

AGENDA

PLANNING COMMITTEE MEETING



Date: Thursday 2 September 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 Items withdrawn from the Agenda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 - 9 September 2010

Continued Over/:

Issued on 24 August 2010

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Alison Broom

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

6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
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PLEASE NOTE

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

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

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 12 AUGUST 2010

Present: Councillor Lusty (Chairman) and
Councillors Ash, Butler, Chittenden, English,
Harwood, Nelson-Gracie, Paine, Paterson,
Mrs Robertson, Ross and Mrs Wilson

Also Present: Councillor J A Wilson

90. APOLOGIES FOR ABSENCE

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

91. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Butler was substituting for Councillor Hinder.

92. NOTIFICATION OF VISITING MEMBERS

Councillor J A Wilson indicated his wish to speak on the report of the Head of Development Management relating to application MA/10/0376.

93. ITEMS WITHDRAWN FROM THE AGENDA

MA/10/0651 - Erection of grain store with continuous flow grain dryer –
Court Lodge Farm, Court Lodge Road, Harrietsham, Maidstone

The Committee considered the report of the Head of Development Management recommending that this application be withdrawn from the agenda to enable a more detailed assessment of the visual impact of the proposed building on the surrounding area to be undertaken.

RESOLVED: That agreement be given to the withdrawal of application MA/10/0651 from the agenda.

94. URGENT ITEMS

Update Report

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

95. DISCLOSURES BY MEMBERS AND OFFICERS

With regard to the reports of the Head of Development Management relating to applications MA/09/1562 and MA/09/1563, Councillor Ash stated that he was a Member of the Cabinet which had an interest in the proposed redevelopment of the former Maidstone Borough Council depot site in Armstrong Road and the former Park and Ride site at Coombe Quarry.

Councillor English disclosed a personal interest in the reports of the Head of Development Management relating to applications MA/09/1562 and MA/09/1563. He stated that he was a Member of Tovil Parish Council, but he had not participated in the Parish Council's discussions on the applications and intended to speak and vote when they were considered.

96. EXEMPT ITEMS

RESOLVED: That the exempt Appendix to the urgent update report of the Head of Development Management be taken in public but the information contained therein should remain private.

97. MINUTES

RESOLVED: That the Minutes of the meeting held on 22 July 2010 be approved as a correct record and signed.

98. 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 CESSPOOL) AND KEEPING OF HORSES - FIELD KNOWN AS WHEATGRATTEN, LENHAM FORSTAL ROAD, LENHAM

The Head of Development Management advised the Committee that all the additional information requested in respect of this application had been received. He hoped to be in a position to report the application back to the Committee in the near future.

- (2) 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

See Minute 106 below

- (3) MA/09/2004 - PLANNING PERMISSION FOR CHANGE OF USE OF LAND TO HOLIDAY CARAVAN SITE FOR UP TO 10 NO. STATIC CARAVANS INCLUDING ACCESS, HARDSTANDING, CESSPOOL, RECEPTION BUILDING, BOUNDARY TREATMENT AND SECURITY

BARRIER - CHERRY-TREE CARAVAN SITE, CHURCH HILL,
BOUGHTON MONCHELSEA, MAIDSTONE

The Head of Development Management advised the Committee that further analysis of the ecological value of the adjacent woodland was being carried out and discussions with Natural England were continuing.

(4) MA/10/0832 - ERECTION OF CONSERVATORY - 1 WICKHAM PLACE,
LENHAM, MAIDSTONE

The Head of Development Management advised the Committee that negotiations in respect of this application were continuing.

99. MA/09/0208 - CHANGE OF USE TO GYPSY CARAVAN SITE TO INCLUDE 2
NO. MOBILE HOMES, 2 NO. TOURING CARAVANS, 2 NO. UTILITY BLOCKS
AND 2 NO. STABLES AND TACK ROOM - HAWTHORN FARM, PYE CORNER,
ULCOMBE, MAIDSTONE

The Chairman and Councillors English, Harwood, Paterson, Ross and Mrs Wilson stated that they had been lobbied.

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

Mr Titchener, an objector, Councillor Beale of Ulcombe Parish Council (against) and Mr Jones, for the applicant, addressed the meeting.

RESOLVED:

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

The applicant is advised to seek connection to mains electricity as soon as is possible in order to reduce noise at the site from generators.

2. That the details to be submitted pursuant to condition 5 (landscaping) must be agreed in consultation with Councillors English, Harwood and Thick and the Parish Council taking into account Members' expressed wish to achieve improvements to landscaping and biodiversity.

Voting: 11 – For 0 – Against 1 – Abstention

100. MA/10/0220 - OUTLINE PLANNING APPLICATION FOR THE ERECTION OF
UP TO 14 NO. DWELLINGS WITH ASSOCIATED WORKS INCLUDING
PARKING WITH ACCESS TO BE CONSIDERED AT THIS STAGE AND ALL
OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION - HOMELEIGH
TIMBER SUPPLIES, STATION ROAD, STAPLEHURST, TONBRIDGE

All Members except Councillor Butler stated that they had been lobbied.

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

Mr Buller, an objector, Councillor Arger of Staplehurst Parish Council and Mr Hicken, for the applicant, addressed the meeting.

RESOLVED: That subject to the prior completion of a Section 106 legal agreement, in such terms as the Head of Legal Services may advise, to secure:-

1. A contribution of £11,793.60 towards improving primary health care facilities within the locality of the application site;
2. A contribution of £22,050 towards improving parks and open space within a one mile radius of the application site;
3. A contribution of £785.22 towards improving the book stock of local libraries; and
4. A contribution of £5,000 towards the improvement of a bus stop within the locality of the site

the Head of Development Management be given delegated powers to grant outline permission subject to the conditions and informatives set out in the report and the following additional informatives:-

The layout of the development shall be carefully designed to provide a well landscaped scheme, both in and around the site and along the site frontage with Station Road, and a layout that contributes to enhancing biodiversity. The design shall pay careful attention to the positive character and form of development on Station Road and within Staplehurst.

For the avoidance of doubt, the illustrative plans submitted under this outline application are not binding on this Council in its determination of any reserved matters application.

Voting: 9 – For 0 – Against 3 – Abstentions

101. MA/09/2057 - DEMOLITION OF EXISTING DWELLING AND ERECTION OF A PAIR OF SEMI-DETACHED DWELLINGS - 85 THE QUARRIES, BOUGHTON MONCHELSEA, MAIDSTONE

All Members except Councillor Butler stated that they had been lobbied.

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

Mr Chapman, an objector, Councillor Munford of Boughton Monchelsea Parish Council (against) and Mr Payne, the applicant, addressed the meeting.

RESOLVED: That permission be granted subject to the conditions set out in the report, as amended by the urgent update report, and the additional condition set out in the urgent update report with the amendment of the reason for condition 9 (removal of permitted development rights) and an additional condition and informatives as follows:-

Condition 9 (Reason) (amended)

Reason: To safeguard the character, appearance and functioning of the surrounding area, to maintain landscaping and in the interests of sustainable surface water drainage in accordance with Central Government guidance contained in PPS1 and PPS25.

Additional Condition

Notwithstanding the details shown on drawing no. 1643/21 the development shall not commence until amended plans have been submitted to and approved in writing by the Local Planning Authority showing the front roof overhangs adjoining the integral garages in-filled so that the front doors to both dwellings are in line with the front of the integral garages. The development shall subsequently be carried out in accordance with the approved details.

Reason: To provide an improved design and visual appearance to the development in accordance with PPS1.

Informatives

The applicant should consider the provision of bat and swift boxes on the development and at the site in the interests of biodiversity enhancement.

The long term management and maintenance of the landscaping details as required under condition 11 are considered essential in providing an appropriate setting to the development and sustainable surface water drainage.

Voting: 12 – For 0 – Against 0 – Abstentions

102. MA/10/0376 - CHANGE OF USE AND CONVERSION OF FORMER AGRICULTURAL BUILDING TO A LIVE-WORK UNIT - THE BEAST HOUSE, WEST STREET, HUNTON, MAIDSTONE

All Members stated that they had been lobbied.

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

Councillor Sawtell of Hunton Parish Council (in support), Mr Bishop, the applicant, and Councillor J A Wilson (in support) addressed the meeting.

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

Voting: 6 – For 4 – Against 2 – Abstentions

103. MA/10/0013 - PLANNING PERMISSION FOR THE ERECTION OF 1 NO. DWELLING - LAND AT GREEN COURT, HIGH STREET, STAPLEHURST

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

Councillor Arger of Staplehurst Parish Council (against) addressed the meeting.

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

Voting: 12 – For 0 – Against 0 – Abstentions

104. MA/09/1562 - PLANNING APPLICATION FOR ERECTION OF 48 NO. SELF CONTAINED FLATS FOR SOCIAL RENT AND 21 NO. HOUSES FOR MARKET HOUSING AND 27 NO. HOUSES FOR SOCIAL RENT INCLUDING ACCESS AND ASSOCIATED WORKS - MAIDSTONE BOROUGH COUNCIL TRANSPORT DEPOT, ARMSTRONG ROAD, MAIDSTONE,

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

RESOLVED:

1. That subject to:-

(A) The applicant serving relevant ownership notices on all other interested parties if necessary and no new significant planning issues being raised; AND

(B) The applicant amending the contract to purchase the application site from the Council so as to secure the execution of a Section 106 legal agreement upon completion of the purchase to ensure that a minimum of 77% of the development, as shown on plan number 0831/SK102, is retained as affordable housing in perpetuity,

the Head of Development Management be given delegated powers to grant permission subject to the conditions and informatives set out in the report.

2. That the positioning of the zebra crossing must be agreed in consultation with the High Street and South Ward Members.

Voting: 12 – For 0 – Against 0 – Abstentions

105. MA/09/1563 - PLANNING APPLICATION FOR ERECTION OF 12 SELF CONTAINED FLATS FOR SOCIAL RENT AND 9 MARKET HOUSES AND 14 HOUSES FOR SOCIAL RENT INCLUDING ACCESS AND ASSOCIATED

WORKS - PARK AND RIDE, COOMBE QUARRY, ARMSTRONG ROAD, MAIDSTONE

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

Mrs Ward addressed the meeting objecting to the application.

RESOLVED: That subject to the prior completion of a Section 106 legal agreement in such terms as the Head of Legal Services may advise to ensure that a minimum of 74% of the development, as shown on plan number 0831/SK102, is retained as affordable housing, the Head of Development Management be given delegated powers to grant permission subject to the conditions and informatives set out in the report.

Voting: 12 – For 0 – Against 0 – Abstentions

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

Councillor Sams of Harrietsham Parish Council (against) addressed the meeting.

RESOLVED: That consideration of this application be deferred again for the submission of much improved and more detailed ecological mitigation measures and enhancements, including additional landscaping, taking into account the biodiversity importance that has been identified at the site.

Voting: 12 – For 0 – Against 0 – Abstentions

107. MA/10/0913 - ERECTION OF A SINGLE STOREY EXTENSION TO THE SOUTH ELEVATION AND A SINGLE STOREY EXTENSION TO THE NORTH ELEVATION AND RE-SITING OF VEHICULAR ACCESS - 2 FORGE LANE, HEADCORN, ASHFORD

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

Councillor Thomas of Headcorn Parish Council (against) addressed the meeting.

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

The bricks removed from the existing front wall to create the new access should be used to re-instate the wall where the existing access is to be closed off.

Voting: 12 – For 0 – Against 0 – Abstentions

108. MA/10/0765 - PLANNING APPLICATION FOR ERECTION OF 1 NO. DWELLING WITH PARKING AND ASSOCIATED WORKS INCLUDING ALTERATIONS TO EXISTING ACCESS - SALTS FARM HOUSE, 51 LINTON ROAD, LOOSE, MAIDSTONE

All Members stated that they had been lobbied.

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

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

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

Voting: 10 – For 0 – Against 2 – Abstentions

109. MA/10/0786 - ERECTION OF A TWO STOREY SIDE AND REAR EXTENSION AND SINGLE STOREY REAR EXTENSION - 13 VALE ROAD, LOOSE, MAIDSTONE

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

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

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

Voting: 12 – For 0 – Against 0 – Abstentions

110. MA/10/0717 - ERECTION OF ONE PAIR OF SEMI-DETACHED DWELLINGS - 4 SENACRE COTTAGES, GORE COURT ROAD, MAIDSTONE

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

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

Voting: 12 – For 0 – Against 0 – Abstentions

111. MA/10/1015 - AN APPLICATION FOR LISTED BUILDING CONSENT FOR THE INSTALLATION OF A WC INVOLVING ALTERATIONS TO STUDWORK PARTITIONS - CORN EXCHANGE, MARKET BUILDINGS, MAIDSTONE

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

RESOLVED: That this application be referred to the Secretary of State for determination with a recommendation that listed building consent be granted subject to the condition set out in the report.

Voting: 12 – For 0 – Against 0 – Abstentions

112. MA/10/0651 - ERECTION OF GRAIN STORE WITH CONTINUOUS FLOW GRAIN DRYER - COURT LODGE FARM, COURT LODGE ROAD, HARRIETSHAM, MAIDSTONE

See Minute 93 above

113. APPEAL DECISIONS

The Committee considered the report of the Head of Development Management concerning the Inspector's decision to allow the appeal against refusal of application MA/09/2311 to vary condition 4 of application MA/05/2034 to allow the stationing of 4 no. mobile homes and 4 no. touring caravans on land adjacent to Norham Farm, Lenham Heath Road, Lenham Heath. The Head of Development Management advised the Committee that, in this appeal decision, the Inspector had recognised that the number of permissions granted was broadly in accord with GTAA requirements, but had placed considerable weight on what he saw as the significant number of unauthorised sites within the Borough. In other appeal decisions, Inspectors had focussed on the inadequacy of public provision as an alternative means of accommodation.

RESOLVED: That the position be noted.

114. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that:-

- A Members' Workshop on conservation and agricultural issues would be held at 6.30 p.m. on Wednesday 18 August 2010. All Members and Substitute Members were invited to attend. The Workshop on landscape/ecological issues had been very interesting and well attended.
- He thought that it might be appropriate for arrangements to be made for another River Tour.

