Services do not object to the development.

"Trip rates have been calculated using TRICS data which is considered to be acceptable. The traffic distribution and assignment has been based on survey data of the existing Hilton Hotel traffic which was agreed at the scoping meeting and is considered to be acceptable. Growth rates have been applied to the traffic data in order that capacity assessments could be completed for the 2009 and 2019 scenarios.

Committed development traffic has been included in the capacity assessments. Capacity assessments have been completed on the following junctions:-

1. M20 junction 7
2. Bearsted Road roundabout
3. Chiltern Hundred roundabout
4. Proposed new signalised junction to access the site from Bearsted Road

1. The M20 junction 7 has been tested with the previously agreed improvement scheme incorporating the provision of traffic signals, and the results indicate that the hotel traffic would not have a significant impact.

2. The Bearsted Road roundabout has been assessed assuming the previously agreed improvements to the roundabout have been made. The results indicate that the introduction of the traffic signal junction along Bearsted Road to access Eclipse Park will actually improve capacity at the Bearsted Road roundabout both in 2009 and 2019. This is due to the reassignment of the Eclipse Park traffic and removal of u-turners.

3. The proposed new signalised junction along Bearsted Road has been modelled with a 70 second cycle time and assuming pedestrian phases are called every cycle; this being a 'worst case'. The results indicate that the introduction of the new traffic signal controlled junction will not have an unreasonable effect of capacity in the 'worst case' scenario in the design year 2019.

4. The Chiltern Hundreds roundabout has been tested both with and without the previously agreed modifications. The modifications include the replacement of the existing single lane, free flow exit from the Eclipse Park onto Bearsted Road with a 2 lane give way exit and signing/lining alterations on the roundabout. In addition to this a signalised bus exit from Eclipse Park was proposed. The signalisation element of the

proposal would no longer be required if the new signalised junction is provided as part of the hotel application as buses will be able to use the new junction to access the Park and Ride site.

The results of the capacity assessments indicate that there would be sufficient capacity at this roundabout to accommodate the hotel traffic if the agreed improvements to the roundabout are implemented. Without the improvements the hotel traffic will have a detrimental effect on capacity.

In view of this information I can confirm that I have no objections to the proposals in respect of highway matters subject to the following condition(s) being attached to any permission granted:-

1 No work shall commence on the development site until the highway works listed below have been carried out and a full stage 1 approval is attained, in accordance with a design and specification to be approved in writing with the Local Planning Authority and to be fully implemented to the satisfaction of the Local Planning Authority.

1. Improvements to Junction 7 of the M20 incorporating the provision of traffic signals.
2. Improvements to the A249 Bearsted Road roundabout incorporating the replacement of the dedicated left turn lane on the eastbound approach to the roundabout with a 3 lane give way entry and signing and lining alterations to the roundabout as shown in principle on Drawing Number T0042/SK002 dated January 2010.
3. Improvements to the A249 Sittingbourne Road/ Bearsted Road/Penenden Heath Road roundabout (Chiltern Hundreds roundabout), incorporating the replacement of the existing single lane, free flow exit from the Eclipse Park onto the A249 Bearsted Road with a 2 lane give way exit and signing and lining alterations to the roundabout, as shown in principle on Drawing Number T0028/SK023 dated January 2010.
4. Provision of a new signalised junction forming the new access to the site from the A249 Bearsted Road and replacing the existing left in/left out access as shown in principle on Drawing Number T0042/SK002 Rev A dated January 2010.
5. Provision of a new pedestrian and cycle lane on the east side of the access road into the Eclipse Park site as shown in principle on Drawing Number T0042/SK002 rev A.

In addition to the above a full Travel Plan should be submitted and approved prior to first occupation of the development.

2 Before any work is commenced a Method Statement showing the phasing of the development shall be submitted to and approved in writing by the Local Planning Authority and the development shall not proceed other than in accordance with the approved programme.

3 As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway in accordance with proposals to be submitted to, and agreed in writing by the Local Planning Authority. Such proposals shall include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances.

4 The area shown on the submitted layout as vehicle parking space or garages shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before the use

is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the

Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

5 No dwelling/building shall be occupied or the approved use commenced until space has been laid out within the site for cycles to be parked in accordance with the Kent & Medway Vehicle Parking Standards."

3.4 Natural England:

3.4.1 Have commented as follows on the ecological surveys submitted with the application. They have not objected to the development proposals.

"Bats: The survey information provided by the applicants indicates that bats may be utilising trees in an adjacent area that may be indirectly affected by these proposals through lighting and other effects. However, it should be possible to mitigate these effects by the use of appropriate lighting during construction and operation of the development. 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 the species concerned at a favourable conservation status in their natural range (as defined in Regulation 44 of the Habitat Regulations). The following condition is required to ensure that development does not breach English or European legislation.

Prior to the commencement of any works which may affect bats or their breeding sites or resting places, a detailed lighting 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.

Dormice: Natural England is satisfied that the survey information provided by the applicants demonstrates that no dormice are present within the application site. However there is the potential for dormice to be present in the boundary hedge/tree line. Although it is indicated that this area will not be affected by the proposals, and is in fact not in the applicant's ownership, the Council should seek confirmation that this is the case. Provided that the hedge line is not affected and that a suitable buffer zone is in place then, Natural England is satisfied that these proposals should not be detrimental to the maintenance of the population of dormice at a favourable conservation status in their natural range (as defined in Regulation 44 of the Habitat Regulations). However, if the hedge will be encroached upon then it will be necessary to ascertain the presence or absence of dormice before the determination of this application in accordance with Natural England's Standing Advice

Widespread Reptiles: Natural England is satisfied that the survey information provided by the applicants demonstrates that no reptiles are present within the application site.

Breeding Birds: Whilst no specific breeding bird survey was conducted at the application site, it is likely that a number of species of bird nest within the application site. However, providing any site clearance works are conducted outside of the breeding bird season and replacement nesting opportunities are provided through the landscaping strategy at the detailed application stage, Natural England is satisfied that this proposal should not be detrimental to local breeding bird populations."

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. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

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

3.5 Environment Agency:

3.5.1 Confirm that they have no objections to the proposals but have provided advice in respect of foul and surface water drainage, contamination on the site.

"Surface water

Only clean uncontaminated water should drain to the surface water system. Roof water shall discharge direct to soakaway via a sealed down pipes (capable of preventing accidental/unauthorised discharge of contaminated liquid into the soakaway) without passing through either trapped gullies or interceptors. Open gullies should not be used.

A minimum amount of unsaturated zone should be maintained at all times during the year, between the invert level of the soakaway and the maximum height of groundwater. This zone should be at least 10m in depth.

Prior to being discharged into any soakaway system, all surface water drainage from parking areas, roads and hardstanding areas shall be passed through trapped gullies to BS 5911:1982, with an overall capacity compatible with the site being drained.

There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water.

Foul

There is no objection to the foul drainage draining directly to the foul mains sewer as indicated in the planning application.

Land Contamination

Condition: If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, details of how this unsuspected contamination shall be dealt with. Reason: This site lies on the Folkestone Sandstone Formation, which is classified as a principal aquifer in the Groundwater Protection: Policy and Practice. This site also lies in a Source Protection Zone (SPZ) 3 for the Hockers and Springfield Mill public water abstraction. Public water abstractions are therefore at risk from activities and all precautions must be taken to prevent discharges and spillages to ground both during and after construction.

Storage of Fuels/chemicals

Where it is proposed to store more than 200 litres (45 gallon drum = 205litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials (such as detergents) should be stored in bunded areas secured from public access, so as to prevent accidental/unauthorised discharge to ground. The areas for storage should not drain to any surface water system."

3.6 Southern Water:

3.6.1 Have not made detailed comments as the development appears to be a low risk development. They have requested that the developer makes appropriate checks in relation to ascertain the location of public sewerage and water supply apparatus.

3.7 Southern Gas Networks:

3.7.1 Have provided a plan showing their plant and apparatus in the vicinity of the site. There is none adjacent to or within the site.

3.8 EDF Energy:

3.8.1 No objections

3.9 MBC Environmental Health:

3.9.1 No objections subject to informatives governing hours of operation and conduct on site during construction.

3.10 MBC Landscape Officer:

3.10.1 "The access point as shown on the site plan which is part of the design statement indicates that the access point will be at an existing entry point which

is along the southern boundary. There are no trees of significance which will be affected by the access point. There are however a group of trees to the east which are subject to TPO 32 of 2008. The proposed footprint suggests that they will not be affected, however in order that no unnecessary damage occurs during the construction a tree protection plan and associated documents should be supplied."

3.11 MBC Economic development

3.11.1" The principle of this proposed development is acceptable in economic development terms and accords with the thrust of local economic development objectives for Eclipse Business Park and more generally in terms of supporting Maidstone's profile as a modern business location with facilities to meet the identified needs of business users.

These comments are, however, underpinned by our understanding that suitable alternative park and ride provision will be made. This is essential to the management of town centre congestion and hence Maidstone's wider economic vitality and sustainable development.

Our support for this proposal is based upon the following:

- As a strategic employment site, the future success of Eclipse Business Park in terms of attracting commercial investment will be supported by the development of a dedicated business hotel, providing convenient accommodation/meeting room services to adjacent businesses and their clients.
- As a high profile development in a key strategic location adjacent to the M20, this proposal would help to visibly improve Maidstone's profile and growth point plans.
- For a town of its size and commercial aspirations, Maidstone lacks a significant concentration of business hotels to service business needs and so this development would serve a wider strategic need within the hotel sector locally.
- Tourism is a significant employer important to the local economy (supporting approximately 3,500 FTE jobs and 4,700 actual jobs) and a key component of the recently adopted Economic Development and Tourism Strategy. A new hotel would generate employment in the sector and provide a significant additional asset."

4: REPRESENTATIONS

4.1 Cllr Naghi has made the following comments on the application:-

"I am writing to you to outline my concerns relating to the above Outline Planning Application at Eclipse Park. Firstly I believe it is unfortunate that the applicant has chosen to submit an outline application and to reserve most matters for later consideration. If this application is approved it is important to set down firm guidelines for the development in terms of its design, particularly in relation to the height and elevations of the building, landscaping and materials. Whilst this is an outline application I would urge the planning department to set firm guidelines at this stage and not to sign any blank cheques.

Secondly, I believe this application should in fact be refused at this point. Whilst some progress has been made there are still outstanding highways issues relating to safety concerns for both drivers and pedestrians. In addition, there are still some areas where

there are likely to be capacity problems for example at the Notcutts roundabout. In addition it is very likely that the increased traffic movements caused by additional development at this site will rapidly catch up with the capacity produced by the proposed highway works.

Thirdly I am unhappy at the robustness of the proposed travel plan for the development and the refusal of the applicant to consider any financial contribution to local bus services. Additionally I believe that the under provision of car parking spaces for the development is very likely to cause overspill parking in to the surrounding area. Perhaps under providing parking spaces or not supporting local bus services might be logical but not both at the same time.

Thank you very much for your time and consideration."

4.2 **Six** letters were received from Maidstone CPRE and local residents to the original consultation and a further **two** letters have been received as a result of the consultation on the additional details received 4 February from local residents who had written previously. The issues raised are summarised as follows:-

- There is no need for another hotel as the Hilton is close-by and there are others within a short drive of the site
- The proposed traffic signals would be detrimental to traffic flows along Bearsted Road especially at peak times
- Old Sittingbourne Road should be heavily traffic-calmed to ensure people don't use to as a rat-run to avoid the traffic lights and cut speeding
- The design of the building is too modern inappropriate materials are proposed
- The building is too high at 7 storeys, obstructing views of the North Downs, it should be a maximum of 4-5 storeys
- The development would attract even more traffic into an already busy area and make air quality worse
- The development would not provide the high quality jobs that Maidstone needs
- The site is not close to the town centre or good public transport links
- The hotel should not be approved until the future of the Park & Ride site has been determined
- The parking spaces should be below ground under the hotel enabling greater green areas around the hotel for the guests to use

CONSIDERATIONS

5: Site location and description

5.1 The application site is located to the north west of the Eclipse Business Park, Sittingbourne Road. It is currently occupied by the western section of the existing park and ride car park (an area of approximately 4000m²) and a telecommunications mast together with its associated equipment and access road. To the north of the site lies the M20 motorway which is in a cutting at this

point and lower than the site. The motorway carriageway is approximately 4-5m lower than the highest point of the site as currently exists. There is also a National Grid electricity pylon located to the west of the 'phone mast outside the site boundary.

- 5.2 To the east of the site is the remainder of the existing park and ride car park, the Towergate building and beyond, the A249. To the south lie the other three occupied units of Eclipse Park and to the west an open area bounded to its west by Hoath Wood. Shaw Close a residential development constructed approximately 7 years ago is located some 150m to the south west of the site.
- 5.3 The site is currently on two levels with the higher level where the existing 'phone mast is located and the lower level within the Park and Ride car park site. The difference is approximately 4-5m. The site also generally falls from north to south away from the motorway in a gentle gradient.
- 5.4 The site is within the urban area as defined by the Maidstone Borough-wide Local Plan 2000 and is allocated under policy ED1 for employment development and also as a Park & Ride site under policy T17.

6: Proposals

- 6.1 The application has been submitted in outline with all matters except access reserved for subsequent approval. Permission is sought for the erection of a 3-star 150 bedroom business hotel. It is classified as a business hotel because it contains no leisure complex and smaller restaurant/bar facilities. This is in contrast for example to both the nearby 'Hilton' hotel and the 'Village' hotel at Junction 6 of the M20 which have extensive restaurant/bar and leisure suites. The proposals are not intended as a replacement for the Hilton Hotel.
- 6.2 The building would be up to 7 storeys in height. The illustrative details indicate that there would be a small fitness room, a restaurant/bar, 2 meeting rooms and a 300m² function room on the ground floor of the building. It would accommodate 30 bedrooms on each floor from the 1st up to the 5th floors. The plant would be located on the 6th floor at roof level.
- 6.3 The submitted drawings indicate 175 car parking spaces
- 6.4 It is indicated that the development would employ in the region of 56 full-time equivalent employees.
- 6.5 The application indicates that the hotel will not be higher than 23m from ground level (taken from the level of the park and ride site) and therefore no higher than the existing telephone mast located on the higher ground, the top of which is some 23m higher than the M20 carriageway level and its base, as stated earlier, some 4-5m higher than the level of the park and ride site.

- 6.6 The ground level of the hotel would therefore be approximately the same level as the main motorway carriageway beyond the embankment and the J7 London-bound slip road to the north of the site and its top approximately 23m above carriageway level.
- 6.7 The building would sit on a ragstone plinth and the upper elevations would utilise metal rain-screen cladding and timber cladding and extensive glazing which also provides an opportunity to use subtly coloured glazing.
- 6.8 A wildlife pond of approximately 55m² would be formed within the site located close to the building, two other ponds of approximately 36m² and 28m² are also indicated. Due to the lowering of ground levels within the site, retaining walls would be necessary and the application indicates that the retaining walls would be formed using gabions enabling the provision planting to provide green walls. An avenue of existing trees along the western site boundary would be continued and comprehensive tree planting provided along the northern boundary with the M20 motorway linking with established planting and the planting on the motorway embankment.
- 6.9 As part of the proposals a number of improvements to the local highway network are proposed. These are as follows
- The alteration of the existing left-in one-way access to Eclipse Park off Bearsted Road to allow two-way operation and the ability through the provision of signal control at the junction with Bearsted Road to allow traffic to turn right from Bearsted Road into Eclipse Park and to allow Eclipse Park traffic to turn right on exiting the road towards Maidstone.
 - Alterations to the 'Notcutts' roundabout to remove the existing free flow lane towards M20 junction 7 and alterations to the exit lanes from the section of Bearsted Road travelling westbound past The Crematorium.
 - Alterations to the 'Chiltern Hundreds' roundabout and the exit from Eclipse Park to remove the free flow lane and to replace it with a two-lane 'give way' junction.
 - The proposals also assume that the previously approved partial signalisation of the M20 junction 7 will be in place prior to the opening of the hotel.
- 6.10 Illustrative plans have also been submitted that show the replacement of the car parking spaces in the Park & Ride car park lost to the hotel site to the east of the current car park on an area of land north of the 'Towergate' building.
- 6.11 The application was accompanied by a design and access statement, a planning statement, transport assessment, an ecological assessment and a market

assessment report incorporating a sequential test on the suitability of the site as hotel site.