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

It was noted that there was nothing to report at present. Arising from its consideration of the Inspector's decision in respect of the appeal against refusal of application MA/09/2311, the Committee:-

RESOLVED:

1. That the Leader of the Council and the Cabinet Member for Regeneration be requested to consider the concern expressed by the Committee that there is still an on-going need for gypsy sites in the Borough even though the number of permissions has kept pace with the Gypsy and Traveller Accommodation Assessment target level of pitches.
2. That the Leader of the Council and the Cabinet Member for Regeneration be requested to consider the development of a policy on local needs gypsy sites.

116. DURATION OF MEETING

6.00 p.m. to 9.20 p.m.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

2 SEPTEMBER 2010

REPORT OF THE HEAD OF DEVELOPMENT MANAGEMENT

1. DEFERRED ITEMS

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

1.2. Description of Application Date Deferred

- (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 CESSPOOL) AND KEEPING OF HORSES - FIELD KNOWN AS WHEATGRATTEN, LENHAM FORSTAL ROAD, LENHAM 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) 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.

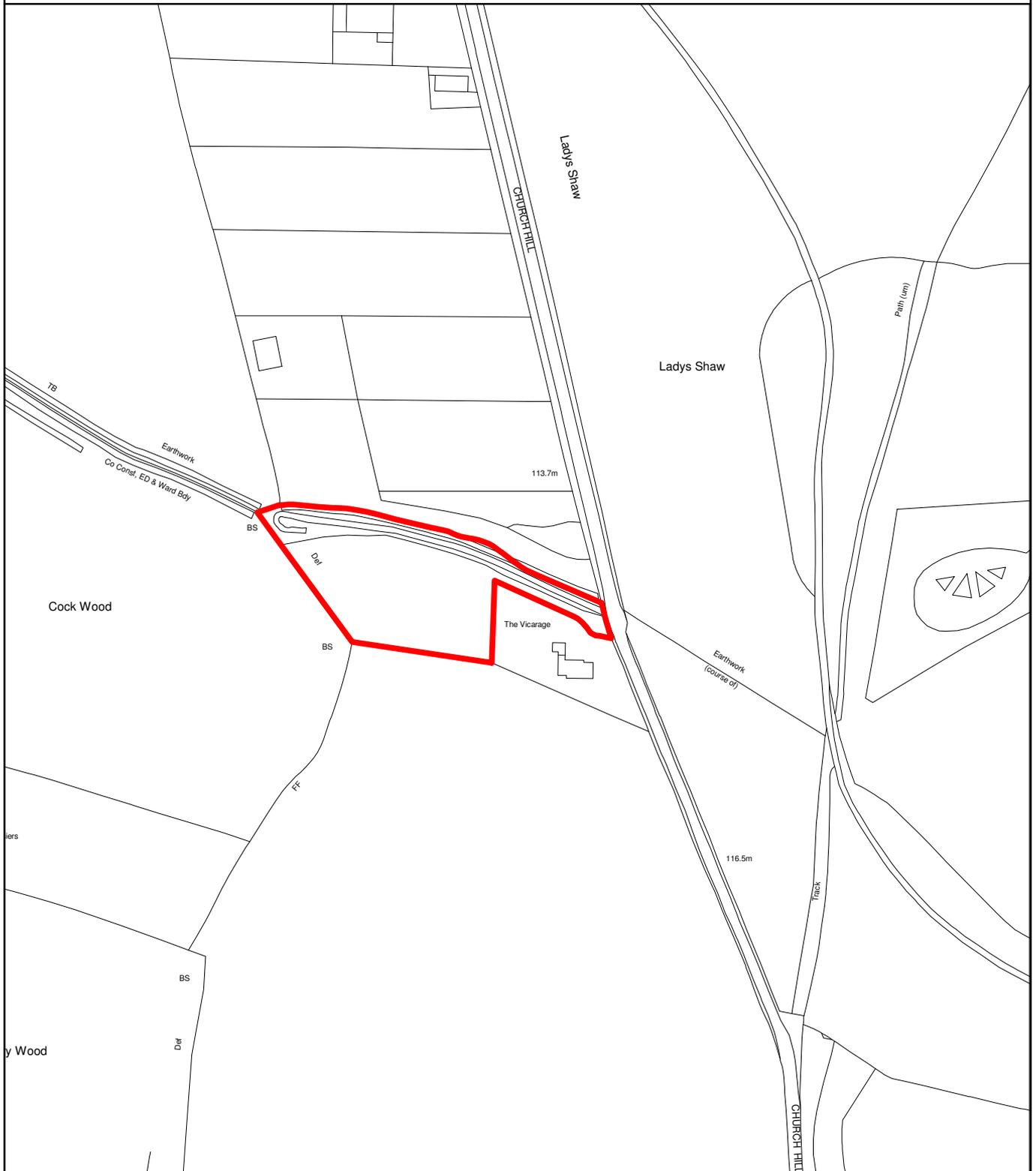
- Deferred again for the submission of much improved and more detailed ecological mitigation measures and enhancements, including additional landscaping, taking into account the biodiversity importance that has been identified at the site. 12 August 2010
- (3) MA/09/2004 – PLANNING PERMISSION FOR CHANGE OF USE OF LAND TO HOLIDAY CARAVAN SITE FOR UP TO 10 NO. STATIC CARAVANS INCLUDING ACCESS, HARDSTANDING, CESSPOOL, RECEPTION BUILDING, BOUNDARY TREATMENT AND SECURITY BARRIER – CHERRY-TREE CARAVAN SITE, CHURCH HILL, BOUGHTON MONCHELSEA, MAIDSTONE 1 July 2010
- Deferred for negotiations to achieve an effective buffer zone (15 metres where practical) to protect the adjacent woodland and also to explore the issue of imposing a condition prohibiting domestic pets on site.
- (4) MA/10/0832 – ERECTION OF CONSERVATORY – 1 WICKHAM PLACE, LENHAM, MAIDSTONE 22 July 2010
- Deferred for clearer plans and details of what is proposed.

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/09/2004

GRID REF: TQ7650

**CHERRY-TREE CARAVAN SITE,
CHURCH HILL, BOUGHTON MONCHELSEA.**



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Rob Jarman
Head of Development Management

APPLICATION: MA/09/2004 Date: 2 November 2009 Received: 21 December 2009

APPLICANT: Mr & Mrs H Boswell

LOCATION: CHERRY-TREE CARAVAN SITE, CHURCH HILL, BOUGHTON
MONCHELSEA, MAIDSTONE, KENT, ME17 4BU

PARISH: Boughton Monchelsea, Linton

PROPOSAL: Planning permission for change of use of land to holiday caravan site for up to 10no. static caravans including access, hardstanding, cesspool, reception building, boundary treatment and security barrier as shown on drawing number(s) CTC4ABC received on the 17 June 2010; design and access statement; transport and noise statement, cesspool details received on 3 November 2009 and ecological report, received on 15 April 2010 and as amended by additional document(s) being site layout plan no. CTC5 received on 6 July 2010 together with letter dated 5 July 2010.

AGENDA DATE: 2nd September 2010

CASE OFFICER: Amanda Marks

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

- It is contrary to views of Boughton Monchelsea Parish Council
- It is a deferred committee item

1 BACKGROUND

1.1 This application was reported to the Planning Committee on 22 July 2010. A copy of the previous report and Urgent Update Report are attached at Appendix One.

1.1 Members deferred consideration of the application for the following reason;

That consideration of this application be deferred for negotiations to achieve an effective buffer zone (15 metres where practical) to protect the adjacent woodland and also to explore the issue of imposing a condition prohibiting domestic pets on site.

1.2 Subsequent to this decision the agent has submitted an amended site layout which pulls the development back from the northern boundary where it adjoins woodland. Council Officers have investigated the status of the ancient woodland, previous appeal decisions and sought further advice from Natural England, Kent Wildlife Trust and the document 'Standing Advice on Ancient Woodland.'

2. RE-CONSULTATIONS

3.1 Boughton Monchelsea Parish Council: The Parish Council's response to the original application (requesting refusal) still stands. If the Borough Council are mindful to approve the application however, then the Parish Council would want to see the following conditions imposed:

- The caravan park shall be closed down and remain unoccupied between 1 October and 31 March each year
- In the period 31 March and 1 October each year, no caravan/lodge shall be occupied by any one individual or group of individuals for any period longer than one month. There shall be no re-occupation allowed by the same individual or group of individuals within three weeks of the end of the original occupation period.

In addition to the above, Parish Councillors would like the Borough Council to consider the impact of this proposed development on previously approved planning applications on adjacent sites, whether these have been implemented or not. In particular, if planning application MA/02/0255 were implemented there would be a significant cumulative impact from both developments.

3.2 KCC Archaeology: Consider that 15m is probably a bit over-enthusiastic in terms of archaeological protection as they have had a test pit evaluation which indicates that there are no buried remains in front of the earthworks. They would be quite happy with the fencing being within 1m of the foot of the earthworks as the existing trees and shrubs along the earthworks already discourage anything from approaching too close and the fencing would really just make it clear that nothing should be dumped or driven on that boundary of the site.

Officer Comment: subsequent to the committee deferral both Natural England and Kent Wildlife Trust were re-consulted on the amended site layout and then further discussions took place with regard to the appropriate distance that the development should be from the woodland to ensure that the ecological value of the soil is not compromised.

3.3 Natural England: did not wish to comment further. They refer MBC to their Standing Advice Note on Ancient Woodland. **Officer comment:** I have considered the Standing Advice and refer to this in my report.

3.4 Kent Wildlife Trust: Suggest that there is a case for requiring a 15m separation distance from the proposed development to the edge of the woodland on the northern boundary. Their recommendation is based on an appeal decision referred to in the Ancient Woodland Standing Advice.

4. REPRESENTATIONS

4.1 Neighbouring occupiers were re-notified of the amended scheme and 5 further letters of objection have been received. The objections are summarised below:-

- Inadequate closure period, consider the normal period is 1 October – 31 March.
- Church Lane is too narrow and cannot cope with additional traffic.
- Previous comments still apply.

5. AMENDED PROPOSAL

5.1 Following the deferral the applicant has submitted an amended layout plan retaining the 10 lodges, parking, the reception building and bin store. A buffer zone with a minimum distance of 16m from the base of the trees on the northern boundary has been provided. The purpose of the buffer is to provide protection to the ecological value of the woodland floor in this location.

5.2 The layout shows the 10 holiday lodges located to the southern and central part of the site. The previously proposed central 'green' is now on the northern boundary. There is a distance of 15.5 – 16m from the nearest lodge to the belgic earthwork and some 16-18m to the base of the closest trees. These details are shown on the amended plan.

5.3 The main concern expressed from Members, was whether the development would cause harm to the ecological value of the woodland floor, it is the soil which is likely to be of ecological importance considering the age of the woodland and the suggestion that it is indeed 'Ancient Woodland'. The trees themselves are adequately protected by the distance from the development; the relatively shallow concrete base the lodges require, and with the understanding that services would be channelled away from the earthwork, so that existing root systems will be little disturbed.

5.4 On the amended scheme the driveway will not be set as far back within the site and there will now be just one central parking area. The bin store and reception building have been relocated to the southern side of the road away from the earthwork. Again, the drive and parking areas will have a shallow base construction, and gravelled to allow rainwater to penetrate the root systems of trees.

5.5 The previously proposed security barrier has been removed from the scheme, although the applicant has indicated that this can be reinstated if requested by Members.

5.6 Detail has also been provided of the landscape buffer between the rear boundary of the Vicarage and the site. A double staggered hedge and native trees are proposed in accordance with the Council's Landscape and Character Assessment Guidelines. The buffer zone has been reduced by approximately 1m in depth to accommodate the relocation of lodges.

5.7 The second concern raised by Members was whether it would be possible to apply a condition preventing domestic pets to be brought onto the site. The concern being that such animal may roam into the woodland disturbing important habitats. The applicant has advised that as part of the site occupancy conditions, there will no domestic pets allowed in the holiday park.

6 CONSIDERATIONS

Amended Layout

6.1.1 The revised layout takes into account concerns expressed over the proximity of the lodges to the woodland soil on the northern boundary. Having considered relevant appeal decisions and the Standing Advice on Ancient Woodlands, it appears that a suggested buffer zone of 15m from the edge of Ancient Woodland is the ideal protection zone. However, this distance is

advisory only and its appropriateness depends on the scale of the development proposed. In this instance, the woodland whilst 'old' does not appear to be designated 'Ancient'. It is however, considered an important link to Ancient Woodland to the east and south of the site and the ecological value is considered to be high in the applicant's ecological survey. The age of the soil is likely to have generated significant species of flora and fauna to develop over many years and the fact that it may not be designated as 'Ancient' should not devalue its importance.

I understand that work is commencing on an updated 'Inventory of Ancient Woodland' as the current document referred to dates back to 1994 and was provisional. The maps which accompany the provisional inventory are misleading as one set identifies woodland to the west as Ancient Woodland' and the other set doesn't. However, having sought further advice from Natural England and KWT it appears that this in itself does not affect their advice. On the basis of the information available, KWT consider that 15m is an appropriate buffer for the northern boundary and that the entire of the development should be enclosed by suitable fencing.

6.1.2 The appeal decision referred to relates to a substantially different proposal of permanent residential use on a larger scale; therefore with potential for a far greater impact on the local soil than this scheme. The ecological survey undertaken by 'Wildthing Wildlife Consultants' acknowledges the presence of Ancient Woodland and recommends the attendance of an Ecological Clerk of Works when the utilities, services and bases for lodges are being undertaken. The survey considers that the proposed development is of the type least likely to impact on the flora/fauna within the locality. The report acknowledges that the site itself is of low ecological value it is the adjoining land which has the potential for important species. The amended scheme has a distance of between 9 -12 m from the lodges to the canopy line as drawn on the plans; with a distance of 15.5m – 18m to the base of the trees. The main issue is therefore whether there is sufficient distance between the woodland and the planning unit to ensure protection of the soil in ecological terms. I consider that with the physical separation of a fence between the lodges and woodland; the minor nature of works required to install the lodges; a no pets policy on site; and the recommendations in the ecological report, that the proposal would have minimal impact on the ecological value of the woodland soil. For the reasons stated above, I consider that the amended layout allows more than adequate protection of the woodland.

6.1.3 With regard to the issue of not permitting domestic pets on sites, this is a straight forward issue in this case: it can be subject to a planning condition for environmental reasons. The presence of ancient woodland with its potential for wildlife diversity and associated high ecological value soil, it is considered justifiable to apply a condition.

6.1.4 The bin store is shielded when considered from the location of the Vicarage by the reception building, which together with the abundant landscaping and distance still affords adequate protection to the amenities of the Vicarage.

6.1.5 The applicant does not consider the security barrier necessary due to the distance from the site entrance to the road. I do not have an issue with its removal, but this can be re-instated if required.

6.2 Other issues

6.2.1 Neighbours have raised the issue of the closure period being inadequate. It would be both unreasonable and unjustifiable in planning terms to condition a closure period of 6 months for a caravan park. Government Guidance in the form of 'Planning for Tourism: a Best Practice Guide 2006' recommends the use of planning conditions to ensure holiday accommodation is maintained as such. However, this it states can be achieved in a number of ways and not necessarily by having a closure period at all. The Government advice stresses fairness and reasonableness if applying any condition. In conclusion, the suggestion by the Parish Council and residents for a lengthy closure period is unacceptable and could leave the Council in a vulnerable position in an appeal situation. I do however, consider there to be merit in the suggestion by the Parish to restrict re-occupation within a specified period and have therefore amended the relevant condition accordingly.

6.2.2 The suitability of Church Hill in highway terms was considered in my earlier report.

6.2.3 The significance of planning permissions on adjoining land has been raised by the Parish Council. It appears that the owner of a significant amount of adjoining land has been selling off parcels of land at different times. Some of which have been the subject of planning applications for gypsy sites. This has caused concern and confusion, particularly with regard to the planning status of Cherry Tree Caravan Park. Planning permission MA/02/0255 allowed for the

open storage of 50 caravans on an area of land; the Council questions whether this permission was ever fully implemented. This being said, at a recent auction, a significantly smaller part of the former application site was sold off. If planning approval MA/02/0255 was proved to be implemented within the required time frame, the entire of the site area would need to be available to continue that use. With the piecemeal selling of parcels of land all the relevant owners would need to be onboard to facilitate the use of land for open storage of caravans. With regard to this application, it is of a different nature, well screened and unrelated to the land to the north; I do not consider there to be any bearing on its acceptability with regard to MA/02/0255.

7. Conclusion

In light of the above considerations, the amended scheme has taken into account the reasons for deferral at the committee held on 22 July 2010. I therefore recommend planning permission be granted.

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 of 51 of the Planning and Compulsory Purchase Act 2004.

2. The caravan park hereby permitted shall not be open for business between 14 January to the 1 March in any calendar year (the closure period).

Reason: To ensure that the site is not used for permanent residential accommodation pursuant to policy ENV28 of the Maidstone Borough Wide Local Plan 2000.

3. In the period between 1 March and 13 January (inclusive) in any calendar year (the open period), no caravan/lodge shall be occupied by any one individual or group of individuals for any period longer than one month. The lodges shall not be occupied as permanent accommodation and there shall be no return by an individual or group of individuals within 4 weeks of leaving occupation of the site/lodge.

Reason: To ensure that the site is not used for permanent residential

accommodation pursuant to policy ENV28 of the Maidstone Borough-Wide Local Plan 2000.

4. No more than 10 caravan/lodges shall be provided on site, details of which must be submitted to and approved in writing by the Local Planning Authority before the development commences. The details shall include external dimensions and materials.

Reason: To ensure a satisfactory setting and external appearance to the development in accordance with Policies ENV28 and ED20 of the Maidstone Borough Wide Local Plan 2000.

5. The development shall not commence until details of all fencing, and boundary treatment to be placed within the site 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 or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by nearby residents in accordance with policy ENV28 of the Maidstone Borough Wide Local Plan.

6. The site shall not be occupied until stock-proof fencing has been erected, together with the planting of a hawthorn hedge on the inside of the said fence, between the development and the adjacent woodland to the north and west. The precise siting of this to be agreed with the Local Planning Authority. No works shall take place within the area outside the fence perimeter without the consent of the Local Planning Authority.

Reason: To ensure that important archaeological remains are not adversely affected by construction works, to ensure protection of the woodland, and to ensure minimal risk of disturbance to wildlife and in accordance with policy ENV6 of the Maidstone Borough Wide Local Plan 2000 and PPS9.

7. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land 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 (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 to policy T13 of the Maidstone Borough Wide Local Plan 2000.

8. The development shall not commence until landscaping, planting and management scheme has been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following completion of the development. 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 ENV28 of the Maidstone Borough Wide Local Plan 2000.

9. The development shall not commence until an Arboricultural Method Statement (AMS) has been submitted to and approved by the Local Planning Authority. The AMS shall accord with the recommendations of BS5837:2005 'Trees in relation to construction – recommendations' and should include details of foundation design and methods of construction, details and methods of installation of services within and to the site and details of the design, location and installation of tree protection measures. The AMS should also demonstrate how caravans will be transported to and from the site and installed on their foundations, without damage to retained trees. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought on to 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 by this condition. The siting of barriers and/or 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 appearance to the development pursuant to NRM7 of the South East Plan 2009.

10. The reception building hereby approved shall be built in accordance with the approved materials as shown on the submitted drawings.

Reason: To ensure a satisfactory appearance to the development and in accordance with policy ENV28 of the Maidstone Borough Wide Local Plan 2000.

11. The development shall not commence until details of a properly consolidated and surfaced access (not loose stone or gravel) shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented prior to first occupation and retained thereafter.

Reason: In the interests of highway safety and in accordance with policy T23 of the Maidstone Borough Wide Local Plan 2000.

12. The development shall not commence until details of any lighting to be placed, erected or provided within the site including any lighting to be attached to the proposed reception building, shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be undertaken in accordance with the subsequently approved details and no additional lighting to that approved shall be placed, erected or provided within the site at any time without the prior approval of the local planning authority.

Reason: In the interests of the character and amenity of the surrounding countryside and to prevent light pollution pursuant to policy ENV28 of the Maidstone Borough Wide Local Plan 2000.

13. During the installation of the utilities and undertaking of pitch works an Ecological Clerk of Works shall be present to provide a watching brief. A report summarising any findings and proposed remedial action required shall be provided to the Borough Council on completion of the development.

Reason: To reduce the risk of disturbance to wildlife in accordance with PPS9.

14. There shall be no domestic pets brought onto the site by occupiers of the lodges at any time.

Reason: In the interests of nature conservation and ecology and in accordance with the aspirations of PPS9.

Informatives set out below

Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard Code of Practice BS 5228:2009 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.

No vehicles may arrive, depart, load or unload within the general site outside the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

The applicant is advised that it will be necessary to make an application for a Caravan Site Licence under the Caravan Sites and the Control of Development Act 1960 within 21 days of planning consent having been granted. Failure to do so could result in action by the Council under the Act as caravan sites cannot operate without a licence. The applicant is advised to contact the Environmental Health Project Manager on 01622 602145 in respect of a licence.

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 there are no overriding material considerations to indicate a refusal of planning consent.

APPLICATION: MA/09/2004 Date: 2 November 2009 Received: 21 December 2009

APPLICANT: Mr & Mrs H Boswell

LOCATION: CHERRY-TREE CARAVAN SITE, CHURCH HILL, BOUGHTON MONCHELSEA, MAIDSTONE, KENT, ME17 4BU

PARISH: Boughton Monchelsea, Linton

PROPOSAL: Planning permission for change of use of land to holiday caravan site for up to 10no. static caravans including access, hardstanding, cesspool, reception building, boundary treatment and security barrier in accordance with plans numbered CTC4ABC received on the 17 June 2010; design and access statement; transport and noise statement, cesspool details received on 3 November 2009; arboricultural report, received on 21 December 2009 and ecological report, received on 15 April 2010.

AGENDA DATE: 1st July 2010

CASE OFFICER: Amanda Marks

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

- It is contrary to views expressed by the Parish Council.

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV28, ED20

South East Plan 2009: TSR5, CS12, C4, RE3, CC6

Government Policy: PPS1, DCLG: Good Practice Guide on Planning for Tourism, PPS7, PPS13

1. HISTORY

MA/02/0255 Cherry Tree Caravan Site, Church lane, Boughton Monchelsea. Change of use of site to open air caravan parking for 50 caravans Approved 19/8/02 subject to a legal agreement preventing implementation of planning permission MA/96/1611.

MA/96/1611 Cherry Tree Caravan Site, Church lane, Boughton Monchelsea. (Land to west of vicarage) – Change of use of land for garaging 20 caravans. Allowed at appeal 13/11/00.

- 2.1 As can be seen from the above, this application site has already been subject to two planning applications, for the siting of caravans (albeit for storage purposes). These previous applications were for the same site, utilising the same access point onto Church Hill.

2. CONSULTATIONS

3.1 Boughton Monchelsea Parish Council would like to see the application REFUSED because:

1. The development, if permitted, will set a precedent for other forms of development on the south side of the B2163. The Parish Council wishes to see the planning authority strongly resist any form of new build or inappropriate development on the south side of Heath Road. Heath Road should remain a natural boundary of built development within the open countryside.
1. The proposal would result in unjustified residential development within open countryside, contrary to Policy ENV28 of the Maidstone Borough Wide Local Plan 2000 and Policies CC1, CC6, and C4 of the South East Plan 2009.
2. The proposed development is outside the defined boundary of the village and would be contrary to Policy H27 of the Maidstone Borough Wide Local Plan 2000 and CC1, CC6, and C4 of the South East Plan 2009.
3. The proposed development would have an adverse effect on the amenities of the occupants of The Vicarage.
4. The proposed development would introduce unjustified additional traffic onto a rural lane which will affect its character contrary to Policy NRM10 of the South East Plan 2009.
5. The site borders the remains of first century BC Belgic earth works. The setting of the earthworks will be damaged by the development, contrary to Policy BE6 of the South East Plan 2009.

3.2 Environment Agency: Raise no objection with the following advice: an acceptable method of foul drainage would be a watertight sealed cesspool; the proposed soakaways are acceptable subject to no discharge into any of the following - contaminated land; directly into groundwater or made ground.

3.3 KCC Archeology: no objections subject to a condition on site fencing to protect the earthwork on the northern boundary.

3.4 Southern Water: No objections.

3.5 MBC: Landscape: 'The tree report accurately describes the trees on the northern boundary as being old. Many of these are also subject to a Tree Preservation Order. The woodland to the west of the site has been described in

less detail, but is coppiced chestnut that is younger, but still well established and, in my opinion, important both in its landscape contribution, but also in its function as a wildlife corridor, linking the TPO'd woodland to the north with the woodland block and hedgerows further south. Continuous woodland and hedgerow cover in this area is also likely to be an important corridor between two nearby blocks of ancient woodland.

I am satisfied that the report identifies the issues that arise where there is a conflict between the proposal and potential damage to retained trees. These are highlighted in section 10 (foundations) and section 13 (services). I also raise no objection to the proposed tree removals and management works detailed in the tree report on arboricultural grounds.

However, although suggestions are made in the tree report on how safeguarding of retained trees could be achieved, there is insufficient detail to demonstrate that damage to trees will be avoided or minimised. I still have some minor concerns about how construction of foundations, installation of services along the existing entrance to the site and installation of caravans will take place without damage to trees. In principle, however, I consider that the proposal can be achieved without detriment to retained trees through the use of appropriate conditions.

I would like to see conditions attached requiring more detailed information in the form of an arboricultural method statement, to be submitted and approved prior to works commencing on site.

My other concerns relate to the future use of the site and how this is likely to impact on the surrounding area. The proposal indicates that the site will be used for leisure/holiday purposes, and is therefore likely to have visiting families with dogs and children. It is reasonable to assume that the trees to the north and woodland to the west will be used for informal recreation unless their use as part of the site is controlled in some way.

The trees (and earthbank) to the north are sensitive due to their age and could be easily damaged. Similarly, the woodland to the west, although not in the same ownership as the site, could be damaged by inappropriate users of the site. For this reason, I consider that access should be prevented to these areas, and that this should be required by a condition that specifies the erection of a permanent fence of at least 1.8m height, to be maintained for as long as the site remains in use as a caravan site. Access to the areas within the same ownership for management purposes could still be maintained through the use of a locked gate. The location, design and method of installation of such a fence should be included within the arboricultural method statement.'

3.6 Kent Wildlife Trust: 'The ecological scoping report acknowledges the considerable nature conservation interest at this site and in the adjacent orchards, hedgerows and woodland. It acknowledges the risk of disturbance to important species and recommends steps are taken to avoid and mitigate this

risk with fencing along the western boundary, some tree work and the use of careful design features for any lighting units.

Unfortunately, these measures will not eliminate the risks, which, because of the close proximity of holiday lodges and woodland/hedgerow habitat, will remain significant as a result of the activities of both visitors and their domestic animals. There can be no doubt that the proposed use represents a far greater risk of disturbance than the current lawful use for the storage of caravans.

The trust feels that the application fails to satisfy national, regional and local planning policies, in particular PPS9, key principle vi. It objects to the grant of planning permission.

If, notwithstanding the Trust's objection, the Council is mindful to grant permission, then I would urge it to attach conditions to fence the whole of the site (to contain domestic pets), to rejuvenate the hedgerow on the northern boundary with new native-species (local provenance) planting and to prohibit the use of external lighting, in addition to the recommendations made by the applicant's ecologist.'

3.7 Natural England: No objections, no further survey work required.

3.8 MBC Environmental Health Officer: 'Contamination unlikely to be present. There are no noise issues in relation to transportation noise. The proposed development is in an isolated area. The application was accompanied by a Transport and Noise Assessment. The report concludes that there would be 20 transport movements per day when the site is fully occupied and that the development would not cause a nuisance to the occupants of the nearest residential property 'The Vicarage'.

The development will be served by a Klargestor 8,000l sealed cesspool, which will need to be emptied at appropriate intervals. I note that the plans include an area for separate waste and recycling facilities.'