7: Principle of development

- 7.1 The site is within the defined urban area of Maidstone, and contains development in the form of the phone mast and associated equipment. The park and ride car park whilst not falling within the definition of previously developed land does constitute development and following the approval granted under application MA/09/0017 for the enlarged car park, the previous form and topography of the site changed. The main issue to be considered is whether development of a hotel use (Class C1) on an employment site designated for B1 and B2 uses would be acceptable.
- 7.2 Since designation in the Borough-wide Local Plan, the nature of the employment market has changed, for example, no class B2 development has been forthcoming on the adjacent Eclipse Park or on the larger site designated in the Borough-wide Local Plan, in fact, no class B2 uses have come forward on any allocated site in the Borough-wide Local Plan. Members will note from the site history that the s106 agreement which restricted B1 development to 40% of the floorspace within the site has been revoked.
- 7.3 In addition the development should be assessed against policy ED17 of the Borough-wide Local Plan as follows:-

POLICY ED17: WITHIN THE URBAN AREA AND VILLAGE BOUNDARIES AS DEFINED ON THE PROPOSALS MAP, A NEW HOTEL, GUEST HOUSE OR OTHER SERVICED ACCOMMODATION AND SELF-CATERING ACCOMMODATION FOR VISITORS, THE EXTENSION OR UPGRADING OF SUCH ACCOMMODATION OR THE CHANGE OF USE OF A BUILDING TO PROVIDE SUCH ACCOMMODATION WILL BE PERMITTED IF ALL THE FOLLOWING CRITERIA ARE MET:

- (1) IT IS COMPATIBLE WITH ITS SURROUNDINGS IN SITING, SCALE, DESIGN, MATERIALS AND LANDSCAPING; AND**
- (2) IT WILL NOT HARM THE AMENITIES OF PEOPLE LIVING NEARBY; AND**
- (3) IT WILL NOT HARM BUILDINGS OR AREAS OF HISTORIC OR ARCHITECTURAL INTEREST; AND**
- (4) IT WILL NOT IMPAIR ROAD SAFETY OR THE FREE FLOW OF TRAFFIC; AND**
- (5) IT WILL HAVE ENOUGH VEHICLE PARKING IN THE CURTILAGE OF THE PROPERTY; AND**
- (6) IT WILL NOT CAUSE THE LOSS OF RESIDENTIAL ACCOMMODATION IN A TOWN CENTRE COMMERCIAL AREA; AND**
- 7) ACCESS IS AVAILABLE BY A CHOICE OF MEANS OF TRANSPORT.**

IN THE CASE OF SELF-CATERING ACCOMMODATION A HOLIDAY OCCUPANCY CONDITION WILL BE ATTACHED, PREVENTING THEIR USE AS A SOLE OR MAIN RESIDENCE. THE CONDITION WILL LIMIT OCCUPATION TO A SPECIFIED TEN MONTH PERIOD IN ANY CALENDAR YEAR.

- 7.4 Members will note that this policy, whilst now clearly of some considerable age since it was adopted, does not preclude development of hotels on non-allocated hotel sites or sites designated for other uses.
- 7.5 Government advice has also changed in the form of PPS4 published in December 2009. This advice is clearly more up-to date than the saved policies in the Borough-wide Local Plan. It is important also because it has expanded the definition of economic development within which, hotel development as an 'arts, culture and tourism development use' is included and also includes development that creates employment opportunities.
- 7.6 I consider therefore, that despite not being a Class B1 or B2 use, the provision of a hotel on the site would not be contrary to recently published government policy, which makes no distinction between the various Use Classes in terms of employment generation and economic development and is therefore acceptable in principle subject to the tests set out in PPS4 and ED17 of the Borough-wide Local Plan being satisfied.
- 7.7 In terms of PPS4, this site has been assessed as an 'out of centre site' as it is not within the main town centre but is within the urban area. The initial requirement of policy ED17 that the site be located within the urban area is also therefore met.
- 7.8 PPS4 sets out a number of policy requirements that should be considered when assessing planning applications for economic development. The PPS states that development on out of centre sites and not in accordance with an up to date Development Plan should be assessed against the following criteria;
- A) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal
 - B) the impact of the proposal on town centre vitality and viability, including local consumer choice and the range and quality of the comparison and convenience retail offer
 - C) the impact of the proposal on allocated sites outside town centres being developed in accordance with the development plan
 - D) in the context of a retail or leisure proposal, the impact of the proposal on in-centre trade/turnover and on trade in the wider area, taking account of current and future consumer expenditure capacity in the catchment area up to five years from the time the application is made, and, where applicable, on the rural economy
 - E) if located in or on the edge of a town centre, whether the proposal is of an appropriate scale (in terms of gross floorspace) in relation to the size of the centre and its role in the hierarchy of centres
 - F) any locally important impacts on centres under policy EC3.1.e"

- 7.9 Whilst the proposed hotel clearly does not compete with existing retail facilities in the town centre and therefore criteria 'B', above does not largely apply here, it is necessary to address the impact of the development on the town centre in terms of its vitality and viability.
- 7.10 There is no direct competitor to the proposed hotel within the town centre. The submitted market assessment report and alternative sites assessment has therefore been taken into account in accordance with the advice in PPS4. This assessment has looked at a range of sites such as Maidstone East, Lockmeadow, the former Council offices at 26 Tonbridge Road, the Peugeot garage, Mill Street, Land off Mote Road (27), Haynes garage, Land at St Peters Street, Terrace Road, Bower Terrace, land north of Rocky Hill, 24-32 Well Road, Wrens Cross, Medway Street Car Park and Springfield.
- 7.12 The conclusion of the assessment is that of the sites identified and examined, none are capable of providing the type of hotel that would fill the market need identified, and which the proposals seek to fill.
- 7.13 Of the sites assessed in the report, there is an extant permission for a hotel on the site at 26 Tonbridge Road/Terrace Road (the former Council offices), but this is for a different type of hotel at the budget end of the market. Members will be aware that the future of the Maidstone East site is currently uncertain. Whilst possibly large enough to support a hotel on part of the site, to be viable it would need to be part of a wider redevelopment scheme. Part of the Lockmeadow employment area is allocated for a hotel use but the allocated area is currently in active use and there seems little prospect of the site or part of the site coming forward. Members may recall that the site at the Medway Street car park was approved under application MA/98/0524 (on 24/07/1998) for a hotel development which also sought to replace the previous multi-storey car park on the site. This site remains potentially suitable for a hotel development, but it currently in active use as a well-used car park facility.
- 7.14 Well Road has an extant permission for a supermarket and is not available. Springfield is considered not to have a strong relationship to demand generators and therefore not suitable for the type of hotel proposed in this application. Sites at the Peugeot garage and Wrens Cross and Bower Terrace are constrained by the presence of listed buildings on the site. The sites identified at St Peters Street, Rocky Hill, Mote Road and the Haynes site, are not currently available.
- 7.15 I am satisfied that the assessment is comprehensive and I concur with its conclusions.

- 7.16 Members will have noted the comments of the Council's Economic Development section set out in paragraph 3.11.1 above. They consider that the development would increase Maidstone's offer in terms of business hotels which it currently lacks and would serve a wider strategic need within the hotel sector locally. It is their view that the vitality of the local economy would not be prejudiced by the construction of a hotel of this type on this site, in fact they state that it will help generate employment in this important sector of the local economy that supports some 4500 jobs (3700 Full Time Equivalent) and provide a significant additional asset.
- 7.17 Given these conclusions, I do not consider that the development of a hotel on the application site would be contrary to criteria D (which primarily relates to turnover/trade of retail and leisure development) and E (whether the scale of the development is acceptable) set out in paragraph 7.8 of the report above.
- 7.18 Criterion 'C' is not relevant as there are no sites for hotels outside the town centre allocated in the development plan. There are currently no other proposals for hotels in the town centre other than the extant planning permission for the former Council offices at 26 Tonbridge Road which was for a different type of hotel at the budget end of the market, I consider therefore that criterion 'A' has also been satisfied. I do not consider that there will be any impact in terms of Criterion 'F'.
- 7.19 It is recognised that whilst the hotel development does not directly impact on the town centre, the accommodation of people outside the town centre will to a certain extent, prevent them utilising retail, restaurant and leisure facilities in the town centre. This is not significant in terms of the advice in PPS4 and in any event the site does have transport links to the town centre allowing trips to be made.
- 7.20 The development of a hotel on the application site would not be contrary to the advice in PPS4. It is not a retail or leisure development and would not have a direct impact on existing town centre uses or their vitality or viability. A reasonable level of employment would also be generated. Further more with the required travel plan and restrictions on car parking provision within the site, and the provision of pedestrian and cycle links from existing facilities, the development does contain measures to reduce car-borne traffic as encouraged in the PPS. The replacement of the Park & Ride car park spaces is also welcomed.
- 7.21 I also consider that the proposals comply with the remaining criteria of policy ED17 of the Borough-wide Local Plan as set out above.
- The proposed siting is acceptable and the indicated design, materials and landscaping will secure an acceptable development that will not detract from its surroundings.

- There will be no harm to the occupiers of residential properties in Shaw Close and
- There are no listed buildings close to the site and it is not within or adjacent to a conservation area.
- The issues of highway safety and parking are addressed below.
- There would be no loss of residential accommodation.

7.22 In conclusion on the issue of the principle of the development whilst located within an area designated for employment purposes and therefore strictly contrary to the provisions of the Borough-wide Local Plan 2000, I do consider that the hotel would constitute an acceptable form of economic development as defined in and tested against PPS4 which is more recent government advice. In addition, the proposals comply with policy ED17 of the Borough-wide Local Plan.

7.23 No objections are therefore raised to the principle of the development.

8: Highways

8.1 This is a key consideration in relation to the application. Members will have noted the views of both the Highways Agency and Kent Highway Services set out in the report. Neither organisation has raised objections to the development or the proposed changes to the local road network.

8.2 There are two elements to the highway considerations, parking and the alterations to the local network in the vicinity of the site.

8.3 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."

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 C1 Hotel development.

8.4 Notwithstanding the above, and the lack of a locally adopted standard, Members will have noted that the Highways Agency have directed that a condition be imposed limiting the total number of spaces on the site to 175. This is on the basis of seeking to reduce reliance on the use of the private car in conjunction with the required Travel Plan (also a conditional requirement). Kent Highway Services have raised no objections to the condition and have not raised road

safety as an issue in relation to parking levels on the site. I am satisfied that with this level of provision which still amounts to greater than 1 space per bedroom there will be no adverse impact on road safety on surrounding roads.

- 8.5 I consider therefore that the level of parking provision for the development is acceptable.
- 8.6 The other element of highway consideration relates to the proposed changes to the local road network. The main element of this is the enabling of right turns into and right turns out of the existing access road located east of the Hilton Hotel via a new signal controlled junction on Bearsted Road. Other changes to the 'Chiltern Hundreds' and 'Notcutts' Roundabouts along Bearsted Road are also proposed.
- 8.7 It has been assumed as directed by the Highways Agency that the previously approved partial signalisation of M20 Junction 7 would be in place before the proposed hotel is first occupied and brought into use. I would remind Members that this is a requirement on the extant planning permissions for the Kent Clinic Institute and the residential development at the TV studios.
- 8.8 Members will have noted from the Kent Highway Services comments set out earlier in the report that these proposed changes have been subject to an initial safety audit and capacity assessment. Committed development traffic (such as the Kent Clinic and TV Studio development) has been included in the capacity assessments.
- 8.9 Capacity assessments have been completed on the following junctions:-
1. M20 junction 7
 2. Bearsted Road roundabout
 3. Proposed new signalised junction to access the site from Bearsted Road
 4. Chiltern Hundreds roundabout
- 8.10 The M20 junction 7 has been tested with the previously agreed improvement scheme incorporating the provision of traffic signals, and the results indicate that the hotel traffic would not have a significant impact.
- 8.11 The Bearsted Road roundabout has been assessed assuming the previously agreed improvements to the roundabout have been made (Plot 4 Eclipse Park, application MA/08/1732). The results indicate that the introduction of the traffic signal junction along Bearsted Road to access Eclipse Park will actually improve capacity at the Bearsted Road roundabout both in 2009 and 2019. This is due to the reassignment of the Eclipse Park traffic and removal of 'u-turners'.
- 8.12 The proposed new signalised junction along Bearsted Road has been modelled with a 70 second cycle time and assuming pedestrian phases are called every

cycle; this being a 'worst case'. The results indicate that the introduction of the new traffic signal controlled junction will not have an unreasonable effect of capacity in the 'worst case' scenario in the design year 2019.

- 8.13 The Chiltern Hundreds roundabout has been tested both with and without the previously agreed modifications suggested under application MA/08/1732 (Plot 4, Eclipse Park). The modifications include the replacement of the existing single-lane, free-flow exit from the Eclipse Park onto Bearsted Road with a two-lane 'give-way' exit and signing/lining alterations on the roundabout. In addition to this a signalised bus exit from Eclipse Park was proposed. It has been confirmed that the signalisation element of the proposal would no longer be required if the new signalised junction is provided as part of the hotel application as buses will be able to use the new junction to access the Park and Ride site. The results of the capacity assessments indicate that there would be sufficient capacity at this roundabout to accommodate the hotel traffic if the agreed improvements to the roundabout are implemented. Without the improvements the hotel traffic would have a detrimental effect on capacity.
- 8.14 Kent Highway Services have raised no objections to the proposed road changes and that they are satisfied that there will be no adverse impact on conditions of highway safety or congestion.
- 8.15 An illustrative plan showing how the park and ride car park spaces lost to the development could be replaced on land to the east of the existing car park has been submitted as part of the application. Given that the land in question is in the ownership of the applicant it is possible to impose a suitably worded condition to ensure replacement parking is available before development of the hotel commences.
- 8.16 No objections are therefore raised to the development on highway capacity or safety grounds subject to the conditions requested by both the Highways Agency and Kent Highway Services.

9 Design and site layout

- 9.1 The indicated elevations are illustrative. The design is contemporary and reflects the development that has already taken place or has been approved within the adjacent Eclipse Park.
- 9.2 The height and massing of the proposed building are key elements for consideration. The proposals have been subject to detailed discussion by your officers with the applicants to ensure the development does not result in an unacceptable impact on the skyline particularly in views from the Chiltern Hundreds Public House looking towards the North Downs escarpment and the impact of the development from the M20 motorway. The maximum height parameter set at 23m will ensure that the hotel does not intrude into the skyline

and most importantly will not breach the top of the escarpment of the North Downs ridge.