3.9 Kent Highway Authority: No objections have been raised subject to conditions. Kent Highway Services made the following comments: -

'This site was the subject of a previous appeal for the change of use of land for the garaging of 20 caravans. The appeal was allowed and the Inspector was satisfied that the proposal would not lead to an unacceptable adverse effect on highway safety.

This new application proposes 10 static caravans. The traffic generated by this proposal is not estimated to be high and is unlikely to have an adverse effect on highway safety. 1 parking space is provided for each caravan and the access track to the site is to be 5.5m wide which is considered acceptable. I therefore have no objections to the proposals in respect of highway matters.'

4.0 REPRESENTATIONS

4.1 Neighbouring occupiers were notified and nine letters of objection have been received. The objections are summarised below: -

- Detrimental to highway safety as the site would be accessed off a dangerous bend and an existing busy road;
- The additional traffic would exacerbate existing problems at the Boughton Monchelsea crossroads, where accidents have increased with pedestrians due to speeding and volume of traffic;
- Disturbance to wildlife; loss of trees and/or reduction in size and loss of bluebells;
- Detrimental impact on the Special Landscape Area, agricultural land and infringement of the anti-coalescence belt;
- Potential to impact on a pre-roman earthwork which forms the northern boundary of the site;
- Layout and density of the buildings;
- Loss of privacy;
- Noise, smells and disturbance from use of site;
- Inappropriate location between a vicarage and a primary school;
- Contrary to policies contained in the South East Plan which protect the countryside and agricultural land;

4.2 Boughton Monchelsea Village Hall & Recreation Ground: Comments received as follows: 'The organisation is the body responsible for the management of the village hall, recreation ground and children's play area in Boughton Monchelsea village. Our endeavour is to maintain these amenities on behalf of our community in the manner expected of a rural village setting. The planning application was discussed at the management meeting and the proposal was unanimously against the proposal for the following reasons:

1. The volume of additional traffic that would create on a rural village lane.
1. It's detrimental affect to the amenities of local properties, in particular:
 - The vicarage, where the noise, impact on visual appearance and disturbance is not in keeping with the expectation of villagers visiting their rural vicarage and contrary to the environment required by parishioners attending the vicar for more sober reasons; and
 - The primary school, where the effect on visual appearance, quiet surroundings and general disturbance would not be in keeping with the current rural village setting.
2. The overall detriment to the visual scene of the village and a rural lane, and

3. Contrary to the Maidstone local plan of not building in the countryside.

Of particular concern is the expectation that despite the 'holiday caravan site' label, this development will in fact become a permanent site for 'travellers.'

4.3 CPRE: Is opposed to this application for the following reasons (in summary):

1. Inappropriate development in the countryside. Contrary to policy ENV28 of the MBWLP. The scheme for consideration is significantly different to that granted planning permission by the Planning Inspector for the storage of 20 caravans.
1. Concerned to ensure that the wooden lodge type accommodation is conditioned as being mobile buildings to ensure they do not become permanent dwellings.
2. The reception building will generate additional visits to the site and the security barrier will need to be managed. Arrangements are needed for the emergency services.
3. This is an unsustainable location with reliance on the private car. A disproportionate amount of car parking is shown when considering the size of the unit.
4. Despite letters of support from MBC Tourism and Tourism South East, these letters stress quality provision is needed. CPRE does not consider the proposal to fall within this remit. Considers the suggested 20 vehicle movements per day to be an underestimate and no account has been taken of the trips needed by the cess pool emptying lorry.
5. Shared exit off Church Hill with the vicarage will have a detrimental impact on the vicarage. Noise and light pollution inevitable.
6. CPRE request the application be refused.
7. If approved, CPRE request the following conditions be imposed:
 - Any accommodation must be classed as mobile;
 - The length of stay in any one unit must be regulated; suggest a complete closure period;
 - Exterior lighting to be submitted to MBC for approval;
 - Management scheme for the security barrier;
 - The condition of the ancient earthworks must be regularly inspected to ensure that it is not being damaged and that the track to the site is not being pushed towards the vicarage.

5.0 CONSIDERATIONS

5.1 Site Description

- 5.1.1 The application site lies on the west side of Church Hill, approximately 350m south of the cross roads with Heath Road, outside and to the south of the village boundary of Boughton Monchelsea. The site has an area of 0.6 hectares (including the access track) and lies in the open countryside. There are no site specific designations within the Maidstone Borough-Wide Local Plan 2000; there is however an ancient earth work which runs along the northern boundary. The site is roughly rectangular in shape although tapers to the rear at the western boundary. It is accessed off Church Hill by a gravelled track which runs parallel to the northern curtilage of the Vicarage. The initial few metres of the track also serve as an access into the curtilage of the Vicarage. There is a gated entrance into the site at the top of the access track.
- 5.1.2 The site comprises a grassed open area (approximately 0.3 hectares) with substantial tree and hedge planting on all boundaries with some sections of fencing. The trees along the northern boundary are protected by Tree Preservation Order 8 of 1982. There is a further TPO on land adjacent to the north-west corner of the site – TPO 3 of 1994. The trees are approximately 12m in height and vary in condition and species. The site is relatively level. There is also coniferous hedge aligning the southern boundary of the access track which is planted behind a wooden picket fence of approximately 1m in height; the fence is owned by the applicant, the hedge is within the curtilage of the Vicarage. The northern boundary of the access track contains wire mesh fencing with trees behind on adjacent land.
- 5.1.3 At the time of the most recent site visit there were 4 caravans stored on the site.
- 5.1.4 The closest residential boundary is that of the Vicarage which also serves as a community use for personal business relating to the function of the church. The rearmost part of the dwellinghouse is between 25-30m from the western boundary which abuts the application site. The closest proposed caravan would be 38m from the Vicarage and would be separated by a proposed 8-10m landscape buffer.
- 5.1.5 To the north of the site lie open fields with an expired planning permission for open storage of 50 caravans and sporadic development on the boundary with Church Hill. The southernmost boundary of Boughton Monchelsea Primary School is situated approximately 200m north of the application site.

5.2 Proposal

- 5.2.1 Planning permission is sought for a change of use of land to a holiday caravan park for up to 10 static caravans. The development includes access, hard standing, a cesspool, reception building, boundary treatment and a security

barrier. The site is currently used for the open storage of caravans (permission granted for no more than 20). The lawful use of the site will be discussed later in this report.

- 5.2.2 The application includes the submission of a Design and Access Statement; a Noise and Traffic Report; a Sealed cesspool brochure; and a full ecological scoping survey which has been considered by both Natural England and Kent Wildlife Trust.
- 5.2.3 The style of mobile caravan that is proposed is indicated as being finished in timber cladding with a shallow pitched roof – a design akin to a woodland lodge. Each lodge would be provided with one marked parking bay. Within the site a two-way gravel road is proposed of 4.1m in width and the parking is to be grouped to maximise the retention of green areas.
- 5.4.2 It is proposed that the site be served by a Sealed Cesspool in the absence of connection to mains drainage. This is the most appropriate means of containment of domestic sewage for uses such as that proposed. Each caravan will be connected to this drainage system provided under ground and periodically emptied.
- 5.2.5 A small reception building and bin store is to be provided at the front of the site.

5.3 Principle of Development

5.3.1 Development in the countryside is restricted by the terms of Development Plan Policy and Central Government Guidance. There are however, exceptions to this. Policy ED20 of the MBWLP 2000 is a criteria based policy which allows for the provision of holiday caravan sites outside the defined urban and village boundaries. The application should therefore be assessed against the following:

- 1) The site must be unobtrusive in the landscape and not bring detriment to visual or other amenity of the surrounding area;
- 1) The site must be capable of being adequately screened; internally landscaped and capable of appropriate additional landscaping;
- 2) Adequate access, parking and servicing arrangements together with no highway objections;
- 3) Acceptable in circumstances of similar uses in the locality and their combined highway and environmental impact;
- 4) No detrimental impact on neighbouring land uses or residential amenity.

The proposal will be measured against the above criterion within this report.

5.3.2 In addition to policy ED20, there is the more general policy ENV28 which affords protection to the countryside. Policy ENV28 restricts new development in the

countryside subject to 5 criteria and in the case of this proposal it is provided for under criteria 5 – ‘such other exceptions as indicated by policies elsewhere in this plan’; in this instance policy ED20.

- 5.3.3 PPS7 recognises the importance of tourism to the economy and suggests that the benefits of providing self catering holiday accommodation should be balanced against any environmental harm. In principle it accepts that caravan holiday parks are likely to be provided in the countryside; ideally close to settlement boundaries. Emphasis is placed on ensuring no harm is caused to the landscape and environment.
- 5.3.4 In addition to the aforementioned policies, the DCLG issued the ‘Good Practice Guide on Planning for Tourism’ in 2006. This guide highlights the importance of tourism to the economy and provides a framework for accommodating caravan parks through a plan led system. It is recognised that caravan parks on the edge of settlements are often the best location as these can be more sustainable.
- 5.3.5 All of the above mentioned policies and guidance are supportive of the proposed scheme subject to detailed impact. In light of this, I cannot agree with the views of the Parish Council that the development is inappropriate in the countryside.

5.4 Visual Impact

- 5.4.1 Only the access track is visible from Church Hill, with it being some 60m before a kink in the track and the siting of the small reception building. It is not possible to see within the interior of the site from any public vantage points to the north or south. Dense woodland shields the site to the west and the east contains a high evergreen hedge on the boundary of the vicarage. The site is not elevated and the access track provides further screening on both boundaries. Little has changed in terms of the character of the site since the planning inspectors decision in 1997 where it was considered that “*the caravans would have no appreciable adverse impact on the character of this attractive rural area.*” I am of the opinion that long distance views would not be compromised, and that both within the immediate locality, and the wider area the rural character would be protected.
- 5.4.2 The extent of the existing screening when considered with the relatively isolated location of the site, results in a development which would not be capable of causing visual harm to its setting and that of the surrounding area. This being said, the applicant has included within the proposals some additional landscaping on the eastern boundary. This landscaping would be at least 10metres deep, and include a double staggered indigenous hedge, and tree planting (species to be agreed with the Local Planning Authority prior to the development taking place).

I consider that, subject to suitable species being used, this proposed landscaping would be of a form and type that one would expect within the locality, and would blend in harmoniously with the surrounding area. Because the site is already well screened, it is not considered appropriate to request additional planting along any other boundary of the site, or along the access into the site.

5.4.3 I do not agree with representations that the proposal will not be in keeping with rural village life or would compromise the 'quiet surroundings' of the school. The substantial distance from the site to the school is adequate protection, and from my most recent site visit I could only faintly hear the school children outside on their break. The site is well secluded and separate so as not to negatively impact on village life.

5.5 Residential Amenity

5.5.1 There is one residential property which has the potential to be affected by this proposal – that of the Vicarage. The previous inspector's decision found that there would be insufficient grounds for refusal relating to noise and disturbance – this was based on the generous size of the grounds of the Vicarage; the high dense hedges and the existing portakabin office on the northern boundary. These on site circumstances have not changed, with the same access point being utilised, although the nature of this proposal (use) is different. The level of activity generated from 10 holiday caravans to 20 stored caravans is clearly different. In addition to holiday makers being present on site, there will be additional vehicular movements on a daily basis. There is also the added issue as expressed by the Parish Council and the Vicar that there would be a conflict between the two uses as the Vicarage is used for meetings of a sensitive nature.

5.5.2 With the above in mind, the applicant has amended the layout plan to move the caravans further away from the boundary with the vicarage. The nearest caravan would now be some 38metres from the Vicarage, and 12metres from the boundary of the site. An 8-10m fenced over landscaped buffer zone has been provided which adds to the existing vegetation within the vicarage site. It proposed that this include a 1.8metre high close boarded fence along the boundary, and also along part of the access into the site with the Vicarage to further reduce noise and disruption to this property. The plans have also relocated the bin stores so as to place these behind the reception hut and away from the boundary. The residential curtilage of the Vicarage is generous and there is ample private garden area with clear physical and distant separation from the proposed caravan park. I am satisfied that the owners of the Vicarage will not be unduly compromised by the proposed use with regard to the personal enjoyment of their site.

5.5.3 Further information has been sought from the Vicar with regard to the business use of the Vicarage. Visitors do visit the Vicarage for meetings of a more

personal nature both in relation to happy and sad events in their lives. Objection has been raised that a caravan park adjoining the Vicarage would be inappropriate when people are visiting the Vicar to discuss funeral arrangements. The Vicar has provided general information on the nature of visits, but due to personal health issues has not been able to provide a detailed analysis of the frequency of visits, time of day or indicate whether set times are set aside for such meetings. I consider that the majority of visits are likely to be undertaken during the day or early evening and that the combined distance of the caravans; the visual screening and the absence of holiday makers throughout the day are unlikely to cause undue disturbance. I also consider that with regard to vehicle noise disturbance, this is as likely if not more likely to be more pronounced from vehicles driving along Church Hill which is close to the portakabin.

5.6 Highways & Noise

- 5.6.1 A transport assessment accompanied the application. The report advises that 'The visibility from the access looking northward is virtually unlimited from approximately 2.4m from the edge of the carriageway. 'Unlimited' visibility is available to the south from approximately 1.8metres.' The Transport Assessment uses the TRICS database to assess the potential number of vehicle movements per day. Whilst there is not an exact match to the proposed use, the conclusions drawn from comparisons indicate pro-rata approximately twenty vehicle movements per day. I do not consider this to be excessive, and as such would not have a detrimental impact upon highway safety within the surrounding roads.
- 5.6.2 There is an existing bell-mouth which serves the access to the Vicarage and the caravan park. In the previous Inspectors decision, it was considered that the bell-mouth together with the width of Church Hill was adequate to allow safe and convenient manoeuvring for towing vehicles and caravans. As the caravans are now proposed to be permanent features on the site, the majority of vehicle movements will be by car only. The fact that the Inspector considered there to be suitable and safe access for towing to take place, leads me to believe that there will not be an issue with the periodic servicing vehicle required to empty the cesspool.
- 5.6.3 An analysis has also been undertaken of road traffic noise. The anticipated noise is well below the acceptable levels and would be infrequent noise as vehicles arrive/depart from site and door slamming within the site is a considerable distance from the nearest façade of the Vicarage. The Council's Environmental Health Manager is satisfied that there are no noise concerns associated with this application.

5.7 Landscaping, Ecology and Archaeology

- 5.7.1 Landscaping has been mentioned in the previous section on visual amenity. The site already contains a generous amount of screening on the site boundaries. This being said, it is important to retain the existing screening; enhance and protect the boundaries. I consider it would be reasonable and appropriate to ensure fencing around the perimeter of the site, to ensure that holiday makers do not stray under the tree canopies and cause damage to the vegetation. The applicant has indicated that no pets will be allowed on the site. Fencing will also be of benefit as protection of the earthwork on the northern boundary and ecological interests as suggested by Kent Wildlife Trust.
- 5.7.2 The comments of the landscape officer are very detailed and therefore I will not reiterate these. The main conclusions to be drawn are that the proposal can be undertaken without detriment to the existing trees subject to safeguarding.
- 5.7.3 With regard to matters of ecology, it was initially considered by Natural England that further survey work may be required. However, as detailed in the consultee comments, after clarification between the applicant's ecologist and Natural England, there is no need for further work to be undertaken. KWT do however, raise concern over the potential impact of the caravan park on ecology and habitats, I consider that their concerns can be addressed through the appropriate fencing off the site perimeter. Also, as mentioned previously no pets are to be permitted on site.

5.8 Other Matters

- 5.8.1 Reference was made earlier in this report to the lawful planning use of the site. In 1996 planning permission was granted on appeal for the open storage of 20 caravans. In 2002 planning permission was granted on land immediately north of the site for the open storage of 50 caravans; this latter permission was subject to a Legal Agreement that prohibited the use of the current application site for open storage of caravans. The 2002 planning permission has not been implemented and has now expired. Due to the wording of the Legal Agreement, should the applicant wish to continue open storage of caravans under the 1996 permission then the Legal Agreement needs to be formally cancelled. This being said, the current application is not for open storage of caravans, it is for a caravan park and therefore as a different use does not in itself require the Legal Agreement to be cancelled.

6.0 CONCLUSION

- 6.1 In light of the detailed considerations outlined above, I consider that the site is acceptable in policy terms for use as a caravan park. After seeking additional information relating to ecology and landscape issues together with modification to the site layout, I am satisfied that the proposal can be undertaken without

detriment to the character of the area, visual and residential amenity, and will not compromise highway safety.

7.0 RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

2. The caravan park hereby permitted shall not be open for business between 14 January to the 1 March in any calendar year (the closure period).

Reason: To ensure that the site is not used for permanent residential accommodation pursuant to policy ENV28 of the Maidstone Borough Wide Local Plan 2000.

3. In the period between 1 March and 13 January (inclusive) in any calendar year (the open period), no caravan/lodge shall be occupied by any one individual or group of individuals for any period longer than one month.

Reason: To ensure that the site is not used for permanent residential accommodation pursuant to policy ENV28 of the Maidstone Borough-Wide Local Plan 2000.

4. No more than 10 caravan/lodges shall be provided on site, details of which must be submitted to and approved in writing by the Local Planning Authority before the development commences. The details shall include external dimensions and materials.

Reason: To ensure a satisfactory setting and external appearance to the development in accordance with Policies ENV28 and ED20 of the Maidstone Borough Wide Local Plan 2000.

5. The development shall not commence until details of all fencing, and boundary treatment and entry/exit barriers to be placed within the site 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 or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard

the enjoyment of their properties by nearby residents in accordance with policy ENV28 of the Maidstone Borough Wide Local Plan.

6. The development shall not commence until fencing has been erected, in a manner to be agreed with the Local Planning Authority, along the length of the earthworks fringing the northern boundary of the site and to the woodland to the west of the site, and no works shall take place within the area inside that fencing without the consent of the Local Planning Authority.

Reason: To ensure that important archaeological remains are not adversely affected by construction works, to ensure protection of the trees and in accordance with policy ENV6 of the Maidstone Borough Wide Local Plan 2000.

7. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land 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 (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 to policy T13 of the Maidstone Borough Wide Local Plan 2000.

8. The development shall not commence until landscaping, planting and management scheme has been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following completion of the development. 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 ENV28 of the Maidstone Borough Wide Local Plan 2000.

9. The development shall not commence until an Arboricultural Method Statement (AMS) has been submitted to and approved by the Local Planning Authority. The AMS shall accord with the recommendations of BS5837:2005 'Trees in relation to construction – recommendations' and should include details of foundation design and methods of construction, details and methods of installation of services within and to the site and details of the design, location and installation of tree protection

measures. The AMS should also demonstrate how caravans will be transported to and from the site and installed on their foundations, without damage to retained trees. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought on to 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 by this condition. The siting of barriers and/or 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 appearance to the development pursuant to NRM7 of the South East Plan 2009.

10. The reception building hereby approved shall be built in accordance with the approved materials as shown on the submitted drawings.

Reason: To ensure a satisfactory appearance to the development and in accordance with policy ENV28 of the Maidstone Borough Wide Local Plan 2000.

11. The development shall not commence until details of a properly consolidated and surfaced access (not loose stone or gravel) shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented prior to first occupation and retained thereafter.

Reason: In the interests of highway safety and in accordance with policy T23 of the Maidstone Borough Wide Local Plan 2000.

12. The development shall not commence until details of any lighting to be placed, erected or provided within the site including any lighting to be attached to the proposed reception building, shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be undertaken in accordance with the subsequently approved details and no additional lighting to that approved shall be placed, erected or provided within the site at any time without the prior approval of the local planning authority.

Reason: In the interests of the character and amenity of the surrounding countryside and to prevent light pollution pursuant to policy ENV28 of the Maidstone Borough Wide Local Plan 2000.

Informatives set out below

Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard Code of Practice BS 5228:2009 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.

No vehicles may arrive, depart, load or unload within the general site outside the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

The applicant is advised that it will be necessary to make an application for a Caravan Site Licence under the Caravan Sites and the Control of Development Act 1960 within 21 days of planning consent having been granted. Failure to do so could result in action by the Council under the Act as caravan sites cannot operate without a licence. The applicant is advised to contact the Environmental Health Project Manager on 01622 602145 in respect of a licence.

Standard Full Plans, Outline, Reserved Matters Approval Reason:

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 Kent Structure Plan 1996) and there are no overriding material consideration to indicate a refusal of planning consent.

REPRESENTATIONS

Maidstone Borough Council Tourism Manager:

With reference to the above planning application, I fully support the application to develop high quality holiday let accommodation. The proposed wooden lodges are of a high quality and a small development of 10 lodges will allow the flexibility for groups of people to holiday together. The local supply currently has a lot of single unit holiday accommodation, and very little multiple unit accommodation. This development would satisfy the many requests we receive for suitable accommodation groups of friends and their families to holiday together, college and university groups looking for self-catering accommodation whilst on short study tours, and most of all the families looking for value for money holiday accommodation.

In support of this, the UK domestic Tourism figures for 2009 produced by Visit England show that in 2009 holidays taken domestically were up 17%. An analysis of the statistics show:

- Self-catering is doing very well showing a massive increase in both the number of trips taken, number of nights stayed, and the resulting expenditure. This was across all sectors including rented holiday let accommodation and caravan and camping.
- There was an above average increase in the number of trips taken by people with children. This is reflected in the increase in self-catering holidays.
- London and the North East struggled while the South West, South East and Yorkshire did well.
- Domestic holidays of 4+ days grew at much the same pace as short breaks

These figures are an accurate reflection of what is happening locally. The move to value for money holidays is evident through local occupancy figures for self-catering being much higher than serviced accommodation. Self-catering holidays attracts longer stays in the area and thus impacts on the local economy through secondary spend at the local shops, pubs and restaurants, as well as the visitor attractions and leisure facilities.

Appendices attached:

Letter dated 17/6/09 Laura Dickson MBC Tourism Manager

Letter dated 19/10/09 Tourism South East

Adjoining land owner comment:

A telephone call has been received from Mr F Wilson the land owner of the site to the north subject of planning application MA/02/0255. As discussed in the officer's report this site was granted planning permission for open storage of 50 caravans subject to a legal agreement which prevents the use of Cherry Tree Caravan Park for the open storage of 20 caravans. Mr Wilson has advised that planning permission MA/02/0255 was implemented and that the officer's report is incorrect. After further investigation, it appears that the conditions relating to MA/02/0255 were discharged in May 2007 and that some laying of hardcore at the site entrance was approved and undertaken. Mr Wilson has advised that on placing an undisclosed number of caravans on the land a theft then took place and he ceased the authorised use of the site. It is unclear whether the permission was fully implemented, to what intensity and throughout what period. However, this matter is not of relevance to the consideration of the current planning application. Should the applicant wish to proceed with the open storage of the caravans at Cherry Tree Caravan Park he would need to apply to modify or discharge the legal agreement that forms part of application MA/02/0255.

Officer Comment

My recommendation remains unchanged



44

A gravel driveway lined with fences and trees, leading to a white car behind a gate. The driveway is covered in brown leaves. On the left is a chain-link fence, and on the right is a bamboo fence. In the background, a white car is parked behind a white gate. The scene is surrounded by lush green trees and foliage.

45



46

Cherry Tree
Caravan Site

Cherry Tree
Caravan Site

46



47



49



50



51



52



A green utility shed with a white downspout and a window, partially obscured by a lattice fence and trees. The scene is outdoors with a gravel path in the foreground.

54

55

A photograph of a dirt path lined with a fence made of vertical wooden posts. The path is covered in fallen leaves, and there are trees in the background. The number '55' is overlaid on the image.

56

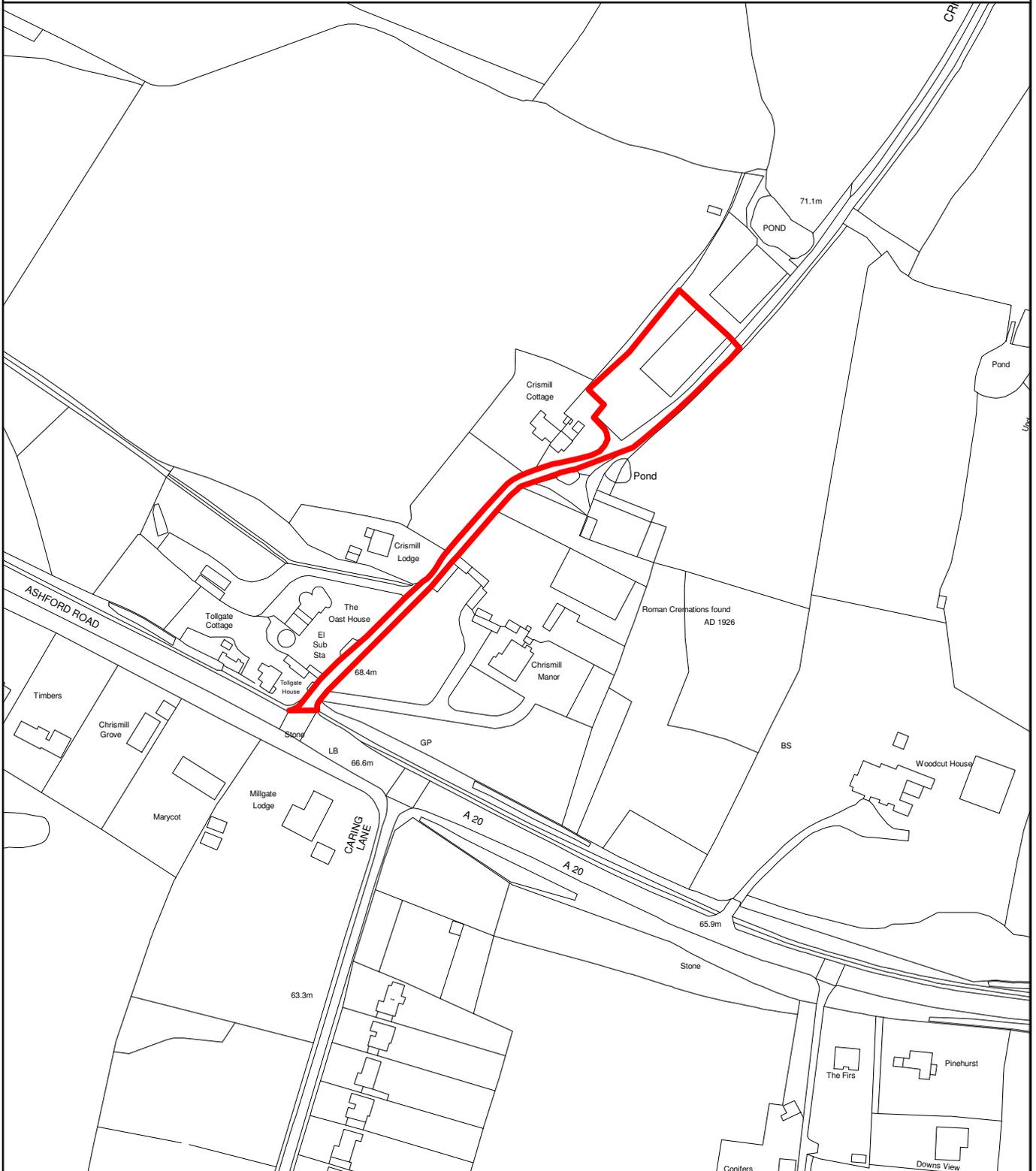


THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/09/2072

GRID REF: TQ8155

FORMER POUNDSTOP WAREHOUSE,
CRISMILL LANE, THURNHAM.



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Rob Jarman
Head of Development Management

APPLICATION: MA/09/2072 Date: 9 November 2009 Received: 23 December 2009

APPLICANT: Jubilee Fellowship Church

LOCATION: FORMER POUNDSTOP WAREHOUSE, CRISMILL LANE, THURNHAM, KENT, ME14 4NT

PARISH: Thurnham

PROPOSAL: Change of use and alteration of warehouse to a Church and Meeting Hall as shown on a site location plan, parking layout plan, Planning, Design & Access Statement and Traffic report received on 13/11/09, proposed floor plans and elevations received on 23/12/09 and a Bat Report received on 02/07/10.