- 9.3 Viewed from the M20, the hotel will not be readily visible travelling London-bound until Junction 7 has been passed, and then only upper floors of an 'end-on' elevation will be seen. Travelling coast-bound, due to the woodland at Hoath Wood and the alignment of the carriageway, the hotel will not be visible until the start of the slip road to the junction when the upper parts of the west flank elevation will be visible. The building will be lower than the existing national grid pylons but clearly have more mass. The building is indicated to have a higher feature tower at its northern end to provide interest and vitality and an identity to the building and a further taller element on the south east elevation to mark the entrance. I do not consider that the massing of the building will be unacceptable.
- 9.4 The material elements introduced into the illustrative design, namely, the ragstone plinth, the use of rainscreen cladding, timber cladding and glazed curtain walling are all acceptable materials. The metal rainscreen cladding elements would frame the curtain glazing and face the motorway with the more natural elements used on the entrance elevation. Ragstone would be used to form a solid base to the building and the entrance tower feature would be timber clad. The juxtaposition of the materials would provide visual interest and together with elements of the design that project or are recessed provide layering on the building, giving it vitality. The green roofs will also add interest to the building and with appropriate species support biodiversity and ecology.
- 9.5 No objections are therefore raised to the indicated design or height of the building as proposed.

10 Impact on residential amenity

- 10.1 The development will be located some 150m from the nearest dwelling. There will be no loss of privacy to any dwelling or overshadowing.
- 10.2 Concern has also been expressed regarding traffic levels. However, Members will have noted that neither the Highways Agency nor Kent Highway Services have raised objections to the impact of traffic likely to be generated by the development on the existing road network. In the context of existing traffic using Eclipse Park and the Park and Ride car park, the proposed hotel development would not significantly add to levels. Furthermore with the provision of the signal controlled entrance/exit to Eclipse Park from Bearsted Road, it is possible that there will be a reduction in traffic past Shaw Close.

11 Ecology and Landscaping

- 11.1 An ecological assessment of the site has been undertaken and submitted with the application. This has been assessed by Natural England. They have voiced no

objections to the application subject to a specific lighting condition to ensure any lighting scheme would not adversely affect bats. They also recommend that opportunity in accordance with PPS9 is taken to ensure biodiversity enhancement as part of the scheme.

- 11.2 The submitted illustrative details indicate that there would be planting along the northern site boundary to provide greater connectivity with existing planting on the north side of Eclipse Park and along the motorway embankment, that a wildlife pond would be included and that planting would take place on the gabions proposed to be used as retaining walls around the site particularly on its western side. Living/green roofs are also proposed for the hotel building.
- 11.3 I consider these to be beneficial in terms of biodiversity and that they can be secured by means of an appropriate condition relating to the submission of the reserved matter of landscaping.
- 11.4 As indicated above, the indicative landscaping shown will provide greater robustness to the site's northern boundary and provide an avenue of trees along the northwest boundary and planting to the retaining gabion walls.
- 11.5 Elsewhere within the site other than at the site access point from the Eclipse Park access road, there will be low-level and tree planting around the site's perimeter. The frontage to the Eclipse Park access road will provide for the planting of trees that would mirror the tree planting agreed for the development plots on the south side of the road and thus provide an avenue of trees along the both sides of the estate road. The car parking area and the bays are also shown to be broken up by low-level and tree planting. Landscaped areas are also indicated adjacent to the building.
- 11.6 I consider that subject to the submission of a fully detailed planting scheme at reserved matters stage that is designed in accordance with the Council's adopted Landscape Guidelines, the indicative provision shown on the submitted site layout plan shows that it will be possible to provide an appropriate and attractive landscaped setting for the development.

12 Sustainability

- 12.1 There is not a direct BREEAM standard for hotel development. A statement has however been included within the Design and Access statement relating to sustainable construction. It is the intention of the architects to design a building that exceeds the requirements of Part L of the Building Regulations using a number of energy efficient measures and ensuring the building fabric reduces space heating demands. Energy efficient lighting and appliances would be used in the building. The use of low carbon and renewable energy technologies and systems will be analysed including biomass heating, wind, ground source heat pumps, solar thermal and photovoltaics.

- 12.2 The materials to be used including hard landscaping and boundary treatment are to be selected in accordance with the BRE's Green Guide to Specification. Any timber used will be sustainably sourced and FSC or PEFC certified wherever possible. A waste management system will be implemented.
- 12.3 In terms of water use a number of measures will be included such as dual flush toilets all taps except kitchen taps, cleaners' sinks, and external taps will be designed with a water flow of less than 6ltrs/min. Low water use washing machines and dishwashers will be specified. Water metering with a pulsed output will be provided which will help to accurately monitor water use and identify systems that are not performing as expected, sub metering will also be provided to areas of high water use. A leak detection system will also be employed on site, grey water recycling proposals will also be considered and finally the use of sedum/green roofs will attenuate surface water discharge.
- 12.4 Adoption of these suggestions at detailed design stage should ensure a sustainably constructed development.
- 12.5 Members may also be aware of Policy NRM11 of the South East Plan 2009. This requires all commercial buildings of greater than 1000m² to provide a minimum of 10% of their energy requirements from renewable sources. I consider it appropriate for a suitable condition to be imposed requiring this.

13 Other issues

- 13.1 Reference was made at the start of the report to the Town and Country Planning (Consultation) England) Direction 2009. The development is contrary to policy ED1 of the Maidstone Borough-wide Local Plan as it not Use Class B1 or B2 development. The development has been advertised as a departure and no representations were received as a result of the advertisement.
- 13.2 Under the Direction it is necessary to refer the development to GOSE as a leisure development if the floorspace of the proposed building exceeds 5000 square meters.
- 13.3 Although the floor plans are only illustrative, they do indicate that the building is likely to exceed the threshold of 5000 square metres, this has been confirmed by the applicant. I consider therefore, that whilst a hotel development is a Class C1 development and not within the 'Assembly and Leisure' Class D2, it is a form of leisure related development and in my view it is necessary to formally refer the application to GOSE before any planning permission can be issued.

14 Conclusion

- 14.1 The proposed development is considered acceptable in principle as economic development on this site. There are no highway objections to the proposals. The

illustrative elevations indicate that a building of quality can be secured and that the development will not have an adverse impact on ecology or biodiversity.

- 14.2 Subject to the referral to GOSE, I consider the development to be acceptable and recommend permission subject to appropriate conditions.

RECOMMENDATION

Subject to the referral of the application to the Government Office for the South East and the subsequent expiry of the formal referral period and receipt of no Direction preventing the grant of planning permission, I BE GIVEN DELEGATED POWERS TO GRANT PLANNING PERMISSION subject to the following conditions:

1. The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

a. Layout b. Scale c. Appearance d. Landscaping

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

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

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

2. No development hereby permitted shall be occupied unless and until the completion and opening to traffic of a scheme of improvements generally shown on drawing no. HTT91271A/1080.1/1A (or other such scheme of works substantially to the same effect which has first been approved in writing in writing by the Secretary of State for Transport (in consultation with the Local Highway Authority) and thereafter approved in writing by the Local Planning Authority.

Reason: To ensure that the M20 motorway continues to be a safe and effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980.

3. No more than 175 parking spaces shall be provided on the site at any time.

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.

4. No part of the development hereby permitted shall be brought into beneficial use unless and until a detailed Travel Plan has been prepared and approved in writing by the Maidstone Borough Council in consultation with the Secretary of State for Transport and the Local Highway Authority. The agreed Travel Plan measures shall subsequently be implemented and thereafter maintained in full respect within 3 months of the occupation of the hotel, 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.

5. The development shall not commence until the highway works listed below have been carried out and a full stage 1 safety audit approval is attained, in accordance with a design and specification to be approved in writing by the Local Planning Authority in consultation with the highway authority and to be fully implemented thereafter to the satisfaction of the Local Planning and Highway Authorities.

1. Improvements to the A249 Bearsted Road roundabout incorporating the replacement of the dedicated left turn lane on the eastbound approach to the roundabout with a 3 lane give way entry and signing and lining alterations to the roundabout as shown in principle on Drawing

Number T0042/SK002 dated January 2010.

2. Improvements to the A249 Sittingbourne Road/ Bearsted Road/Penenden Heath Road roundabout (Chiltern Hundreds roundabout), incorporating the replacement of the existing single lane, free flow exit from the Eclipse Park onto the A249 Bearsted Road with a 2 lane give way exit and signing and lining alterations to the roundabout, as shown in principle on Drawing Number T0028/SK023 dated January 2010.

3. Provision of a new signalised junction forming the new access to the site from the A249 Bearsted Road and replacing the existing left in/left out access as shown in principle on Drawing Number T0042/SK002 Rev A dated January 2010.

4. Provision of a new pedestrian and cycle lane on the east side of the access road into the Eclipse Park site as shown in principle on Drawing Number T0042/SK002 rev A.

Reason: To ensure appropriate means of access to the site and to ensure an acceptable impact on the local highway network in the interests of highway and pedestrian safety pursuant to policy T23 of the Maidstone Borough-wide Local Plan 2000.

6. The details of the reserved matter of landscaping which shall accord with the principles indicatively shown on drawing no. 279/PL200, shall show the use of indigenous species and shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. 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 inter-alia, the following details:-
- i) The provision of a wildlife pond and associated planting,
 - ii) The provision of additional planting on the site's northern boundary to add robustness to the established planting on the motorway embankment and to provide connecting habitat corridors
 - iii) Planting on the proposed gabion walls
 - iv) The provision of an avenue of lime trees along the site's north western boundary
 - v) Details of the specification and planting mix for the green roofs to the building
 - vi) Details of the external surfacing materials to be used for all pathways, roadways, parking spaces and terraced areas within the site.
 - vii) Retention of a proportion of the cordwood arising from the felling of any existing trees
 - viii) The provision of bat and bird boxes including swift boxes within the site

Reason: No such details have been submitted and to ensure a satisfactory visual appearance to the development in the interests of biodiversity and ecology pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000, policies CC6 and NRM5 of the South East Plan 2009 and the advice in PPS9.

7. 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.

8. 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 and a Tree Protection Plan 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 policies CC6 and NRM7 of the South East Plan 2009.

9. The development shall not commence until, details of all fencing, boundary treatments and walling, which shall include the use of gabions for the retaining walls, 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 pursuant to policy CC6 of the South East Plan 2009

10. The details submitted pursuant to condition 1 above shall show a building no higher than 23m above ground level and of no greater than 150 bedrooms.

Reason: To ensure a satisfactory visual impact to the development pursuant to policy CC6 of the South East Plan 2009 and to accord with the parameters set out in the application.

11. The development shall not commence until, details of the proposed slab levels of the buildings and the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site and the proposed reductions in land levels within the site pursuant to policy CC6 of the South East Plan 2009.

12. The development shall not commence until, details of any external lighting to be placed or erected within the site or on the building have been submitted to and approved by the local planning authority. The submitted details shall specifically address the impact of the lighting scheme on bats, including their breeding and resting places within and adjoining the site. The development shall thereafter be undertaken in accordance with the approved details and no additional lighting shall be placed or erected within the site or on the buildings at any time without the prior approval of the local planning authority.

Reason: In the interests of the character and visual amenity of the area and in the interests of ecology and biodiversity pursuant to policies ENV49 of the Maidstone Borough-wide Local Plan 2000 and policy NRM5 of the South East Plan 2009.

13. If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, details of how this unsuspected contamination shall be dealt with.

Reason: This site lies on the Folkstone Sandstone Formation, which is classified as a principal aquifer in the Groundwater Protection: Policy and Practice. This site also lies in a Source Protection Zone (SPZ) 3 for the Hockers and Springfield Mill public water abstraction. Public water abstractions are therefore at risk from activities and all precautions must be taken to prevent discharges and spillages to ground both during and after construction and pursuant to policy NRM1 of the South East Plan 2009..

14. The development shall not be commenced until details of a scheme to provide for the displaced Park & Ride vehicle parking provision resulting from the construction of the hotel, to be provided on land identified on drawing 1010062/ENG/SK03, has been submitted to and approved by the local planning authority. The subsequently approved details shall be provided prior to the commencement of construction of the hotel.

Reason: To safeguard the existing park and ride car park facilities pursuant to policy T17 of the Maidstone Borough-wide Local Plan 2000.

15. The development shall not commence until details of cycle parking spaces have been submitted to and approved by the local planning authority. The building shall not be occupied or the approved use commenced, until the approved spaces have been implemented and they shall be maintained thereafter.

Reason: 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.

16. The development shall not commence until details have been submitted showing that a minimum of 10% of the energy requirements of the building are to be met from renewable sources. The development shall not be occupied until the subsequently approved details have been implemented and they shall be maintained thereafter.

Reason: In the interests of sustainability and to provide an energy efficient form of development pursuant to policy NRM11 of the South East Plan 2009.

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.

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.

Only clean uncontaminated water should drain to the surface water system. Roof water shall discharge direct to any soakaway via a sealed down pipes (capable of preventing accidental/unauthorised discharge of contaminated liquid into the soakaway) without passing through either trapped gullies or interceptors unless collected as part of a rainwater harvesting system. Open gullies should not be used. A minimum amount of unsaturated zone should be maintained at all times during the year, between the invert

level of any soakaway and the maximum height of groundwater. This zone should be at least 10m in depth.

Prior to being discharged into any soakaway system, all surface water drainage from parking areas, roads and hardstanding areas shall be passed through trapped gullies to BS 5911:1982, with an overall capacity compatible with the site being drained.

Where it is proposed to store more than 200 litres (45 gallon drum = 205litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials (such as detergents) should be stored in bunded areas secured from public access, so as to prevent accidental/unauthorised discharge to ground. The area's for storage should not drain to any surface water system.

As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway in accordance with proposals to be submitted to, and agreed in writing by the Local Planning Authority. Such proposals shall include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances.

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.

1 - Chiltern Hundreds Roundabout



2 - Bearsted Road Roundabout

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3 - Jade's Crossing



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Officer comment

As a point of clarification, I would advise Members as follows

- The width of the accommodation section would be approximately 16m.
- As stated in the report, the two plant rooms would each be approximately 7m x 9m in area and are located at opposite ends of the roof and combined would comprise approximately 23% of the area of the roof of the accommodation section.
- The two meeting rooms and gym would each be approximately 45m² in area and the function room as set out in the report would be approximately 300m² in area.

Members will have noted from the report that a key consideration in relation to the determination of this application is the impact on the Kent Downs AONB

PPS7 states the following at paragraph 21 in relation to nationally designated areas including AONBs.

21. Nationally designated areas comprising National Parks, the Broads, the New Forest Heritage Area and Areas of Outstanding Natural Beauty (AONB), have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. The conservation of the natural beauty of the landscape and countryside should therefore be given great weight in planning policies and development control decisions in these areas. The conservation of wildlife and the cultural heritage are important considerations in all these areas. They are a specific purpose for National Parks, where they should also be given great weight in planning policies and development control decisions. As well as reflecting these priorities, planning policies in LDDs and where appropriate, RSS, should also support suitably located and designed development necessary to facilitate the economic and social well-being of these designated areas and their communities, including the provision of adequate housing to meet identified local needs.

Paragraph 23 states

23. Planning authorities should ensure that any planning permission granted for major developments in these designated areas should be carried out to high environmental standards through the application of appropriate conditions where necessary.

PPS7 does not specifically advise that local planning authorities should preserve the setting of AONBs (or other designated areas).

The impact of development on the setting of an AONB is a requirement of policy C3 of the South East Plan 2009.

The Kent Downs AONB Management Plan 2009 which the Council is a signatory to, encourages the promotion, retention or restoration of prominent views and viewpoints and also states that 'Proposals which negatively impact on the distinctive landform, landscape character and identified special components of

natural beauty, the setting and views to and from the AONB will be opposed and resisted.'

The application proposals have been carefully considered in terms of their impact on the setting of the AONB. I consider that the additional information supplied does, for the reasons set out and analysed in the report, show that the development will not adversely affect the setting of the AONB. In my view there is no conflict between the proposals and the aspirations of the AONB management plan.

Appropriate conditions relating to the scale and impact of the development are recommended. However, I wish to further amend those set out on the papers relating to site levels, relationship of the proposed building to known fixed points, and the scale of the building, to provide a greater degree of clarity to guide any future reserved matters submission to ensure the setting of the AONB is not unacceptably compromised.

Amendments to recommendation

Re-number condition 11 to condition 10 and amend to read;

10. The development shall not commence until, details of the proposed slab levels of the buildings and the existing and proposed site levels including scaled cross-sections, have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall clearly show the following

(i) The Ordnance Datum points on which the existing and proposed site levels are based.

(ii) A significant cut into the land.

(iii) The internal finished floor level of the ground floor of the hotel no higher than 1m above the level of the existing Eclipse Park estate road at the point adjacent to the site ingress point.

The development shall thereafter be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site and the proposed reductions in land levels within the site pursuant to policy CC6 of the South East Plan 2009.

Re-number condition 10 to 11 and amend to read;

11. The details submitted pursuant to condition 1, in conjunction with the details submitted pursuant to condition 10 above, shall show;

(i) A building with a maximum height of 15m above the adjacent M20 motorway embankment and 12.5m to the highest part of the accommodation levels above the motorway embankment as indicated on drawing no. DHA/6806/03/A.

(ii) A building with a maximum height of 21.8m above proposed external ground levels with the accommodation levels being no higher than 18.6m above proposed external ground levels as indicated on drawing no. DHA/6806/03/A.

(iii) A building orientated as shown on drawing nos. DHA/0686/02revA and 279/PL/200A.

(iv) A building with accommodation levels being no greater than 16m in width as shown on drawing nos. DHA/0686/02revA and 279/PL/200A and comprising no more than 150 bedrooms.

Reason: To ensure a satisfactory visual impact to the development and to reduce the visual impact on the Kent Downs AONB pursuant to policies CC6 and C3 of the South East Plan 2009 and to accord with the parameters set out in the application.

Amend condition 17 to read

17. The details of the reserved matters of scale and appearance submitted pursuant to condition 1 above shall show a hotel with small ancillary fitness, meeting/function and restaurant facilities of the scale indicated in the Design and Access Statement received 02/10/2009.

Reason: To ensure a satisfactory visual impact for the development pursuant to policy CC6 of the South East Plan 2009, the advice in PPS4 and to accord with the parameters set out in the application.

Add additional condition 19

19. The design and materials of the hotel shall be of a high architectural standard and be guided by the design parameters set out in the Design and Access Statement received 02/10/2009 and include the use of ragstone to the ground floor and above ground floor level, the use of timber cladding, extensive areas of glazing and metal rainscreen cladding.

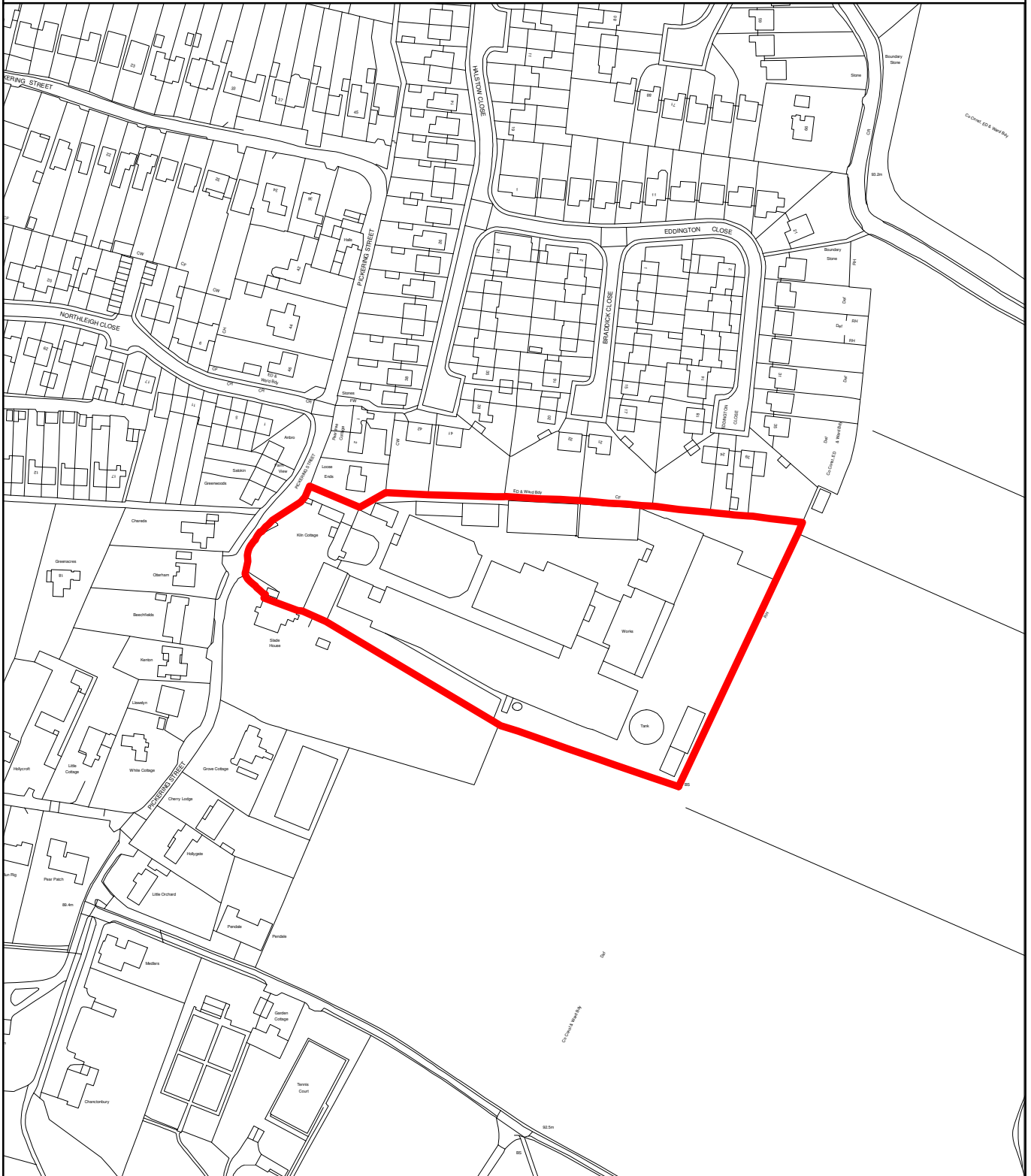
Reason: To ensure a high quality design and to achieve a satisfactory visual impact for the development pursuant to policy CC6 of the South East Plan 2009, the advice in PPS4 and to accord with the parameters set out in the application.

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/09/2260

GRID REF: TQ7652

**FORMER LEONARD GOULD WORKS,
PICKERING STREET, MAIDSTONE.**



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Alison Broom
Director of Prosperity and Regeneration

APPLICATION: MA/09/2260 Date: 11 December 2009 Received: 14 December 2009

APPLICANT: Mr A Munton, Bellway Homes Ltd

LOCATION: FORMER LEONARD GOULD WORKS, PICKERING STREET, MAIDSTONE, KENT, ME15 9RS

PARISH: Loose

PROPOSAL: An application to Vary Condition 8 of MA/09/1535 (Application for approval of reserved matters of layout, scale, appearance and landscaping for erection of 65 dwellings pursuant to outline planning permission MA/04/1363 as amended by MA/08/1455) read 'The 17 affordable housing units shall achieve Level 3 of the Code for Sustainable Homes. No affordable dwelling shall be occupied until a Design Stage certificate has been issued for it certifying that the appropriate Code Level 3 has been achieved. The remaining 'open-market' dwellings shall achieve Level 2 of the Code for Sustainable Homes and no 'open-market' dwelling shall be occupied until a Design Stage certificate has been issued for it certifying that the appropriate Code Level 2 has been achieved. ' as shown in design and access statement and supporting letter received 14/12/2009 as amended by letter and confidential financial information received 15/03/2010 and by further confidential financial information received 27/05/2010.

AGENDA DATE: 10th June 2010

CASE OFFICER: Steve Clarke

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

- It is contrary to views expressed by Loose Parish Council

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: N/A

South East Plan 2009: CC1, CC4

Village Design Statement: N/A

Government Policy: PPS1, PPS3

2. HISTORY

- MA/09/1535: Application for approval of reserved matters of layout, scale, appearance and landscaping for erection of 65 dwellings pursuant to outline planning permission MA/04/1363 as amended by MA/08/1455: APPROVED 05/11/2009
- MA/08/1455: Application to vary condition 2 of planning permission MA/04/1363 (Outline application for the provision of residential development at a minimum density of 30 dwellings per hectare with all matters to be reserved for future consideration) to read 'this proposed development shall comprise 65 dwellings' as opposed to 'this proposed development shall have a maximum density of 30 dwellings per hectare': APPROVED 30/10/2008
- MA/04/1363: Outline application for the provision of residential development at a minimum density of 30 dwellings per hectare with all matters except access to be reserved for future consideration: APPROVED 04/09/2006

3. CONSULTATIONS

3.1 Loose Parish Council commented on 6 January 2010 as follows

"The Loose Parish Council wish to see the application refused and request that the application is reported to the Planning Committee for the reasons set out as follows:

- We do not wish to see all the remaining houses on the site to be a lower Sustainable Code Level. It was previously agreed by MBC (see minutes planning committee 5th Nov 09) that 'every effort should be made by the developer to ensure that the entire development achieves a minimum of Level 3 within the Code for Sustainable Homes', although this was then subsequently changed (re condition 8 MA/09/1535) to no less than 33 units.
- It is felt that any risks for the development should be taken on board by the developers. Any losses that arise, such as in this case in respect of locating additional asbestos, should be borne by the developer and should not serve any detrimental affect on the sustainability of the dwellings.

We wish to uphold the original condition 8 that 'no less than 33 units within the development (including the 17 affordable housing units) shall achieve a minimum of Level 3 of the Code for Sustainable Homes. The remaining 32 units shall achieve a minimum of Level 2 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that the appropriate Code Level 2 or Code Level 3 (in respect of a minimum of 33 units) has been achieved. Reason - To ensure a sustainable and energy efficient form of development pursuant to policy CC4 of the South East Plan'.

We cannot comment on the Core Strategy Policy and the planning case law relating to the viability of the site as referred to in the accompanying letter from Bellway Homes. This is an issue that needs to be appraised by MBC."

- 3.2 The Parish Council have been consulted on the change where the 'open market' housing would achieve level 2 rather than no level as originally applied for by the applicants. Any further comments received will be reported to Members at the meeting.

4. REPRESENTATIONS

- 4.1 Three individual letters of objection (two are identical) have been received. Objections are raised on the following (summarised) grounds.
- The developers should not be allowed to downgrade the Code level to maintain their profit margin.
 - Why was this level of contamination not shown in a pre-purchase survey?
 - Concerns that the site has not been properly de-contaminated and thus risking danger to the health of nearby residents.

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 The application site comprises some 1.89ha of land located on the eastern side of Pickering Street, Loose. It is wholly located within the urban area of Maidstone as defined by the Maidstone Borough-wide Local Plan 2000.
- 5.1.2 Until recently the site was occupied by industrial premises with the area outside the buildings mainly hardstanding. These buildings were predominantly large sheds, interconnected, with a number of circular 'silo' towers attached to these units. Much of the site was built upon, with only a small area of hardstanding to the rear of the site, and within an internal service yard. The former buildings have now been demolished and the hardstanding areas taken up.
- 5.1.3 As can be seen from the site history section earlier in the report, outline planning permission with all matters reserved for subsequent approval was granted on 04/09/2006 under reference MA/04/1363 for the redevelopment of the site for residential purposes. The application for approval of reserved matters for 65 units was submitted under reference MA/09/1535 and was approved on 5 November 2009.

5.2 Proposal

- 5.2.1 The approval of reserved matters for the residential development granted under reference MA/09/1535 on 5 November 2009 was subject, amongst others, to the following condition.

8: Not less than 33 units within the development (including the 17no. affordable housing units) shall achieve a minimum of Level 3 of the

Code for Sustainable Homes. The remaining 32 units shall achieve a minimum of Level 2 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that the appropriate Code Level 2 or Code Level 3 (in respect of a minimum of 33 of the units) has been achieved.

Reason: To ensure a sustainable and energy efficient form of development pursuant to policy CC4 of the South East Plan 2009.

5.2.2 The applicants originally sought to vary the condition to read as follows;

"The 17 affordable housing units shall achieve Level 3 of the Code for Sustainable Homes. No affordable dwelling shall be occupied until a final Code Certificate has been issued for it certifying that the appropriate Code Level 3 has been achieved."

5.2.3 This would have resulted in the 48 open market houses not being required to achieve any Code Level if permission had been granted.

5.2.4 The proposal has now been amended following negotiation with the applicant so that the resultant condition would read as follows;

"The 17 affordable housing units shall achieve Level 3 of the Code for Sustainable Homes. No affordable dwelling shall be occupied until a Design Stage certificate has been issued for it certifying that the appropriate Code Level 3 has been achieved. The remaining 'open-market' dwellings shall achieve Level 2 of the Code for Sustainable Homes and no 'open-market' dwelling shall be occupied until a Design Stage certificate has been issued for it certifying that the appropriate Code Level 2 has been achieved. "

5.2.5 This variation has the effect of still ensuring the affordable housing units would meet the requirements of Code Level 3 as required by the Homes and Communities Agency (HCA), but that the 'open-market' housing would all now achieve level 2. I appreciate that this would be 16 less units within the development that would achieve Level 3 than originally approved.

5.2.6 The applicants have submitted the current application following an intrusive site survey that was not possible until they had fuller access to the site at the time the reserved matters application was submitted and approved. This survey did indicate a larger presence of asbestos on the site than originally planned for and lead to the applicants facing additional remediation costs of around £250,000 as I reported to Members at the meeting on 5 November 2009, when the original condition limiting the numbers of Code 3 dwellings in the site was agreed.

5.2.7 However, the true extent of the contamination across the site only became apparent as the buildings on the site were completely demolished and the

concrete bases removed under which it was found that significant quantities of asbestos had been buried and spread the across the site and concrete poured over it to form the bases of the buildings and hardstanding areas, all of which requires remediation. As a consequence, the costs of the clean-up have significantly risen.

5.2.8 When the current application was submitted, the costs had risen to £500,000. Latest figures supplied by the applicant (a full breakdown is attached as an Exempt Appendix to this report) show that clean up costs now exceed £1.25 million. Pockets of asbestos remain on the site waiting to be remediated, so costs will rise further. It is contended therefore that these substantial additional and unforeseen costs continue to affect the overall viability of the scheme.

5.2.9 Also in support of their application the applicants make reference to the advice in the Supplement to PPS1: Planning and Climate Change. This states at paragraph 33 that;

'Any policy relating to local requirements for decentralised energy supply to new buildings or for sustainable buildings should be set out in a DPD not a supplementary planning document so as to ensure examination by an independent inspector.'