AGENDA DATE: 2nd September 2010

CASE OFFICER: Louise Welsford

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

- it is contrary to views expressed by the Parish Council
- Councillor Horne has objected to the application for the reasons set out in the report

1 POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV28, ENV34, ENV44, ENV49
Government Policy: PPS1, PPS7, PPS9, PPG13, PPG24

2 HISTORY

- MA/99/1689 – Permanent change of use from general industrial use to storage and distribution - APPROVED
- MA/98/0893 – An application under section 73 of the Town & Country Planning Act 1990 (As amended) For the removal of condition 1 of MA/97/1026N which requires the current use of the site to cease on or before 31.07.98 - APPROVED
- MA/97/1026 – Retrospective change of use from general industrial use to storage and distribution - APPROVED
- MA/75/0336 – Use of land for the storage of timber (rear of existing buildings) - APPROVED

- MA/74/0082 – Timber storage building and a sawdust cyclone for commercial use - APPROVED

- 2.1 The site was originally part of a sawmill, prior to the advent of planning controls in 1948. It was subsequently used for general industrial purposes and the application building was constructed in the 1960s.
- 2.2 In 1997, planning permission was granted on a temporary basis for the use of the site as a warehouse and distribution centre for a company called 'Poundstop' (MA/97/1026). This use resulted in a high turnover of goods with vans predominantly delivery products to and from the site. This was renewed on a temporary basis under reference MA/98/0893 and was then granted on a permanent basis under application MA/99/1689. This was made personal to the company, 'Poundstop', and included the following condition:

"The use hereby permitted shall be carried on only for the period during which the building or land is occupied by Poundstop and at the end of this period the use hereby permitted shall cease and all materials and equipment brought into the building or onto the land in connection with the use shall be removed.

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

- 2.3 The reason for this was stated to be that the use hereby permitted would not normally be allowed and permission has been granted only because of the exceptional circumstances of 'Poundstop'. The use of the building by 'Poundstop' ceased in 2006, nine years after permission was originally granted.
- 2.4 The applicant contends that the site could revert to its former industrial use (class B2), without the need for further planning permission and challenges the validity of the personal permission condition imposed on permission MA/99/1689.
- 2.5 However, the Council's Legal advice states that the permission given under reference MA/99/1689, created "a new chapter" in the planning history of the application site, with the effect of "sweeping away" the previous B2 use permanently.
- 2.6 The applicant does not agree with this conclusion, however, in the absence of any significant evidence to demonstrate a contrary view or a Certificate of Lawfulness I consider it appropriate to assess the site as having a nil use.

3. CONSULTATIONS

3.1 **Thurnham Parish Council** object to the application for the following reasons:-

- "The site lies within the Parish of Thurnham and is situated within the Special Landscape Area and adjacent to the North Downs Area of Outstanding Natural Beauty.
- We are concerned about the increase in level of traffic that will be generated from the site. We do not accept the figures stated in the application nor believe these to be achievable. The additional traffic would cause problems at the access point onto the A20 Ashford Road.
- Crismill Lane is a narrow rural road and is designated as Bridleway KH134, there are few passing places and traffic which uses Pegasus Gym already causes a problem to local residents at peak use times.
- The planning application has little consideration regarding the potential impact on local residents.
- We are concerned about the additional noise pollution for the site.
- It is expected that maximum use of the building would be on Sundays where there could be a conflict between riders on a peak day for bridleway use.

In general we feel that the proposed change of use would be detrimental to the local environment, little thought has been given to the impact on the local area or local residents. The change of use to a Church and meeting hall would adversely affect the nature of Crismill Lane and put undue pressure on a rural road which already has problems with traffic."

3.2 **Natural England** requested a bat survey. A bat survey has subsequently been undertaken and submitted. Natural England have responded to the survey with no objections and recommend that the inclusion of an artificial bat roost would enhance the biodiversity of the site.

3.3 **Kent Highway Services** raise no objections to the application.

3.4 **MBC Environmental Health Manager** has considered the application in relation to noise and amenity and states:-
"I consider it unlikely that there will be a loss of amenity to local residents, caused by this change of use."
No objections are raised and informatives are recommended.

4. REPRESENTATIONS

4.1 **Councillor Horne** has objected to the application and called it to Planning Committee. His comments are set out in full below:-

"As you will be aware this site lies adjacent to the KIG appeal site, which was the subject of a major Public Inquiry which closed on the 23 December 2009. In the circumstances, the planning considerations of this application must be strictly adhered to and carefully evaluated in view of the detailed and otherwise relevant argument made at the KIG Inquiry.

Principle of development:

The site lies within the Parish of Thurnham and is situated within the SLA and adjacent to the North Downs AONB. The status of this area of the SLA was considered as late as 7 September 2009 by Mr D E Morden, an Inspector appointed by the Secretary of State for Communities and Local Government in the appeal for land adjacent to 22 Caring Lane. [The instant appeal was dismissed].

The Inspector stated; the site lies in an Area of Special Landscape Value. Then, The Special Landscape Area was designated as a buffer between the AONB and the rest of the countryside.

He went on to state; 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 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".

Accordingly, one can see from the submitted planning history that the site was originally part of a sawmills. Although this was established prior to planning legislation, it nonetheless subsequently fits into the criteria for development within an SLA. Indeed, subsequent planning permission was for a workshop and office block which was ancillary to the sawmills. These are now part of the application buildings. The later uses were subject to conditions which required restoration of the buildings upon cessation of the previous permission. There were also restrictions on the HGV or LGV movements by the Poundstop.

Therefore, to infer an automatic continuity of unrestricted or established industrial use would not be correct.

Guidance Notes for the reduction of obtrusive light:

It was established at the KIG inquiry that the E1 environmental zone would apply to lighting in this area. Therefore, Table 1 of the ILE design guidance would apply with the pre and post curfew light limitations for exterior lighting installations and for building luminance.

Highways:

Crismill lane is unadopted and ownership vests in certain landowners with an easement of access for other landowners. It is a recognised footpath and bridleway, KH134. It is a narrow lane of one vehicle width. It is not wholly correct to state: There are various passing places at the Lane's entrance and along the land where two vehicles can pass one another. There is only the access to the private properties on the lane.

Again, to submit a traffic count from the mainly Vacation period of the gymnasium can only demonstrate the mean movements.

Upon the site there would be common and restricted parking with the Pegasus gymnasium. The access to the site (together with the egress) is from a narrow lane off the A20. This is adjacent to the bus lay by and importantly to the central reservation for turning either into Caring Lane or into Crismill Lane. There is a pinch point on the A20 at this location. No doubt following the historical location of the Toll Gate. Any exacerbation of the traffic flow into the land results in a tailback into the A20. Conversely, any egress of a line of traffic stops any entry into the lane.

The statement: As part of the proposals, and as the Lane at its junction with the A20 adjoins a bus lay-by, the Lane will be widened at this point to the maximum extent within highway limits to safe access/egress: would require the Highway Authority to adopt the lane and incur expenditure upon capital works.

Impact upon residential amenity:

Little comment has been made of the impact upon the existing residents. There is already an established pattern of classes held by the Pegasus Gymnasium. There is now increased and full use over both the weekdays and the weekends by the Pegasus Gymnasium. For example on a Sunday, there are four consecutive class sessions. Occasionally, there are Gala events at the weekend. This usage could well increase with the entraide Olympic use of the premises for overseas team training. This can, and has, led to overspill parking along Crismill Lane.

Environmental considerations:

There is a general presumption against additional noise emissions within this environmental area.

In the result, to add to this usage the further projected usage by the Jubilee Church would result in a cumulative environmental impact that would be unacceptable to the local residents. Established residents are entitled to ask that there should be no derogation from their usual patterns and enjoyment of life. Further, that they can be assured there will be no impediment to access by the emergency services.

Thurnham Pumping Station:

Crismill Lane provides essential and emergency access to the Poer Meadow Shaw pumping station for the public water supply.

Conclusion:

Upon the submitted information:-

- There are concerns that there will be occasions of concurrent use of the site both by the Pegasus Gymnasium and the Jubilee Church. In the result the on site parking will not be able to cope with this situation.
- There are already concerns with traffic movements to and from the Pegasus Gymnasium and the impact both upon the Crismill Lane and at the access point onto the A20 Maidstone to Ashford Road. To add the type of traffic movements stated for the Jubilee Church in the Travel Plan will only exacerbate the situation.
- No statement has been made to contain the noise movement of some additional and two hundred people visiting the site.
- No statement has been put forward in conjunction with the ILE Design Guidance for the reduction of obtrusive light in this zone.
- In the result due to lack of sufficient access for the traffic the proposed use of the site would be detrimental to conditions of highway safety contrary to Policy HP9 of the Kent and Medway Structure Plan 2006 or any subsequent amendment thereof.

Therefore, I wish to oppose this application as put forward”.

4.2 **9 on-line comments** have been submitted in **support** of the application. These raise the following broad points:

- The proposal would benefit the community
- The Church supports the community, Thurnham and Bearsted Parish and Charities.
- The use would improve the site.

- An increase in infrastructure such as this is required, due to the increase in housing in Maidstone.

4.3 **Objections** have been received from 8 named properties, 1 unnamed property and from CPRE.

These broadly raise the following objections:

- Insufficient parking.
- Various issues relating to highway safety, access and congestion. These include blind spots in lane, increased risk of accidents (including risk to children and horses, as road is also a bridleway), access onto A20 is dangerous, cars could be partly stuck out onto A20, lane is narrow and only passing places are on private property, would impede the free flow of traffic, emergency vehicle access could be obstructed, pedestrian safety, car sharing/the use of public transport may not be carried out, inconvenience for users of gym.

- Relating to the traffic survey, the following points were made:-

Report is biased/inaccurate due to time carried out and position of counting loop; the survey was carried out on a Tuesday at 9-11am, which is not the proposed time of highest usage, the report should also take into account horseboxes from existing uses, access to farmland and farm traffic 'shoots' and the use of the road for security checks and maintenance for the motorway overpass, railway line and high speed rail link.

- Other traffic issues raised are that of:

- the junction with the A20 would need to be widened and the bus stop moved.
- The times of usage would clash with the gym – weekends and evenings.
- Only 4 lorries a day have used the site since 2005.
- Coaches could be used to transport people to the Church, as the site can accommodate lorries.
- Wear and tear on the road.

- Relating to residential amenity, the following objections were raised:-

- Light pollution.
- Noise and disturbance, both from use and car doors slamming.
- Loss of privacy.
- Smells.
- Nuisance.

- Noise from the hiring out of the hall for weddings etc.
- Other issues raised are:
 - Loss of trees.
 - Trespass and vandalism

5. CONSIDERATIONS

5.1 Site Location

5.1.1 The application site lies in the open countryside, in the parish of Thurnham. It also falls within the North Downs Special Landscape Area. The site is not in an area of open land and is not located on an escarpment. The M20 motorway runs to the north of the site, its closest point being approximately 430m away in a north easterly direction. The site is approximately 1.3km from the urban boundary of Maidstone (by road, not as the crow flies).

5.1.2 The site contains a single storey industrial building, which is currently vacant, set within a hard surfaced area of approximately 0.2 hectares. The floor space of the building is approximately 800m².

5.1.3 The site is surrounded by conifers and close boarded fencing to the west and south and there is wire fencing with trees to the east. To the north is another industrial building, which is currently in use as a gymnasium. The gym is known as Pegasus gym, a successful gymnastics gym. Residential properties 1 and 2 Crismill Cottages lie directly to the south west of the site.

5.1.4 Access is via Crismill Lane, a single tracked private lane, along which there are a number of residential properties. The site is approximately 200m from the junction of Crismill Lane with the A20. To the north Crismill Lane runs under the motorway and stops.

5.2 Proposed Development

5.2.1 Planning permission is sought for the use of the building as a Church and meeting hall for the Jubilee Fellowship Church, a non-denominational Church which has several existing premises in Maidstone, which requires a larger premises in which to hold services and meetings.

5.2.2 The application advises that the main use of the premises would be for worship upon Sundays from 9am until 1.30pm and from 5.30pm until 8pm, and on weekdays for small groups between 7pm and 10pm.

- 5.2.3 Changes to the building involve the blocking of all existing windows to create an auditorium and re-cladding in Trafford Tiles, of Goosewing Grey colouring.
- 5.2.4 Parking would be provided upon the existing hard-surfaced area, and the drawings show a total of 27 spaces. A traffic implications report undertaken by a Transport Planner has been submitted with the application. This includes details of a suggested Travel Plan through the usage of 3 minibuses each undertaking two trips to collect members of the congregation for each service. In addition there are further indications of car sharing that could occur in order to further reduce car numbers and members of the congregation live within walking/cycling distance of the site. No landscaping is proposed as the whole forecourt is hard surfaced.

5.3 Principle of Development

- 5.3.1 The Development Plan seeks to strictly control development in the countryside, in order to protect its character and appearance, mainly through policy ENV28. In designated Special Landscape Areas, such as this then priority should be given to the landscape over other issues.
- 5.3.2 Policy ENV44 of the Maidstone Borough-Wide Local Plan (2000) allows the 'reuse and adaptation of existing rural buildings for commercial, industrial, sport, recreation or tourism uses'. The site is an existing rural building and the use for the purposes of a church is a recreational use. Therefore the principle of the use conforms to the policies of the Development Plan and the key considerations are the merits of the case, including the criteria in Policy ENV44. The main criteria that are relevant in this case are the impact on highway safety and the impact on residential amenity.
- 5.3.3 More recent guidance has been published by the Government in the form of *PPS4: Planning for Sustainable Economic Growth*, lists uses which are considered to be town centre uses and a Church does not fall amongst these. This therefore implies that it could be sited elsewhere, for example in a rural area and there is no conflict with the Development Plan.
- 5.3.4 The key considerations of the proposal are the highway and parking issues, residential amenity and impact on the character and appearance of the countryside.

5.4 Highway Considerations

- 5.4.1 Crismill Lane is a single track road with limited passing places (these being entrances to properties). The junction of Crismill Lane with the A20 is a wide junction with good visibility.