The applicants contend that as the Council does not have an adopted Core Strategy policy relating to the requirement for Code 3 that the original condition should not have been sought.

5.2.10 Reference is also made to two appeal decisions elsewhere in the Country in South Gloucestershire (November 2009) and Berkshire (September 2009), the latter being in the South East Plan Area, where in both cases the Planning Inspectorate upheld the argument that sustainability measures could not be sought where there was not an adopted Core Strategy policy.

(Officer comment: I am aware of a similar case in Sevenoaks that was determined on 16 April 2010 where the Inspector reached similar conclusions).

5.3 **Assessment**

5.3.1 The Council seeks to ensure that new residential development in particular, is constructed using sustainable construction standards and techniques. This is encouraged through the advice in PPS1 and its 'Supplement: Planning Policy and Climate Change,' and the requirements of Policy CC4 of the South East Plan 2009, which states that 'new development will be expected to adopt and incorporate sustainable construction standards and techniques. The channel for this is the Code for Sustainable Homes which sets out, inter-alia, standards for energy efficiency and water use.

- 5.3.2 Where possible, the Council seeks to negotiate new development so that it achieves Code Level 3 as ensuring sustainable construction takes place, is in my view an integral part of the process of securing good design. Such measures also take into account the potential impacts of climate change and the minimisation of use of resources as encouraged in PPS1 and its supplements and other government advice.
- 5.3.3 In this particular site, it is disappointing that the applicant has chosen to cut costs by seeking to lower the code level especially given that there are likely to be actual fuel cost savings to prospective occupiers and this could have been used in marketing. Secondly there is a dichotomy in that the affordable dwellings are required to meet level 3 and that the open market dwellings will only now meet level 2. Members may be aware that this gulf will widen in April 2011 when the requirements of the HCA will increase to level 4 and affordable housing will be required to comply to receive funding.
- 5.3.4 However, in this case I am mindful of the costs evidence submitted by the applicants. Circumstances on the site have, as can be seen from the details set out earlier in the report, changed as the remediation costs for cleaning up the site have again escalated significantly as the full extent of the asbestos contamination on the site became apparent.
- 5.3.5 I am also mindful of the government advice at paragraph 33 of the Supplement to PPS1 that local sustainable buildings requirements must be developed in the form of Development Plan Documents in order that they can be subject to scrutiny by an independent inspector. This advice has been upheld as recently as April 2010, in the case of a development in Sevenoaks in respect of a condition imposed on a planning permission for a single replacement dwelling. The two appeal decisions referred too by the applicants in their submissions are also recent (September and November 2009). In the absence of any national requirement that sets a specific level that should be met by new development, locally based criteria can only be applied through and independently assessed DPD policy. This Council does not have locally set criteria in an adopted DPD policy.
- 5.3.6 Notwithstanding this, the applicants have agreed to the 'open-market' housing achieving Code Level 2 rather than no specific requirement. I consider this to be acceptable in this instance given the particular circumstances that have come to light on the site.

5.4 Other issues

- 5.4.1 The change to the level of Code proposed, will not affect the external appearance or visual impact of the development on its surroundings including

the landscaping within and around the site. The changes will not result in any change to or a different impact on the residential amenities of the occupiers of existing neighbouring dwellings. There are also no highway implications arising from the development.

6. CONCLUSION

- 6.1 Support for the Council's general approach in seeking to negotiate Code Level 3 for new development in accordance with the requirements of the Code for Sustainable Homes is clearly given through policy CC4 of the South East Plan 2009 and the advice in PPS1 and PPS3 as it is part of the process of ensuring good design.
- 6.2 The applicants have demonstrated that they have encountered significant additional unforeseen costs in the remediation of the site. The Environmental Health section has confirmed that the figures shown are not excessive and particularly on this site have been raised due to it being necessary to remove asbestos from under and around existing trees within and adjoining the site as well as carry out extensive excavation across the site to ensure all contaminants are removed.
- 6.3 Whilst it is regrettable that there will be a dichotomy on this site between the affordable and open market dwellings, given the particular circumstances that have come to light and the lack of a tested local DPD policy I consider the variation of the condition as now proposed is acceptable.

7. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. The 17 affordable housing units shall achieve Level 3 of the Code for Sustainable Homes. No affordable dwelling shall be occupied until a Design Stage certificate has been issued for it certifying that the appropriate Code Level 3 has been achieved. The remaining 'open-market' dwellings shall achieve Level 2 of the Code for Sustainable Homes and no 'open-market' dwelling shall be occupied until a design stage certificate has been issued for it certifying that the appropriate Code Level 2 has been achieved.

Reason: To ensure a sustainable and energy efficient form of development pursuant to policy CC4 of the South East Plan 2009.

Informatives set out below

You are advised that all other conditions relating to planning permissions MA/04/1363 and MA09/1535 remain valid and should be complied with as required.

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.





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MA/09/2260:

Address

**Former Leonard Gould Works, Pickering
Street, Maidstone**

Representations

Loose Parish Council Have reiterated their previous views as set out in the report. They have also apologised for the fact that they are unable to send a representative to the meeting.

One further letter of objection has been received this also reiterates objections set and addressed in the report.

Amendments to recommendation

None

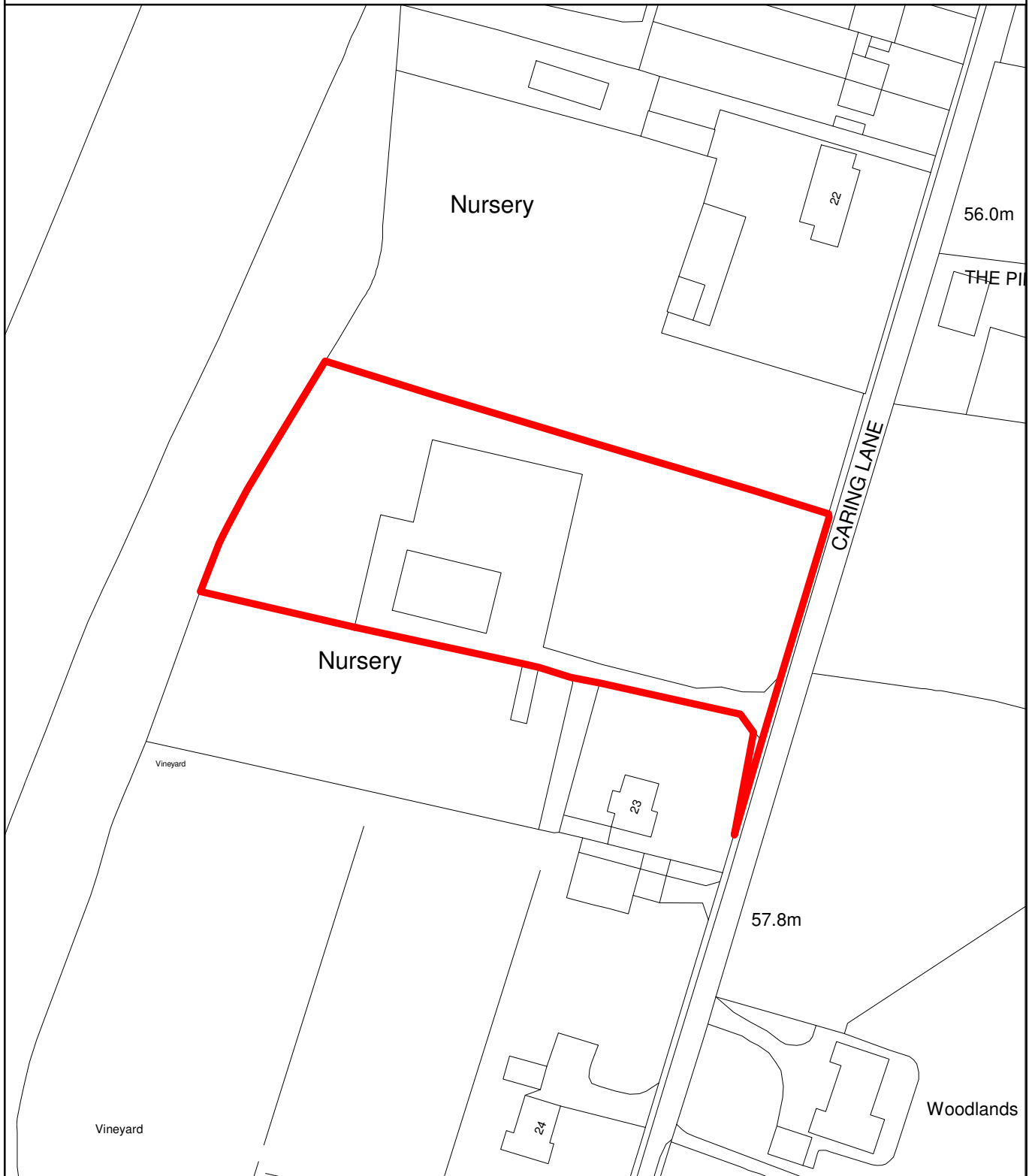
Agenda Item 16

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/10/0140

GRID REF: TQ8154

CORBIN BUSINESS PARK,
CARING LANE, BEARSTED.



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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; 1010083/SK001; 09135/11C; ; 1010083/SK002; 09135/10/C/ 09135/12/C received on the 29 January 2010, and plans numbered 1670/01 Rev A and 09135-02 F received on 4 May 2010, and ecological desktop study as received on the 23 March 2010.

AGENDA DATE: 10th June 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.'

Cllr Horne has also requested that a copy of the recent Appeal decision for the neighbouring land be appended to this report, in order that Members be aware of the planning history of the surrounding land.

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 7th 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 eighteen letters of objection have been received (including two from the Bearsted and Thurnham Society). 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;
- The proposal would have an adverse impact upon the broadband service within the area;
- The design is out of keeping within the locality;
- The proposal would lead to the erosion of the existing verges;
- There is little evidence that the staff are encouraged to car share;
- The training could be outsourced;
- It is disputed that the development would bring money into the area;
- The proposal would have a detrimental impact upon the character of the Special Landscape Area.

A petition with 55 signatures has been submitted. The main issues raised within this petition are summarised below: -

- The impact upon the highway network;
- The impact upon the countryside.

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.

Additional representation has been received from **CPRE Maidstone** concerning this application. These further comments are summarised below: -

- CPRE re-iterate their concern of the impact upon the Special Landscape Area. They do not consider that matters of ownership should override the need to protect such landscapes.
- CPRE have stated that they consider it important to place great emphasis upon promoting this form of development within the town centre. To promote sustainability. They state that there is a significant amount of office space available within the existing town centre.
- Parallels between this development and KIG have been made, in that the Council sought to protect the countryside in that instance.
- They re-iterate that the development is not sustainable.
- They consider that much of the training proposed would be better provided within the existing schools themselves, rather than on site.

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. Footpath KH0139 runs to the north of the application site, and then turns up to the A20.

- 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. A gypsy site is located adjacent to Caring Lane to the north of the site.
- 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 1 ½ mile to the centre). 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 metres² (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. 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.

3.3.8 I would also advise and make clear to Members that the proposed Heads of Terms for the s106 obligations have been considered against the statutory tests as set out within Regulation 122 of the Act. This sets out that any obligation should be;

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

I consider that this proposal would meet these requirements in that the legal agreement is necessary, as it is a justification for the development to be permitted, overriding policies within the Development Plan, it is related to the development, and it is fair and related to the development – the applicant has put the idea forward as a means to run his business.

3.3.9 As such, 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.

3.3.10 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 2,500m² - there are no maximum standards for developments below this figure) which sets out that there should be no more than 1 space per 30m² 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, and Kent Highway Services raise no objections to this proposal, and 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.

3.3.11 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).

3.3.12 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.

3.3.13 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.

3.3.14 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 approximately 60% 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 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 30m² 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 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 to 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 1000metres² 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.

3.9.5 Whilst concern has been raised about the impact that the proposal could have on neighbouring properties internet speeds, I have not been given any indication as to why this proposal would slow internet connection speeds down.

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. As with any balanced decision, weight has to be given to the respective arguments for and against. 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 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for and amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To prevent harm and pollution to the environment in accordance with PPS23.

9. No development shall take place until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent harm and pollution to the environment in accordance with PPS23.

10. The development shall not commence until details have been submitted showing that a minimum of 10% of the energy requirements of the building are to be met from renewable sources. The development shall not be occupied until the subsequently approved details have been implemented and they shall be maintained thereafter.

Reason: In the interests of sustainability and to provide an energy efficient form of development pursuant to Policy NRM11 of the South East Plan (2009).

11. 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.

12. 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.

13. 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.

14. 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.

15.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.

16.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.

17.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.

18.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

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.



The Planning Inspectorate

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Elly Hammond
 Maidstone Borough Council
 Maidstone House
 King Street
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 Kent
 ME15 6JQ

P.A. Correspondence?	
Maidstone Council	
08 SEP 2009	Init'l
CHQ. DET. £	
DRAWER	

Your Ref: MA/08/0824
 Our Ref: APP/U2235/C/08/2089940
 Further appeal references at foot of letter
 Date: 7 September 2009

Dear Miss Hammond

Town and Country Planning Act 1990

Appeals by Leonard Friend

Site at South Side Of 22 Caring Lane, Bearsted, Maidstone, ME14 4NJ, Land On The South Side Of, Summer Place 22 Caring Lane, Bearsted, Maidstone, ME14 4NJ and Summer Place, 22 Caring Lane, Bearsted, Maidstone, ME14 4NJ

I enclose a copy of our Inspector's decision on the above appeals.

Leaflets explaining the right of appeal to the High Court against the decision, our complaints procedures and how the documents can be inspected are on our website - www.planning-inspectorate.gov.uk/pins/agency_info/complaints/complaints_dealing.htm - and are also enclosed if you have chosen to communicate by post. If you would prefer hard copies of these leaflets, please contact our Customer Services team on 0117 3726372.

If you have any queries relating to the decision please send them to:

Quality Assurance Unit
 The Planning Inspectorate
 4/11 Eagle Wing
 Temple Quay House
 2 The Square, Temple Quay
 Bristol BS1 6PN

Phone No. 0117 372 8252

Fax No. 0117 372 8139

E-mail: complaints@pins.gsi.gov.uk

Yours sincerely

pp Ewa Sherman



EDL1(BPR)

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Further appeal references:- APP/U2235/C/08/2090277 and APP/U2235/A/08/2090308

*You can now use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is - <http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp>
You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button*



Appeal Decisions

Hearing opened on 27 May 2009

Site visit made on 28 May 2009

by **D E Morden MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
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Decision date:
7 September 2009

Appeal A: APP/U2235/C/08/2089940

Summer Place, adj 22 Caring Lane, Bearsted, Maidstone, ME14 4NJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr L Friend against an enforcement notice issued by Maidstone Borough Council.
- The Council's reference is ENF/10047.
- The notice was issued on 7 October 2008.
- The breach of planning control as alleged in the notice is the change of use of the land to use for the stationing of caravans for residential occupation.
- The requirements of the notice are to (i) cease permanently the use of the land for the stationing of caravans in residential occupation and (ii) remove permanently from the land all caravans unconnected with the lawful use of the land.
- The period for compliance with the requirements is three months.
- The appeal is proceeding on the grounds set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the ground (a) appeal and the application for planning permission deemed to have been made under section 177(5) of the Act as amended do not fall to be considered.
- The hearing sat for 2 days on 27 and 28 May 2009 and the site visit was also undertaken on 28 May.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with variations as set out in the Formal Decision at paragraph 41 below.

Appeal B: APP/U2235/C/08/2090277

Summer Place, adj 22 Caring Lane, Bearsted, Maidstone, ME14 4NJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr L Friend against an enforcement notice issued by Maidstone Borough Council.
- The Council's reference is ENF/10047.
- The notice was issued on 7 October 2008.
- The breach of planning control as alleged in the notice is the laying of an area of hard surfacing including the creation of a vehicular access to the highway; the erection of fencing and gates ancillary to the unlawful development and change of use of the land; erection of a brick utilities building and the erection of a sanitary building, all shown in various colours in the approximate positions on Plan B attached to the notice.
- The requirements of the notice are as follows: (i) excavate and remove permanently from the land, the area of hard surfacing; (ii) excavate and remove permanently from the land the vehicular access; (iii) demolish and permanently remove from the land the fencing and gates; (iv) demolish and permanently remove from the land the brick utilities building; (v) following compliance with (iv), excavate and remove permanently from the land the foundations of the brick utilities building; (vi) demolish and

permanently remove from the land the portable sanitary building; (vii) following compliance with (vi), excavate and remove permanently from the land the foundation of the portable sanitary building; (viii) remove permanently from the land all materials, waste and debris resulting from compliance with (i) – (v); (ix) following compliance with steps (i), (ii), (iv) and (vii), restore the land previously covered by the area of hard surfacing, the vehicular access and foundations to its original condition by ripping in two directions to a depth of 300mm; re-spreading topsoil over the ground to a depth of 150mm, or more where necessary, to fill in depressions left by excavation of the area of area of hard surfacing, vehicular access and foundations; grade the spread topsoil to leave a level surface; and reseed with grass.

- The periods for compliance with the requirements are four months for (ix) and three months for (i) to (viii).
- The appeal is proceeding on the grounds set out in section 174(2)(c) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the ground (a) appeal and the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.
- The hearing sat for 2 days on 27 and 28 May 2009 and the site visit was also undertaken on 28 May.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with variations as set out in the Formal Decision at paragraph 42 below.

Appeal C: APP/U2235/A/08/2090308

Summer Place, adj 22 Caring Lane, Bearsted, Maidstone, ME14 4NJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr L Friend against the decision of Maidstone Borough Council.
- The application Ref MA/08/0824, dated 24 July 2008, was refused by notice dated 4 September 2008.
- The development proposed is the change of use of the land to use for stationing three twin mobile caravans, three touring caravans, two toilet and kitchen blocks, a new access and a hard standing.
- The hearing sat for 2 days on 27 and 28 May 2009 and the site visit was also undertaken on 28 May.

Summary of Decision: The appeal is dismissed as set out in the Formal Decision at paragraph 43 below.

Preliminary Matters

1. At the opening of the hearing the appellant confirmed that the appeal on ground (c) on appeal B was withdrawn. The appeal on ground (a) and those on the deemed applications (Appeals A and B) had lapsed as the appropriate fee had not been paid in either case leaving just the question of whether or not the time for compliance with the notices was reasonable. I confirmed on site that the brick utilities building referred to in the notice was the small box like structure fixed to the fence in the south east corner of the site rather than a building and it was not one of the buildings described in the S78 appeal.
2. On the S78 appeal the appellant confirmed that the proposal to be considered should be for only one utility building; it was unlikely that two sited on the land could comply with site licensing regulations. It was also put forward that its exact siting could be the subject of a condition requiring a plan to be submitted

to the Council for approval; it was acknowledged that the position shown on the submitted layout plan (front of the site) was an unacceptable location. I shall deal with the appeal, therefore on the basis that it is only for one utility building on the site as I agree, from what I saw on the site visit, that it would be very unlikely that two such buildings could be accommodated on the land as well as all the 'caravans' that are there.

3. The parties agreed that if I determined that the boundary fence needed planning permission, I should include it in the S78 appeal for consideration. It had been included in the operations notice (Appeal B) but not in the planning application (the subject of Appeal C). In my view it is a relatively minor alteration to the appeal being considered and everyone who wanted to make comments had the opportunity to do so at the Hearing. There would, therefore, be no injustice to any party in my view if I included the boundary fencing in the S78 appeal (I measured it on site and found it to be less than two metres high).

Gypsy Status

4. The Council agreed that the appellant and those others who were on the site satisfied the definition of gypsy i.e., a person of nomadic habit of life whatever their race or origin. Some interested persons questioned the matter and one stated those on the site were developers but the family circumstances set out in Annex A to the appellant's representations gave a history of the family members currently living on the site confirming their travelling lifestyle. The appellant was self employed and did roofing, external building work and landscaping. He had built himself a house once in Chatham but still kept a caravan in the curtilage and used the house just for kitchen and bathroom facilities. He sold it some years ago and returned to the travelling lifestyle.
5. The last place he stayed on had was a site in Wrotham Heath until September 2007 but had to leave it as it was a Caravan Club site and no one can stay on those permanently. His son, who also stays on the site, is self employed undertaking building contracting work and had travelled across much of the country until settling here with his wife as both his young children attend the local play school in Bearsted.
6. Also on the site are the appellant's wife (who was born on a caravan site and travelled with her parents before marrying the appellant) and two daughter's one of whom is married (to Matthew Holland, a gypsy who was evicted from a site in June 2006) and has three young children and the other who is engaged to a gypsy (Gary Brazil) but he does not stay on this site at present.
7. I consider from the representations made at the hearing, concerning the lifestyle of those living on site, and what was in the written representations, that the appellant and his wife and also his three children and their partners are all gypsies.

The Section 78 appeal – Appeal C

Main issues

8. I consider, having regard to the prevailing policies, that there are four main issues in this case. These are whether the development materially harms

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firstly, the rural character and appearance of the area, secondly, highway safety, thirdly, the living conditions of nearby occupiers and fourthly, whether the location is sustainable having regard to the objectives of the relevant policies in the Development Plan.

Reasoning

9. Dealing with the first issue, the site lies in an Area of Special Landscape Value, the boundary being along Caring Lane and is to the north east of the built up area of Maidstone. It lies about three quarters of a mile to the south of the North Downs AONB which is to the north of the M20 motorway. Caring Lane is generally rural in character with some scattered frontage development although it is more densely developed at this northern end with the appeal site once being the frontage part of a nursery (accessed on the other side of the dwelling immediately to the north).
10. There is a row of seven or eight dwellings to the north spread over a frontage of about 100 metres and then on the other side of Caring lane a ribbon of 15 or so dwellings on a frontage of about 250 metres and all are generally set back about 15 to 18 metres from the highway with well screened frontages in most cases. Further south the development along the lane is more scattered with individual properties and/or nurseries and farm buildings close to the road.
11. The Special Landscape Area was designated as a buffer between the AONB and the rest of the countryside outside of the settlements and has a generally open character rolling down to the river valley with small woodlands and copses being typical as well as hedgerow boundaries to the roads and small to medium sized fields behind. I acknowledge that the further south one travels along Caring Lane the more rural it appears (as stated by the Council in its representations). The appeal site is located just to the south of the two ribbons of development, one on either side of the road but is, in my view, in an area with a rural character.
12. There is a footpath about 30 metres to the south off Caring Lane which then turns north and runs along the western boundary of what used to be the nursery garden (continuing north to the A20 and Bearsted to the west). It is some 65 metres to the rear of the site but there are glimpses of the development through the trees, particularly from the south where it is obvious to any walker that the site is there.
13. National guidance has the overall aim of protecting the countryside for its own sake and there is a presumption against new development outside existing settlements that is not associated with the needs of agriculture, forestry or other uses 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.
14. 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.

15. I consider that it is intrusive and adversely affects the character of the area contrary to the objectives of the relevant policies in 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.
16. Turning to the second main issue, Caring Lane is straight at this point and slopes gently downwards from north to south. The road has a 30 mph speed restriction on it although whilst spending just over an hour surveying traffic between 0800 and 0900 on the second day I noted that traffic frequently drove in excess of that speed, particularly if there was nothing coming in the opposite direction. Drivers did slow considerably, however, when someone else was travelling towards them, due to the narrowness of the highway. Although there are no street lights and the road is not wide (about 15 metres) it is straight with good forward visibility so speeds in excess of the limit are not surprising when the road is clear.
17. Whilst a sight line of 43 metres can be achieved to the south, so long as the hedge is kept trimmed, only about one third of that distance is within the appellant's control and to the north, even though the boundary fence on the adjoining property is currently low and one can just see over it from the driving position, it could be raised and a sight line of only just over 11 metres can be achieved in this direction on land within the appellant's control. Wherever the actual crossing to the road is placed in the land owned by the appellant sight lines in both directions that meet the highway requirements cannot be provided. The Council were also concerned about the surface of the access but that is something that could be made satisfactory and the appellant did not object to that being the subject of a condition if the appeal was allowed.
18. Highway safety was a major concern of adjoining and nearby occupiers who made written representations and stated that the road was used as a 'rat run' and very busy at peak times with most traffic travelling well in excess of the speed limit. The appellant argued that the sight line was only inadequate to the north and that was less important when people were exiting the site as approaching traffic was on the other side of the road. The sight line has to be taken for the near side, however, as there is always the possibility of an overtaking vehicle that needs to be seen,
19. From what I saw on site I consider that the access is poor and there is no opportunity to improve visibility to ensure a safe access. I disagree with the appellant's view that one should be less concerned with the view to the north. I acknowledge that the access is only for three units and traffic generation will be minimal; it is not a junction of two roads with the latter carrying a great deal of traffic but just a single private access on to a road. In my view though, it will be likely to generate more traffic and adding a further access with inadequate sight lines would be prejudicial to road safety along Caring Lane in the vicinity of the appeal site.
20. Looking at the third main issue, those nearby were concerned about noise disturbance that would arise from two, possibly three, families with young children who, because of the accommodation provided tended to spend more time outside playing than might otherwise be the case. There would also be more traffic movements than if it was one dwelling and when it had been part

of the nursery there was no access from Caring Lane causing any disturbance on that side. The appellant stated that he got on well with his neighbours who actually remarked that it was good to see children playing outdoors. He had no animals and traffic was limited.

21. I agree that there would be likely to be more noise than when the land (or at least the rear half of it) was used as part of a nursery garden. There is no business use on the site (and that can be secured by condition) so the only additional noise that is generated comes from the residential occupation of the site by the appellant and his extended family. In my view that would not be sufficient to cause material harm to the occupiers to the north such that it could justify refusing planning permission and, as the appellant put it, each individual reason for refusal has, by itself, to be sufficient to justify not allowing some development to take place.
22. The last main issue is whether the site is in a sustainable location. Regarding gypsy and traveller sites Circular 1/2006 at paragraph 64 says consideration should be given to a number of matters including the promotion of peaceful and integrated co-existence with the local community, the wider benefits of easier access to a GP and other health facilities, children attending school, the provision of a settled base and sites that are not subject to high risk of flooding although the list is not meant to be exhaustive. The Council referred to an appeal decision (APP/U2235/A/06/2026541) for a new dwelling adjacent to 15 Caring Lane (about 90 metres to the north of this site) where the inspector determined that it was not in a sustainable location.
23. The nearest bus stop is on the A20 about 500 metres (one third of a mile) away but there is no footway along the unlit and narrow Caring Lane and the Council stated that the route that stopped there went to Maidstone and not to the local facilities in Bearsted. It is about 2.25 kilometres (1.4 miles) drive to the local facilities in Bearsted, which the Council agreed provided the shops and health facilities necessary and also schools although it is slightly less if one uses the public footpath system that runs along the back of the site.
24. I agree with the Council that people will rely almost solely on the car to travel from here and it is not a sustainable site. The footpath route is unlit and just across fields in places including the need to get over stiles. It is unlit and in my view not a route one would walk along with small children to get them to school nor a route one would use to carry home shopping which, in any event, would normally be limited to about a quarter of that distance if carrying goods.
25. National and local policy is aimed at reducing dependence on the private car and achieving sustainable patterns of development. Sites such as this should only be allowed where there is a clear need for the development to be in this location. Nothing was put forward to state that the development has to be in this particular location and it is contrary and prejudicial to the objectives of the policies in the Development Plan which seek to promote a sequential type approach and give priority to sites within settlements rather than those in the countryside.
26. The weight is heavily against the development on three of the four main issues (only the effect on the living conditions of the neighbours would not justify dismissing the appeals) and the appeals should only be allowed, therefore, if

there are material considerations that outweigh those objections. In this instance the appellant relied on the need that existed for permanent sites for gypsies and travellers in the area, of which the appellant and his family were a part and that they were local to the area. There were no special educational or health needs put forward to support any claim that this was the location where they needed to be.

27. There was little discussion on gypsy and traveller needs as the Council agreed there was an outstanding need for pitches in its area and the figure of 32 pitches to be provided in Maidstone Borough in the period April 2006-2011, contained in the East Kent Gypsy & Traveller Accommodation Assessment (GTAA), was agreed by the two main parties. There was also no dispute from the Council that the appellant was a 'local' who frequented this area. The appellant argued that the Regional Spatial Strategy (RSS) and Local Development Framework (LDF) processes were too slow and the only way forward was by granting planning permissions.
28. The Council had written to the appellant shortly before the hearing on 14 May and set out that 16 permanent permissions had been granted since 2006 (half the required figure) and there were a further 8 temporary permissions that ought to be counted against the total as they would not expire until 2013. It was clear that the Council was meeting its target requirement and on schedule. There was nothing put forward by the appellant concerning whether alternative land for purchase had been looked at or whether he had tried to find a pitch on any existing site, either public or private.
29. As stated above, the GTAA has been undertaken and the Partial Review of the South East Plan which is dealing specifically with accommodation for gypsies, and travellers is underway. The Regional Assembly (SEERA) has agreed its preferred option for future pitches across the region and if confirmed will result in a requirement of 35 pitches through to 2011 (an update of the 32 total, not an addition). The Council has resolved to prioritise its LDF work and the Development Plan Document (DPD) will be published in 2010 and should be adopted in 2011; a list of identified sites will be in the public consultation document to be published in the spring of 2010.

Conclusions on the Section 78 appeal – Appeal C

30. The objections to the development are not disputed by the appellant who stated that it was a question of balance for me to determine against what was agreed was an unmet need for sites in the Council's area. He argued in closing that each of the objections by itself was not sufficient to justify refusal and the development plan process for allocating sites was too slow; the need was there now and permission ought to be granted even if only a temporary one.
31. I found that refusal was justified on three of the four main issues even if taken individually and whilst the area is not a nationally recognised designation the development does materially harm the objectives of the policies seeking to protect it (as stated in paragraph 15 above). There is also a strong highway objection; the sight lines are poor to one side and even on the other side where they are better they are not within the control of the appellant. A recent decision on a site closer to bus routes and local facilities was found to be unsustainable and I have no reason to disagree with that in concluding on this

case. Against these strong objections there was little put forward as material considerations to outweigh that.