- 5.4.2 There have been objections raised by interested parties on highway safety grounds.
- 5.4.3 The building was formerly in use by 'Poundstop' as a commercial distribution warehouse. The building is now empty and in policy terms is suitable for reuse for a variety of uses, including another commercial use or a recreation use. Any use that would occupy the building would generate an amount of traffic. This proposed use would not attract vans or small lorries, which other commercial uses are likely to.
- 5.4.4 The junction of Crismill Lane and the A20 is adequate to cope with the existing level of traffic using both roads. The visibility at the junction, both turning into Crismill Lane and exiting Crismill Lane is adequate in both directions (approximately 200m to the west and 220m to the east).
- 5.4.5 There have been no reported personal injury crashes at the junction of the A20 and Crismill Lane in the past three years. In light of this I do not agree with objectors that the junction is dangerous. Furthermore, Kent Highway Services have been consulted and conclude that the visibility at the junction is acceptable and not unsafe. No objections are raised by Kent Highway Services on the matter of the adequacy of the junction of Crismill Lane with the A20.
- 5.4.6 Concern has been raised regarding the adequacy of Crismill Lane to accommodate the traffic generated by this use. Predominantly, the vehicles using the church would be cars and due to the nature of Crismill Lane are unlikely to be travelling at great speeds. This type of vehicle would be considerably smaller than the vehicles utilising the previous commercial uses and therefore more manoeuvrable and less likely to cause a hazard to pedestrians or horse riders. In addition cars can pass each other at various points along Crismill Lane without extensive manoeuvring.
- 5.4.7 On this matter concern has been raised with regard to the combined traffic of the church and the adjacent gym. However, the opening times of the adjoining gymnasium (as advertised on its website), would give different times of peak flow to this proposal. The gymnasium was granted permission under reference MA/93/1688 and this permission restricted the hours of use to 8am - 8.30pm on Mondays to Fridays and 9am - 6pm on weekends, with the use being limited to 15 Sundays in a year. The times of use indicated on the gymnasium's website do not show any regular sessions on Sundays.
- 5.4.8 The Church would generate the greatest volume of traffic upon a Sunday, when the gymnasium is restricted to 15 Sundays of opening per annum and currently has no classes scheduled for a Sunday. In the evenings, the gymnasium is restricted to a closing time of 8.30pm with the meetings held at the Church being anticipated to run from 7pm-10pm. Critically, the Church is not proposing

any opening times for Saturday or during the day on weekdays and as such the uses will have differing peak usage times. A condition will be recommended to ensure the opening times of the Church are secured to avoid a conflict of peak travel times.

5.4.9 It therefore appears that there would be no direct conflict between the anticipated times of peak flow and therefore the capacity of Crismill Lane is adequate. Kent Highway Services have also examined this issue in combination with the adjacent gym use and have raised no objection in terms of traffic generation and flow.

5.4.10 On the matter of parking there are 27 spaces that would be available upon the existing hardsurfaced area, together with 20 cycle spaces. The application also suggests that a congregation of 250 people could be accommodated.

5.4.11 Guidance contained within *PPG13: Transport* promotes the provision of a minimal amount of parking space and seeks to reduce the number of individual car trips. It states that developers should not be required to provide more parking spaces than they wish, other than in exceptional circumstances, such as where there are significant road safety implications.

5.4.12 The site is approximately 1.3km from the urban boundary of Maidstone and I do not consider this site to be so remote that alternative modes of transport could be used for example bicycle or bus; there is a bus stop near the junction with the A20. A traffic implications report undertaken by a Transport Planner has been submitted with the application. This includes details of a suggested Travel Plan through the usage of 3 minibuses each undertaking two trips to collect members of the congregation for each service. In addition there are further indications of car sharing that could occur in order to further reduce car numbers and members of the congregation live within walking/cycling distance of the site. A condition requiring the submission of an appropriate travel plan would form part of the recommendation.

5.4.13 Crismill Lane is narrow and the speed limit on the A20 is high (60mph). It is therefore unlikely that people will park in either location, as this would be likely to result in an obstruction of the road and, in high likelihood, damage to their vehicles.

5.4.14 Given the location of the site, the surrounding roads and the nature of the use I consider that the proposed level of parking is adequate. Kent Highway Services have considered the application, nature of the use and location and surrounding area and agree that the level of parking is acceptable.

5.5 Residential Amenity

- 5.5.1 The main issue relating to residential amenity is noise and disturbance. Potential noise sources are the traffic using the Church and, to a lesser degree, noise from within the building, for example, singing.
- 5.5.2 Firstly, it is important to note here the characteristics of the site and surroundings. Although this is a countryside location it is not an isolated rural site, where one would expect high levels of tranquillity. Indeed, all of the houses which are most likely to be affected by the development in terms of noise lie to the south of the site, less than 200m from the A20, a main arterial route. Furthermore, these houses are all located in the region of 450-650m from the M20 motorway, which is a major source of background noise in this part of the Borough.
- 5.5.3 A storage and distribution use has previously been accepted upon the site and the proposed use is not considered to be significantly noisier than such a use. Whilst the Church would have peak times of higher usage, there would be other times when there would be likely to be less usage, for example during the week. It is considered that the proposed use would not have a significantly greater adverse impact in this regard than the use which has previously been accepted upon the same site. A warehouse use could include significant time spent loading and unloading large, noisy vehicles, which may be left with their engines running, whereas the Church use would be contained within the building, with the car park being simply used to park vehicles whilst attending services etc. A Church is the type of use one would expect to find in a rural area.
- 5.5.4 In terms of noise from within the building, the proposals would significantly reduce the number of openings, which would assist in preventing noise from escaping. Also the layout is well planned in this regard, as it proposes a reception and toilets to the south western end of the building, which would provide a buffer between neighbouring dwellings and the auditorium. I do not consider that the use of the church or the car park would cause any significant noise disturbance to the occupiers of nearby dwellings. The Environmental Health Manager has not objected to the proposals on noise grounds.
- 5.5.5 A condition to prevent the playing of amplified music would also protect residential amenity. The supporting statement advises that the applicant would be prepared to accept a condition regarding noise insulation and I am satisfied that such a condition would satisfactorily mitigate against any significant adverse impact.
- 5.5.6 There are no extensions proposed to the building as part of the change of use and as such would not cause a significant loss of light to, or overbearing impact upon any neighbouring property.

- 5.5.7 There is close boarded fencing and conifers separating the site from the nearest dwellings to the southwest (Crismill Cottages). Other dwellings are further south and/or separated by the Crismill Lane. The building itself is more than 20m from the boundary with Crismill Cottages. The distance, boundary treatments and the nature of the use of the car park would ensure that there would be no adverse impact on amenity from the loss of privacy.
- 5.5.8 Light pollution from car lights is not considered to be as detrimental to residential amenity as to justify a refusal. The degree of light pollution is not considered to be significantly greater that would be associated with the previously accepted use and peak usage of the site would be on Sundays, mainly during daylight hours, when lights would not be needed. Weekday usage is envisaged to be for small groups. Moreover, lights would be switched off when vehicles were parked, so there would be unlikely to be a continuous long period of light being emitted.
- 5.5.9 External lighting is proposed in the form of security lighting only and no general purpose lighting. The details of the proposed lighting shall be submitted to the Local Planning Authority in order that the amenity of nearby residents can be maintained.
- 5.5.10 Overall, I consider that the proposal would not result in a significantly detrimental impact on residential amenity and refusal would not be justified.

5.6 Impact on Special Landscape Area and Countryside

- 5.6.1 Physical changes to the building would be of a minor nature and, externally, comprise changes to fenestration and re-cladding in a goosewing grey colour.
- 5.6.2 Although the changes to the fenestration would result in less openings, and, to a certain degree, a more bland appearance, this is a simple building of functional appearance and the changes would preserve that functional appearance. The building appears tired and in need of updating and the re-cladding with Trafford Tiles would help to modernise and improve the visual appearance of the building. Goosewing Grey is an appropriate, unobtrusive colour which would blend well with the surroundings.
- 5.6.3 No additional mass is proposed, so there would be no harm to the openness of the countryside.
- 5.6.4 External lighting is proposed in the form of security lighting only and no general purpose lighting. The details of the proposed lighting shall be submitted to the Local Planning Authority in order that the impact on the character and appearance of the area can be minimised.

5.6.5 I conclude that the development would have a satisfactory visual appearance and would improve the appearance of the countryside and would not be detrimental to the landscape in this designated Special Landscape Area.

5.7 Other Issues

5.7.1 With regards to ecology, a bat survey has been submitted. This concludes that a bat had found its way into the building, probably in 2009, but this may have been the only use by bats. It also states that there are "no real conservation implications for the loss of this roost", especially if mitigation is provided. It considers the building to be generally unsuitable for roosting, but recommends that bat boxes are provided in order to provide an ecological enhancement. Given the conclusions of the survey, I am satisfied that a condition regarding bat boxes would ensure satisfactory mitigation and that there would be no significant loss of habitat or adverse impact upon bats.

5.7.2 In terms of the issues of support, the application would contribute to the infrastructure supporting increased levels of housing in Maidstone. This proposal is in line with the broad aims of PPS1 in this regard, by providing an additional Church facility which would be available to a wide range of people, due to its location.

5.7.3 The need for security checks for the motorway etc., and events such as "shoots", are unlikely to be events of high occurrence and their timings are similarly unlikely to clash with the peak use of the Church on a regular basis. Moreover, the Highways Authority has not objected to the proposal on the grounds of congestion or inconvenience.

5.7.4 Wear and tear on this private road is a civil matter and trespass and vandalism are not material planning considerations.

5.7.5 The proposal would not result in the loss of any trees as no extensions or hardstandings are proposed.

5.7.6 The proposal for KIG is separate, which is has recently been dismissed at appeal. I have assessed this case upon its own merits in accordance with the policies of the Development Plan and other material planning considerations.

6. Conclusion

6.1 This proposal would generate additional traffic movements, but these can be accommodated in this location without significant detriment to highway safety either on Crismill Lane itself or at the junction with the A20. The applicant has put forward proposals for alternative modes of transport which clearly support the principles of sustainable development and are in line with guidance

contained within *PPG13: Transport* and in this location, which is not remote from the urban area I consider the level of parking to be acceptable. Kent Highway Services do not raise any objection to any aspect of the application on highway safety grounds.

- 6.2 The proposals would not give rise to significant residential amenity issues of a scale which would justify a refusal. Noise mitigation measures can be used to contain noise within the building and there are no objections raised by the Environmental Health Manager.
- 6.3 The proposals would not increase the bulk of the building in any way and the changes to the appearance have positive benefits for the visual impact on the countryside and the Special Landscape Area, as they would improve the appearance of the building.
- 6.4 Considering all of the above, the recommendation is for 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 development shall not commence until details of noise mitigation measures to prevent noise transference from within the building have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be carried out prior to the first use of the building hereby permitted and subsequently maintained.

Reason: To protect residential amenity for neighbouring properties in accordance with policy ENV44 of the Maidstone Borough-Wide Local Plan (2000) and PPG24.

3. No amplified music shall be played or transmitted at the site;

Reason: To protect residential amenity for neighbouring properties in accordance with policy ENV44 of the Maidstone Borough-Wide Local Plan (2000) and PPS1.

4. The development shall not commence until details of any external lighting have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To protect residential amenity for neighbouring properties and to safeguard the character and appearance of the countryside in accordance with PPS1 and Policies ENV44 and ENV49 of the Maidstone Borough Wide Local Plan (2000).

5. The development shall not commence until details of biodiversity enhancements in the form of bat boxes have been submitted to and approved in writing by the Local Planning Authority. The approved enhancements shall be carried out prior to the first use of the building hereby permitted and subsequently maintained.

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

6. The use shall not commence 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.

Reason: The proposal is within an area of open countryside with limited parking, and as such it is considered important to ensure that the site operates in a sustainable manner. 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 PPS7 and PPG13.

7. No activity in connection with the use hereby permitted shall be carried out outside the hours of 1900 and 2200 Monday to Friday, 0930 and 2000 Sundays and not at any time on Saturdays;

Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers and to prevent peak time traffic conflict with the neighbouring gymnasium occupier in accordance with policy ENV44 of the Maidstone Borough-Wide Local Plan (2000) and PPS1.

8. No activities in connection with the use shall take place outside the building;

Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers in accordance with policy ENV44 of the Maidstone Borough-Wide Local Plan (2000) and PPS1.

Informatives set out below

Should any bats be found prior to or during the work, work must stop immediately and Natural England must be contacted before work can proceed. This is a legal requirement under the 1981 Wildlife and Countryside Act (as amended) and applies to all contractors and persons involved on site, please ensure they are made aware of it.

Natural England's contact details should also be made available to all contractors on site, (01233 812525).

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:1997 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 EHM 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.

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

Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

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 there are no overriding material considerations to indicate a refusal of planning consent.

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A photograph of a residential driveway. The driveway is paved and curves to the right. On the left side, there is a tall, light-colored wooden fence. Behind the fence, there are several trees, including a large, leafless tree in the background and a smaller, dark green tree in the foreground. On the right side, there is a large, dark green tree with a thick trunk. In the distance, a wooden gate or fence structure is visible, with some small lights or markers. The overall scene is a quiet residential area.

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A paved road with a fence on the left and trees on the right. The road is asphalt and has some water stains. The fence is made of wooden posts with red caps. There are several trees, including evergreens and bare deciduous trees. The sky is overcast.

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Representations

Further e-mails have been received from a neighbouring property on the grounds of highway safety and safety for users of the public footpath.

Officer comments

The conflict between pedestrians and horses using the lane and vehicles would already occur, as this is an existing road. Due to the narrowness of Crismill Lane, speeds are unlikely to be high and there are therefore considered to be no significant safety issues associated with additional traffic.

The Highways Engineer has considered the issues of additional traffic, visibility in Crismill Lane and at the junction with the A20, and parking, and has reaffirmed that she has no objections to the proposals. She is confident that there are no significant highway safety implications associated with this proposal.

Recommendation

The recommendation remains unchanged.

Agenda Item 15

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/10/0649

GRID REF: TQ7554

THE ROSE,
1 FARLEIGH HILL, TOVIL.