32. There are no particular personal circumstances that would weigh in favour of the appellant and his extended family being in this particular location and whilst it is acknowledged that a base is required for the children attending school or soon to be doing so, there were no special needs suggested that meant they had to go to the school local to this site. The Council accepted an unmet need existed but permissions given are well on target to meet that need and there are also a number of temporary permissions existing. Work is well advanced following the publication of the GTAA and site specific allocations will be published in spring 2010 in the Development Plan Document (DPD) dealing specifically with meeting the requirement already agreed. It is thought that it will be adopted in 2011.
33. Whilst substantial weight has to be attributed to the unmet need it has to be balanced against the significant harm arising from the development and that would be the case even if a temporary permission was granted. I conclude, for all the reasons set out above that permission should not be granted and I will consider a relevant time for compliance, bearing in mind the likely timescale for the adoption of a DPD allocating sites in looking at the ground (g) appeals (on Appeals A and B).
34. I recognise that the dismissal of these appeals would interfere with the appellant's home and private family life (including that of the extended family) and could result in the loss of the homes with no satisfactory alternative. The need to maintain a travelling lifestyle is an important factor in the decision making process. Nevertheless the interference and the rights of the appellant must be balanced against the wider public interest in pursuing legitimate aims stated in Article 8 of the European Convention on Human Rights, particularly the economic well being of the country which includes the preservation and conservation of the environment.
35. The objections to the development are serious and cannot be overcome by conditions or granting a temporary permission, both of which were discussed at the hearing. There are strong environmental and highway reasons for refusing the appeals and I consider that dismissing them is the only way to safeguard those legitimate aims. I consider, therefore, that there would not be a violation of the appellant's rights under Article 8 of the Convention.
36. For the reasons set out above I conclude that Appeal A should be dismissed and planning permission should not be granted.

The appeals on Ground (g) – Appeals A and B

37. The Council stated that the three months set out for all the requirements (other than the four months for restoration of the land after clearance) in both notices was standard for this type of development. The time period has to be considered reasonable from the time the Notice comes into effect. The appellant should be entitled to proceed on the basis that the appeal will be successful and should not have to be engaged in what could prove an expensive and time consuming exercise in searching for alternatives until the outcome of the appeal is known. I do not consider three months is a

reasonable period taking into account the undisputed difficulty the appellants will have in finding a suitable alternative site within the area.

38. In this instance I am aware that these are the only homes of the appellant and his extended family (three children and in some cases their children) and it would be unreasonable to consider any period less than 12 months bearing in mind they would be made homeless. In this instance it is likely that suitable sites will be identified in early 2011 and whilst not agreeing with the appellant that at least two years should be given for compliance, a period of compliance of 18 months would end in spring 2011 and should coincide with sites being made available. I will, therefore, extend the period of compliance to 18 months and to that limited extent the appeal on ground (g) on Appeal A succeeds.

39. On Appeal B the appellant stated that the site could be made good in the three and four month periods specified but bearing in mind my decision on Appeal A these periods should be varied to reflect that. As 18 months is the period for compliance for the cessation of the use and the removal of the caravans then, in my view, it would be appropriate to vary the time on the other notice to 19 months for requirements (i) to (viii) and 20 months for (ix). That would allow the physical works to take place after the caravans have gone as it would not be possible, for example, to remove the access and portable sanitary building whilst they are still there. To that limited extent the appeal succeeds and I will vary the notice.

Overall conclusions

40. For the reasons given above and having regard to all other matters raised, I conclude that all three appeals should be dismissed. I shall uphold the enforcement notices with variations.

Formal Decisions

Appeal A: APP/U2235/C/08/2089940

41. I direct that the enforcement notice be varied by substituting the words 'Eighteen months' for the words 'Three month' in paragraphs 5(i) and 5(ii). Subject to these variations I dismiss the appeal and uphold the enforcement notice.

Appeal B: APP/U2235/C/08/2090277

42. I direct that the enforcement notice be varied by substituting the words 'nineteen months' for the words 'three months' in paragraph 5 (i) - (viii) and 'twenty months' for the words 'four months' in paragraph 5(ix). Subject to these variations I dismiss the appeal and uphold the enforcement notice.

Appeal C: APP/U2235/A/08/2090308

43. I dismiss the appeal.

D E Morden

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Dr R K Home	Appellant's agent
Mr L Friend	Appellant
Mrs S Friend	Appellant's wife

FOR THE LOCAL PLANNING AUTHORITY:

Ms C Sladé BSc	Planning Officer, Maidstone BC
Mr R Timms MATCP MRTPI	Planning Officer, Maidstone BC
Mrs L Rowlands	Kent County Council (Highways)

INTERESTED PERSONS:

Mrs A Bloomfield BA(Hons) MRTPI	Bloomfields, Chartered Town Planners, representing Caring Conservation Society
Mr E Sandford	Local resident
Mr B Clifford	Chairman, Bearsted and Thurnham Society
Mr P Kelsey	Local resident

DOCUMENTS

- 1 Council's letter notifying people of date and time of Hearing
- 2 Letter from a local resident
- 3 Council's update on the South East Plan RSS and DPD for gypsies & travellers
- 4 Copy of Policy C4 of the South East Plan
- 5 LPA's brief note on bus timetables on the A20
- 6 List of members of Caring Conservation Society
- 7 Mrs Bloomfield's document regarding the Need for pitches and details of applications received from gypsies and travellers
- 8 Mrs Bloomfield's copy of the :PA 'toolkit' for dealing with applications for gypsy and traveller caravan sites
- 9 Mr Sandford's extract from Babbie traffic survey, 2004
- 10 Inspector's traffic survey

PLANS

- A Plan showing boundary of Special Landscape Area
- B Plan showing Public footpath KH139
- C Amended layout plan for site considered by the Council when dealing with the planning application

PHOTOGRAPH

- 1 Council's aerial photograph showing the site in 2003.

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Consultations

Thurnham Parish Council: Raise a number of objections (a copy of their letter is appended). These relate to planning policy and the new governments stated aim of giving neighbourhoods far more ability to determine the shape of the spaces in which their inhabitants live they contend that the Council should be starting to do this in considering planning applications. They also state that greater weight should be given to policy ENV28 of the MBWLP 2000 as this provides robust protection of the countryside. They consider that the development will be an overdevelopment of the site and have an unacceptable impact on the area which is within a Special Landscape Area. They also refer to highway safety and the economic development arguments put forward by the applicants.

Officer comment: The impact of the development on the area planning policy and highway and economic development issues are addressed in the report.

Leeds Parish Council: Have re-iterated their concerns and objections regarding highway safety.

Officer comment: Highway safety is addressed in the report

EDF Energy: Have stated that they have no objections to the proposal.

Southern Water: Have suggested a drainage condition. Such a condition is included in the recommendation in the Committee report.

Representations

8 further letters have been received from neighbouring properties. These raise the following main issues:

- Highway safety issues / traffic generation
- Visual Impact
- Whether this is the most appropriate site for the development / a brownfield site should first be considered
- Damage to property
- Planning history of refusals in Caring Lane
- Erosion of lane verges
- Oppressive to users of public footpath

Most of these issues are dealt with in the Committee report. Damage to property is not a material planning consideration.

Clarification of Report

At paragraph 3.1.1 under the site description, I wish to clarify that it is the **Kent Downs AONB** that the 'North Downs Special Landscape Area' extends southwards from.

I can also confirm to Members that the existing building on the site is approximately 22m x 14.3m with two differing eaves levels, one being 3.1m and the other 5.9m. The ridge height of the existing building is 8.1m.

At paragraph 3.2.1 to clarify the description of the development, the proposal is for a two storey rear extension that would form a new L-shaped footprint. The main extension would have a width of 14.3m and be linked to the west side of the existing building by a lower, narrow pitched roof section resulting in a total projection to the rear, west of the site of 17.7m. The extension would have a length of 30m with a lower and narrower projection on the north side for a further 5.5m resulting in a total length of 35.5m. The maximum ridge height of the main section would be 8.1m (to match the existing building) with an eaves height of 5.9m.

Travel Plan

As outlined in the main report, the Sustainable Transport Team at Kent Highway Services have sought clarification and have recommended some detailed changes to the original travel plan in order to strengthen the plan. The subsequently amended travel has now been reviewed by Kent Highway Services and is recommended for approval.

The main changes from the original plan are the travel plan targets and the following amended target travel modes are proposed:

Journey Mode	Lift Share	Train	Bus	Walk	Cycle	Car Driver	Total
Existing mode share	17.6%	0%	0%	0.8%	3.9%	77.7%	100%
Proposed mode share	21%	3%	2%	1%	8%	65%	100%
Staff trips	19	3	2	1	8	59	91

The lift share percentage marks a reduction of 4% and the cycling a reduction of 1% on the previous plan but there are now additional targets for train and bus use. Walking targets remain the same as does the target to reduce single car use.

The Travel Plan is to be secured by means of an appropriate condition rather than through a s106 agreement as stated in the report at paragraph 3.2.4.

Highway issues

I am advised by Kent Highway Services that the correct visibility splay requirement for the access onto Caring Lane based on the 85th percentile speed and the advice in Manual for Streets is 59m x 2m x 59m with no obstruction

within the splay above 600mm. This corrects the advice given in paragraph 1.3 of the report on page 90.

An appropriate condition to secure this visibility splay should be added.

Reference has also been made in the report (para. 3.6.10) to the provision of traffic calming measures (painted road marking emphasising the 30mph speed limit) within the existing highway limits along Caring Lane. These are shown on a plan submitted as part of the application (drawing no.1010083/SK002) and also include the provision of highlight/backing boards to existing 30mph signpost along Caring Lane. The measures have been agreed with Kent Highway Services and would be secured by means of an agreement under s278 of the Highways Act.

A condition preventing occupation of the extension until the works have been implemented would be appropriate.

Parking

I propose the following amendment to condition 12 to reduce the parking provision at the site from 53 spaces to 50 spaces. This is because whilst the proposed increase in staff numbers from 60 to 125 represents a 92% increase in staff, the parking currently represents a 103% increase. Therefore I recommend the following amendment to condition 12 to reduce the parking provision to 50 spaces in proportion with the increase in staff numbers. I am still satisfied that this amended parking provision, together with an amended travel plan to reflect this, would ensure that there would be no overspill onto Caring Lane.

12. Notwithstanding drawing no. 09135- 02 received on 4th May 2010 the development shall not commence until amended plans have been received showing a reduction of the car parking provision from 53 spaces to 50 spaces. The subsequently 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: In the interests of sustainable transport objectives and 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.

This reduction will necessitate an amendment to the landscaping scheme so I also propose an amendment to condition 3 as follows:

3. Notwithstanding drawing no. 1670/01 RevA received on 4th May 2010 the development shall not commence until an amended landscaping scheme has

been submitted to and approved in writing by the Local Planning Authority reflecting the reduced car parking provision required under condition 12.

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

The reduction in car parking spaces on the site will also necessitate an amendment to the travel plan to reflect the revised provision on the site so I propose an amendment to condition 5 as follows:

5. *No part of the extension hereby permitted shall be brought into beneficial use unless and until an amended detailed Travel Plan has been prepared and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority reflecting the reduced car parking provision required by condition 12. 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.

Following legal advice I also wish to amend condition 7 to delete reference to G-Forces Ltd. but still maintain a requirement that it is first used for digital media purposes.

Amendments to Recommendation

Amend condition 3 to read:

3. *Notwithstanding drawing no. 1670/01 RevA received on 4th May 2010 the development shall not commence until an amended landscaping scheme has been submitted to and approved in writing by the Local Planning Authority reflecting the reduced car parking provision required under condition 12.*

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

Amend condition 5 to read

5. *No part of the extension hereby permitted shall be brought into beneficial use unless and until an amended detailed Travel Plan has been prepared and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority reflecting the reduced car parking provision required by condition 12. 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.

Amend condition 7 to read

7. *The building hereby permitted shall be first used for the use of digital media purposes;*

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

Amend condition 12 to read

12. *Notwithstanding drawing no. 09135- 02 received on 4th May 2010 the development shall not commence until amended plans have been received showing a reduction of the car parking provision from 53 spaces to 50 spaces. The subsequently 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: In the interests of sustainable transport objectives and 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.

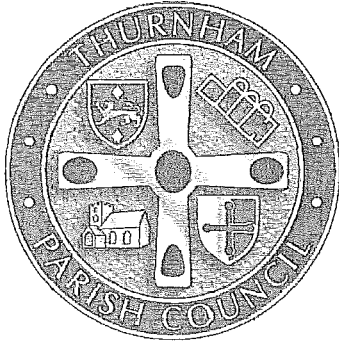
Add additional conditions

19. *The vehicular access to Caring Lane shall be provided with visibility splays of 59m x 2.0m x 59m with no obstruction over 0.60m in height within the splays. The visibility splays shall be provided prior to the first occupation of the development hereby permitted and shall be subsequently maintained thereafter;*

Reason: In the interests of highway safety pursuant to policy T23 of the Maidstone Borough-wide Local Plan 2000 and the advice in 'Manual for Streets.'

20. *The development hereby permitted shall not be occupied until the highway works indicated on drawing no 1010083/SK002 received 29/01/2010 and the provision of additional highlight/backing boards to existing 30mph speed limit signs in Caring Lane have been undertaken to the satisfaction of the local planning and highway authorities.*

Reason: In the interests of highway safety pursuant to policy T23 of the Maidstone Borough-wide Local Plan 2000.



THURNHAM PARISH COUNCIL

*Parish Clerk: Mrs Sherrie Babington
4 Birkhall Close, Walderslade, Chatham,
Kent, ME5 7QD*

Telephone and Fax: 01634 867173

Email: thurnhamparishcouncil@sherriebabington.co.uk

Mr C Hawkins
Maidstone Borough Council
Maidstone House
King Street
Maidstone
Kent

P.R. Correspondence?	
REF:	
09 JUN 2010	Init'l
CHQ. DET. £	
DRAWER	

~~3rd March 2010~~ 7-6 June 2010

Dear Mr Hawkins

MA/10/0140 Corbin Business Park, Caring Lane.

Erection of a two storey rear extension to existing office building including reconfigured site layout, parking and landscaping.

Due to the complexity of this application we ask that this letter is published in its entirety to members of the Planning Committee. We will be circulating our own summary to each member shortly before the meeting.

Thurnham Parish Council objected to the above planning application in our letter of 3rd March 2010. Our objection still stands for the same reasons.

However in view of recent developments we wish to add the following statements.

1. New Planning Policy

Whilst not yet policy, the government's document, "Building the Big Society" states:

We will radically reform the planning system to give neighbourhoods far more ability to determine the shape of the places in which their inhabitants live."

We consider that Maidstone should start to include this factor in considering planning applications.

Although the Secretary of State has signalled his intention to rapidly abolish Regional Spatial Strategies the existing planning regime in place for Maidstone is equally robust about protecting the countryside and locating office development in the town centre. 6.1.1. of the applicants Economic Statement & Sequential Assessment erroneously states that

"There are no saved policies within the Local Plan of relevance to this proposal."

This is not correct. For example Local Plan Policy ENV28 seeks to protect the open countryside. The Policy both seeks to resist inappropriate development and set criteria to guide appropriate development in the countryside. This application fails to meet those criteria.

2. Special Landscape Areas.

The location plan provided for Members was inaccurate in that it did not show the site in its context. There is Public Footpath adjoining the site and it is close to a Gypsy site currently to be vacated under direction for a Planning Inspector.

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 over develop the area beyond that which is acceptable in a rural area.

Policy ENV34 applies to Special Landscape Areas. Here, particular attention will be given to the protection and conservation of the scenic quality and distinctive character of the area with priority given to the landscape over other planning considerations.

Helpfully, this very issue was considered by Mr. D E Morden MRTPI, an Inspector appointed by the Secretary of State for Communities and Local Government, when considering three appeals with regard to land adjacent to 22 Caring Lane, Thurnham, a site that is close to this site.

Mr Morden made a number of points in his reasoning for dismissing the appeal.

At Para 9 page 4

"Dealing with the first issue, the site lies in an Area of Special Landscape Value"

At Para 11 page 4

"The Special Landscape Area was designated as a buffer between the AONB and the rest of the countryside..."

At Para 13, page 4, Mr. Morden comments as follows:

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."

Para 14, page 4;

"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."

The Planning Inspectorate therefore accepted in September 2009 that Special Landscape Area designation was applicable and that it was material to his decision.

Therefore, the applicant has no justification in questioning its validity or the weight that the Inspectorate should attach to an SLA.

It is material to point out that the inspector was upholding the argument put to him on behalf of the Local Planning Authority – MBC-

The appeals were dismissed on 7 September 2009.

Maidstone has been consistent in its decision on planning matters in Caring Lane. To give examples of where planning policy has been used to refuse planning applications we refer you to the applications for Summer Place, Jarrack's Barn and a plot adjacent to No. 1 Caring Lane. In 2 of these cases appeals were made and subsequently dismissed.

We therefore consider that should G Forces' application be refused any appeal would be dismissed by the Inspector for the Secretary of state.

3. Highway Issues

The Parish Council is very concerned regarding 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 7th September 2009.

Again to quote Mr Morden's findings

Mr. D E Morden Para 16 page 5;

"Caring Lane is straight at this point and slopes gently downwards from north to south. The road has a 30 mph speed restriction on although whilst spending just over an hour surveying traffic between 0800 and 0900 on the second day I noted that traffic frequently drove in excess of that speed, particularly, if there was nothing coming in the opposite direction. Drivers did slow considerably, however, when someone else was travelling towards them, due to the narrowness of the highway. Although there are no street lights and the road is not wide (about 15 metres) it is straight with good forward visibility so speeds in excess of the limit are not surprising when the road is clear. 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.

Para 24 page 6;

"I agree with the Council (MBC) that people will rely almost solely on the car to travel from here and it is not a sustainable site."

Kent Highways have not been consistent in their approach to traffic in Caring lane. They have used increases in traffic as reasons for suggesting refusal of earlier planning applications in the lane. Summer Place and Jarrocks Barn are examples of earlier recommendations.

4. Economic Issues.

G Forces claim that they have considered and rejected a move to another site. We suggest they have not seriously pursued. There is much office space vacant in Maidstone and there is also allocated land not yet used.

The recent GVA Grimley Employment Land Review (September 2009) found 51,532 m² of vacant office floor space in the Maidstone built up area (18% of the total) together with 17,165 m² of office space in the development pipeline. This highlights the need to focus demand, use and economic activity in the town centre. Out-of-town development will further undermine the status of Maidstone as a viable town centre and office location.

National, regional, County-wide and local planning policy is supportive of economic development in the right place. This out-of-town location in open countryside is in the wrong place. To allow further expansion will undermine existing policies, set a dangerous precedent for the future of the open countryside around the County Town and undermine the status of the County Town as a viable economic centre.

Moreover, this is no modest extension. It constitutes a major expansion of a non-conforming use in the countryside. The number of employees is planned to almost double, the number of parking spaces is

planned to more than double and the floor space is to planned to almost treble.

In particular we believe it will

- undermine town centre vitality and viability of Maidstone
- set a precedent for further out of town B1(a) development
- be contrary to sustainability objectives which encourages economic development in the town centre or specific sites
- conflicts with policies which aim to shape new development patterns in a way which minimises the need to travel.
- prejudice attempts to better integrate employment, retail, leisure, housing and public transport
- go against the thrust of policies and affect the ability to regenerate more deprived areas of the County, brown field sites and town centres identified in the Strategies and Plans.

Maidstone Borough Council robustly objected to the promoters of KIG justifying their application on economic grounds. We can see no difference in the principle of development in a SLA in the case of G Forces.

Indeed if this argument is accepted for G.Forces then the door is open for applications in all parts of the SLA using G Forces as a precedent.

We believe Maidstone needs to look to the future should G Forces be allowed to develop this site into what would become a medium size office block then the Borough would lose a valuable small office area that allows similar firms to grow in the way that G.Forces has.

In conclusion Thurnham Parish Council complements G Forces on their success but regretfully we believe they should move elsewhere in the Borough.

We therefore object to this application and would wish to see it considered and refused by the Planning Committee.

Yours sincerely

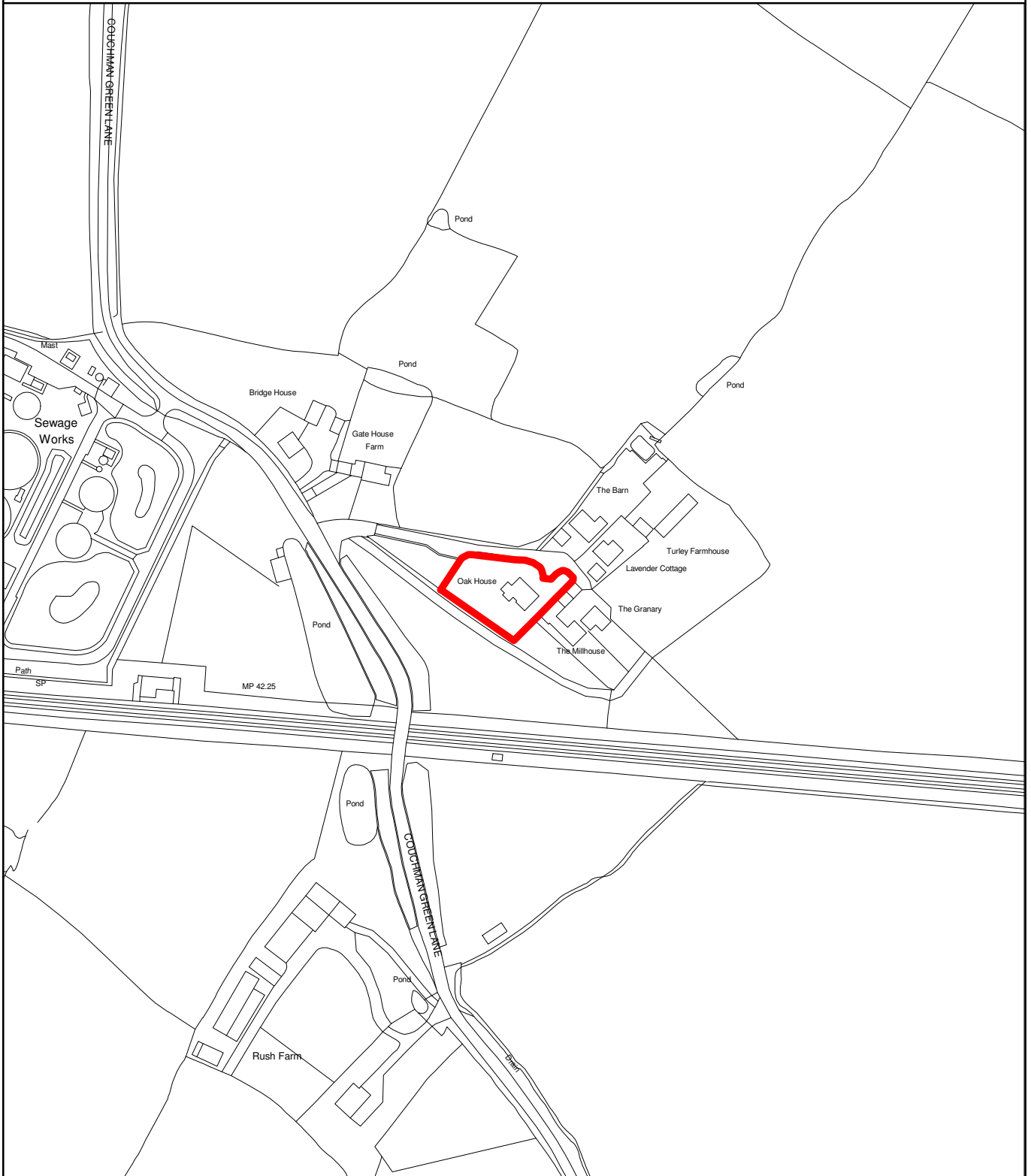
Mrs. S Babington
Clerk to the Parish Council

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/10/0669

GRID REF: TQ7944

OAK HOUSE, COUCHMAN GREEN LANE,
STAPLEHURST.



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Alison Broom
Director of Prosperity and Regeneration

APPLICATION: MA/10/0669 Date: 16 April 2010 Received: 22 April 2010
APPLICANT: Mr D Petford, Chief Executive MBC
LOCATION: OAK HOUSE, COUCHMAN GREEN LANE, STAPLEHURST,
TONBRIDGE, KENT, TN12 0RS
PARISH: Staplehurst
PROPOSAL: Erection of a dormer to the west elevation and addition of a window
to the east elevation shown on a site location plan and block plan
received on 22/04/10 and a floor plan and elevations received on
20/04/10.
AGENDA DATE: 10th June 2010
CASE OFFICER: Louise Welsford

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

- an officer of the Local Planning Authority is the applicant

POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV28, H33.
South East Plan 2009: C4.
Adopted Supplementary Planning Guidance "Residential Extensions".
Government Policy: PPS1, PPS7.

1. HISTORY

1.1 There is no history specifically relevant to this proposal.

1.2 The land was formerly in industrial use, but was granted permission for
residential development on appeal. The following applications relate to the
erection of dwellings at the site:

MA/99/1577 Erection of five detached dwellings and associated garaging,
and alterations to the existing vehicular access

APPROVED

MA/98/0684 Erection of one dwelling on plot 1
APPROVED

MA/97/1739 APPROVED	Erection of three dwellings
MA/92/0599 REFUSED -	Demolition of existing buildings, erection of five detached houses with garaging & provision of new access APPEAL ALLOWED
MA/90/0036 APPROVED	Demolition of existing buildings & erection of 3 detached houses & garages (outline)
MA/89/0517 REFUSED -	Outline application for demolition of existing hauliers yard and erection of 4 detached dwellings with garaging APPEAL ALLOWED

1.3 Permitted development rights for Classes A and B of Part 1 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 were removed by planning permission MA/99/1577.

1.4 There have been no applications to alter or extend the dwelling since its construction.

2. CONSULTATIONS

2.1 Staplehurst Parish Council: wishes to see the application approved.

3. REPRESENTATIONS

3.1 None received to date.

4. CONSIDERATIONS

4.1 Site and Situation

4.1.1 The application site contains a detached, two storey dwelling, which is constructed of brick, tile hanging and white weatherboarding, under a tiled main roof, and having small sections of leaded flat roofing. It is one of five modern dwellings, of well-detailed design, which have been erected upon a former industrial site within the past ten years.

4.1.2 The site lies in the open countryside, in the parish of Staplehurst. The plot is set back from Couchman Green Lane by approximately 50m and is accessed via a public footpath to the north. To the north east of the dwellings lies Grade II Listed Turley Farmhouse, beyond Lavender Cottage.

4.2 **Proposal**

- 4.2.1 Planning permission is sought for the erection of a dormer to the west elevation, to create an en-suite bathroom, and the addition of a window to the east elevation, to an existing bedroom.
- 4.2.2 The dormer would have a leaded flat roof and white weatherboarding to its cheeks, to match the materials used upon the existing house. It would measure approximately 4m in width, by 2.5m in height and approximately 2.3m in depth. The additional window would be located at first floor level.

Planning Considerations

4.3 **Main Issue – Impact upon the countryside**

- 4.3.1 The key issue relates to the impact upon the character and appearance of the countryside.
- 4.3.2 The new window to the east elevation would be small and of a design which would match the existing windows. It would have no material impact upon the countryside.
- 4.3.3 The use of a leaded flat roof for the dormer is traditional and in keeping with the somewhat traditional design of the existing house.
- 4.3.4 Whilst flat-roofed dormers are not normally to be encouraged, (on account of their sometimes excessively horizontal and dominant appearance), in this case, the dormer would be added to a steeply pitched catslide roof, which would make the use of a pitched roofed dormer inappropriate and of awkward appearance, because of the slope.
- 4.3.5 The dormer would not be of an excessive scale, being less than half of the width of the west elevation and less than 2.5m in depth as a maximum. The steep slope would limit the bulk of the dormer and it would be located low down the roof at first floor level, leaving the main roof, above the main eaves level, unbroken. The materials to be used would be of a good quality and would match those used upon the existing building. The dormer would be set back by around 5m from the key elevation of the building, the front (north) elevation and this set back would ensure that the dormer appears subordinate in relation to the main elevation.
- 4.3.6 In my opinion, due to its scale and positioning, the dormer would not be an overly-dominant addition, but would instead appear subordinate to the roofplane. I accept that it would be highly visible from public footpath KM294, to the north of the site, but due to its scale, design and subordinate appearance in

relation to the main section of roof, I do not consider that it would result in significant harm to the character or appearance of the countryside.

4.3.7 The house is visible from Couchman Green Lane, but this is mainly at a distance of around 70m and the dormer would be seen from there substantially against the backdrop of the existing house.

4.3.8 The proposal would not significantly affect the openness of the countryside, due to its limited mass.

4.4 **Impact upon Residential Amenity**

4.4.1 Due to the nature of the proposal and the positioning of the dormer, there would be no significant loss of light to, or overbearing impact upon, any neighbouring property.

4.4.2 The dormer would not cause a significant loss of privacy, because it would be located more than 50m from "Gate House Farm", which it would look out towards across the public footpath. The angle involved and the layout of the buildings would prevent significant overlooking to "The Millhouse" from the new window, which would generally look out towards a grassed area outside of the curtilage of "The Millhouse".

4.4.3 There are, therefore, no significant residential amenity issues.

4.5 **Other Issues**

4.5.1 The proposal would not affect the setting of Grade II Listed Turley Farmhouse, to the northeast, because the site is not seen in the context of this building, due to the siting of other dwellings in between.

4.5.2 There are no parking issues, due to the nature of the proposal.

4.6 **Conclusion**

4.6.1 The development would preserve the character and appearance of the countryside and would comply with Development Plan Policy. I therefore recommend approval.

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 dormer hereby permitted shall match those used in the existing building;

Reason: To ensure a satisfactory appearance to the development and to preserve the character and appearance of the countryside, in accordance with Policies C4 of the South East Plan 2009 and ENV28 & H33 of the Maidstone Borough-Wide Local Plan 2000.

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.

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A two-story house with a mix of white horizontal siding and red brick. The left side of the house has white siding and a gabled roof. The right side is red brick with a dark shingled roof. There are several windows with white frames. In the foreground, there is a garden with various plants, a green tarp covering some items, and a black metal trellis. The number '183' is overlaid on the white siding.

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THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 10-06-10**

APPEAL DECISIONS:

1. MA/09/0673 -

Erection of a detached two storey dwelling as shown on drawing no.s 509-01 Rev A.

APPEAL: DISMISSED

2, STONE COTTAGES, MAIDSTONE ROAD, HEADCORN, ASHFORD, KENT, TN27 9RR

(Delegated Powers)

2. MA/09/0829-

Erection of 1 no. detached four bedroom dwelling with separate double garage as shown on unnumbered site location plan, drawing numbers 00578 and 00578 and arboricultural report dated 2 February 2009.

APPEAL: DISMISSED

ROSEMOUNT, LINTON ROAD, LOOSE, MAIDSTONE, KENT

(Delegated Powers)

3. MA/09/1032 -

Erection of one detached dwelling with attached garage as shown on drawing number AW/1, AW/2, AW/3, AW/4 and AW/5 received on 17/6/09.

APPEAL: DISMISSED

17, ALLINGTON WAY, MAIDSTONE, KENT, ME16 0HJ

(Delegated Powers)

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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