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Rob Jarman
Head of Development Management

APPLICATION: MA/10/0649 Date: 16 April 2010 Received: 19 April 2010

APPLICANT: Wisley Developments Ltd

LOCATION: THE ROSE, 1, FARLEIGH HILL, TOVIL, MAIDSTONE, KENT, ME15 6RG

PARISH: Tovil

PROPOSAL: Planning application for erection of 3-4 storey development to include 11no. dwellings (3 studio flats, 3x 1-bed flats and 5x 3-bed terraced dwellings) and associated works including access and parking as shown on drawing nos. 5002/TP/300/B, 303, 304/F, 305/F, 306/F, 308/B, 309/B and Design and Access Statement, Planning Statement, Planning & Noise Assessment, Flood Risk Assessment, Report on Subsoil Investigations, Geo-environmental Desk Study received 16/04/2010 and as amended by drawing no. 2002/TP/307/F received 28/07/2010, amendment to and in association with extant planning permission MA/07/2416.

AGENDA DATE: 2nd September 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 Tovil Parish Council

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, T13, CF1
Government Policy: PPS1, PPS3, PPS23, PPG13, PPG24

2. HISTORY

- 2.1 The Public House ('The Rose'), which formerly stood on the site has now been demolished. The previous ragstone boundary walls are all that remain.
- 2.2 Previous planning history on the site is as follows;
 - MA/10/0829: An application for discharge of conditions relating to MA/07/2416 (Redevelopment, including change of use, to provide a new 3-4 storey development containing three 2-bed houses and eleven 2-bed flats with on-site parking for fourteen cars) being details of Condition 2 materials; condition 3 slab levels; Parts 1 and 2 of condition 4 contamination report; condition 5 parking; condition 7

& 8 landscaping; condition 11 & 12 Financial contributions; condition 13 construction details; condition 14 acoustic amelioration; condition 15 code for sustainable homes: APPROVED 28/07/2010.

- MA/07/2416: Redevelopment, including change of use, to provide a new 3-4 storey development containing three 2-bed houses and eleven 2-bed flats with on-site parking for fourteen cars. APPROVED 30/07/2008.
- MA/06/1532: Change of use of site to residential together with the erection of a three/four storey building containing eleven two bedroom flats and three one bedroom flats, with on site parking for fourteen cars. (Resubmission MA/05/2100): WITHDRAWN 21/11/2007.
- MA/05/2100: Change of use of site to residential, together with the erection of a four storey building containing 5 No. 2 bedroom flats, 6 No. 1 bedroom flats and 3 No. studio flats, with on site parking for 14 No. cars: REFUSED 10/01/2006.

3. CONSULTATIONS

- 3.1 **Tovil Parish Council:** (23 June 2010) objected on the grounds of inadequate car parking provision and stated that there should be a minimum of 1 space per unit.

On the 10 August 2010 The Parish Council reiterated their original views following receipt of the amended details being the ragstone panelling, and agreed that the amendment makes no difference to its original objections which are on the basis of inadequate car parking.

"Cllrs are of the opinion that the inadequate car parking provision will inevitably result in vehicle overspill to neighbouring areas and cause severe social problems and downgrade the quality of life of the residents of The Rose development and neighbouring developments."

- 3.2 **Environment Agency:** No objections subject to the finished floor level for all accommodation being at a minimum level of 13.5m AOD Newlyn.
- 3.3 **Kent County Council (Mouchel):** Have requested contributions towards; Libraries at £227/unit and Adult Education at £180/unit. Both of these contributions would be used for at the new Maidstone Hub Library/Archive/History Centre currently under construction to provide additional space and improve capacity.

Youth and Community contributions are required for a youth worker to serve the additional demand and this is a total of £2550 for the eight houses on the site.

- 3.4 **West Kent Primary Care Trust:** Raise no objections to the development and request £11088 for the provision of healthcare as a result of the additional demand to be spent at Vine Surgery, St Luke's and Marsham Street.
- 3.5 **Kent Highway Services:** Have no objections and are satisfied that the visibility at the junction of Straw Mill Hill and Farleigh Hill is no worse than that of the extant permission ref. MA/07/2416, now that this has been demonstrated by the applicants. They have also confirmed that the level of parking provision is acceptable. They have suggested a number of conditions seeking implementation of parking spaces and provision of cycle spaces and visibility splays to the access as well as pedestrian visibility splays and informatives including means to ensure surface water drainage from the site does not drain onto the highway, wheel washing and the parking of operatives, contractors' vehicles on site.
- 3.6 **Southern Water:** Have advised that there is a public sewer in the vicinity of the site and have stated that no development or tree planting should take place within 3m either side of the centre line of the sewer. They have also advised that there is the capacity to provide both foul and surface water sewage disposal to serve the development. Informatives have been requested relating to the presence of the sewer and the need to make a formal application for connection to the sewer are placed on any permission.
- 3.7 **MBC Parks and Open Spaces:**

'The site is within South Ward. Clearly there is no on-site open space provision to be made at this location and we would therefore request an off-site contribution to be written into the Section 106 Head of Terms.

This would go towards enhancing, maintaining, repairing and renewing play areas and green spaces within a one mile radius of the proposed development – primarily within South Ward

The contribution would be based on 14 units x £1575 per unit = £22,050. This is the cost per dwelling as set out in the 'Supplementary Planning Guidelines' and Fields in Trust's (formerly National Playing Fields Association) guidelines as a provision costs for outdoor playing space.'

***Officer Comment:** - I have spoken to the Parks and Open Space Officer and he has informed me that he would expect contributions. No formal response has been received to identify how much, or where it would be spent. I have requested that the Parks and Open Space Officer confirm exactly where the money would be spent, in order for this request to meet the statutory tests.

3.8 **MBC Environmental Health:** Have commented on the matters of noise and potential contamination.

'Regarding the original application, MA/07/2416, my colleague previously noted that:

- *A Desk Study and Report on Subsoil Investigations was submitted with the application. The Desk Study has identified all the past contaminative sources around the property, and the Source-Path-Receptors. The Report on Subsoil Investigations has results from 8 boreholes, which are located all around the site and are therefore considered a reasonable representation of the site as a whole. No landfill gas has been detected, and there are no special measures proposed for the building. However it is worth noting that this can change and it may be prudent of the developer to consider the use of a clear space, or membrane as a precautionary measure.*
- *The recommendations 1-8 from the Report are satisfactory and should be followed. This Department will want a Closure Report once works have been completed to include details of any further work found to be necessary and waste transfer notes for soil removed from the site.*

I note that the Rose Public House has now been demolished, and that a contaminated land closure report will continue to be outstanding until the development has gone into the construction phase. Any demolition or construction activities will definitely have an impact on local residents and so the usual informatives should apply in this respect.

The noise assessment report previously submitted is still relevant and its recommendations should be implemented.

Since the 2007 application a section of the clean neighbourhoods Act has come into force which requires the developer to produce a site waste management plan for any development which is over £300,000. The plan must be held on site and be freely available for view by the local Authority at any time.

No objections subject to land contamination conditions and informatives relating to noise and conduct and hours of operation on site during construction.'

4. REPRESENTATIONS

4.1 One letter of representation has been received from the occupiers of the adjacent commercial building to the south of the site (RPM installations). This makes the following (summarised) points.

- They request that the balcony on the end unit of the 2-bed terraced house closest be moved to the inner wall line to avoid neighbourhood disputed and problems in the future.
- The proposed parking provision is inadequate.

- They express surprise that the applicants have advised the company under the terms of the Party Wall Act that work will commence on the development before the target date for the determination of the current application.
(Officer comment: No work has commenced to-date)

5. CONSIDERATIONS

5.1 Background

- 5.1.1 There is an extant permission on the site for the erection of fourteen dwellings including 11 two-bedroom flats and 3 two-bedroom houses (MA/07/2416). This application seeks to amend the development on the part of the site that previously accommodated the 11 flats (Straw Mill Hill and at the corner between Straw Mill Hill and Farleigh Hill). It is the applicant's intention to develop the 3 previously approved 2-bedroom houses fronting Farleigh Hill following on with this scheme if approved. Conditions have been discharged on the earlier application in respect of the three houses in order to enable the development to be implemented.
- 5.1.2 This application would represent no increase in the overall number of units as opposed to that previously approved under MA/07/2416 but would alter the mix of proposed accommodation with six flats and five houses proposed rather than 11 flats on this site.
- 5.1.3 The development would be attached to and provide a continuation of the previously approved houses fronting Farleigh Hill. North of these houses the apartment building would 'turn the corner' at the junction with Straw Mill Hill with a circular building with a conical roof, which in turn would be linked to the five houses fronting Straw Mill Hill.

5.2 Site Description

- 5.2.1 The site is the former Rose Public House located at the junction of the B2010 Farleigh Hill/Tovil Hill and Straw Mill Hill in Tovil. It is approximately 0.07 hectares in area. The site falls northwards from its southern boundary towards the junction of Farleigh Hill/Tovil Hill and Straw Mill Hill. The site lies at the bottom of the valley caused by the River Loose, which passes under Tovil Hill to the north of the site. As a consequence, the site lies adjacent to but not within the flood plain of the river.
- 5.2.2 The surrounding area was once the industrial heart of Tovil but the former paper mills to the east and west have now been redeveloped for housing purposes as has an adjacent printing works site further to the south. There is an existing industrial/office building immediately to the south of the site but this too has

recently been the subject of a housing development proposal for 10 flats (MA/06/0288) allowed on appeal on 06/01/2009 superseding an earlier decision dated 02/11/2007 that was quashed by Order of the High Court.

- 5.2.3 The residential development in the area comprises a variety of styles and ages with some Victorian/Edwardian cottages on the western side of Farleigh Hill opposite the site to more modern development undertaken from the mid 1980s to within the last three years comprising flats and detached, semi-detached and terraced houses elsewhere.
- 5.2.4 There is a public house (Royal Paper Mill) at the top of Tovil Hill opposite the junction with Church Street to the north. There are also a number of other industrial and retail units including a post office and 'Lidl' and 'Tesco' supermarkets in close proximity to the site.
- 5.2.5 The site amounts to approximately 0.089 ha in area. It is located within the defined urban area of Maidstone as set out in the Maidstone Borough-wide Local Plan 2000 but has no specific allocation or designation in the Plan.

5.3 Proposal

- 5.3.1 The proposal effectively involves the erection of 5 houses and 6 flats in place of 11 flats proposed under ref. MA/07/2416. The 3 houses proposed under MA/07/2416 will be constructed as approved.
- 5.3.2 The application proposes the erection of a 3-4 storey development comprising 11 dwellings including 3 studio flats, 3 one-bedroom flats and 5 three-bedroom terraced houses. The five terraced houses would front Straw Mill Hill with the apartment building containing the 3 studio flats and 3 one bedroom flats located to the northern most part of the site at the junction of Straw Mill Hill and Tovil Hill/Farleigh Hill.
- 5.3.3 The apartment building would primarily be three storeys in height but the bedroom of unit 8 would be located in the roof space on the Farleigh Hill side lit only by rooflights. The height of the main apartment building would be approximately 12.5m with the overall height of the conical roof section being approximately 14.5m.
- 5.3.4 The houses fronting Straw Mill Hill would be arranged in two pairs and a single unit. They would have a ridge height of between 10.5m and 11m this is maintained along the frontage by stepping-down the houses from the vehicular access located adjacent to the southern site boundary in its south eastern corner, as the land falls northwards along Straw Mill Hill. The houses would also be three storeys in height with the third floor accommodation within the roof space.

- 5.3.5 Indicated materials for the five houses comprise ragstone panelling/brick quoins with brick window cills and surrounds to three of the houses at ground floor and brick on the remaining two, with horizontal weatherboarding to the upper elevations of the houses with the ragstone panelling (salvaged from the existing boundary wall) and tile hanging to the two units with brickwork. The roofs would be finished in plain interlocking tiles. The apartment block would be brick built under a slate roof. The windows would however, be topped with a 'rubbed' brickwork flat-arched lintel. I have requested that the apartment building is provided with a ragstone plinth that 'turns the corner' between Straw Mill Hill and Farleigh Hill and amended plans are awaited showing this detail.
- 5.3.6 The housing units within the development, including the three units fronting Farleigh Hill, would be provided with external terraces extending 2.5m from the rear wall of the units. Unit 14 at the south east corner of the site would have a larger external terrace that returns along part of the south elevation of the unit. This is in contrast to the much larger open terraced area covering the car park below shown on the previously approved scheme.
- 5.3.7 The houses would be provided with car parking at a ratio of 1 for 1 with a total of 8 proposed. The flats provided with no dedicated parking, although a cycle parking area is shown located in a secure room inside the apartment building. This amounts to a reduction of 6 parking spaces compared to the extant scheme, which proposed a ratio of 1 for 1 parking for the entire development (flats and houses).

5.3 Principle of Development

- 5.3.1 The site is located within the urban area of Maidstone and as a former Public House clearly constitutes previously developed land as defined in PPS3.
- 5.3.2 There is an extant planning permission for the erection of 11 flats and 3 houses on the overall site MA/07/2416.
- 5.3.3 There has been no significant changes to the surrounding area since the granting of the previous permission. The site remains in the urban area and whilst the Public House on site has been demolished there have been no significant changes in the surrounding area. There is an existing industrial/office building immediately to the south of the site that has recently been the subject of a housing development proposal for 10 flats (MA/06/0288) allowed on appeal on 06/01/2009. The impact of this permission needs to be given consideration in the determination of this application.
- 5.3.4 Whilst there have been changes to the Development Plan since the previous decision in that the South East Plan (2009) and been revoked there has been no

significant change to the preferred location of housing. New housing should be located in sustainable areas and on previously developed land. Being a former Public House in the urban area of Maidstone, this site is acceptable for residential development and therefore there are no objections to the principle of redevelopment of the site for residential purposes.

5.4 Design

- 5.4.1 The design largely follows the principles established by the earlier extant scheme with units fronting both roads, a feature building at the junction and secure parking to the rear.
- 5.4.2 The design respects the context of the site and the fact that it would have two road frontages and is located in a prominent corner site in the streetscape. Due account is also taken of the site levels which fall northwards towards the junction of Straw Mill Hill and Farleigh Hill from its southern boundary. The use of the semi-circular building to front the junction between Farleigh Hill and Straw Mill Hill is interesting and will generate a presence in the street particularly when viewed from the top of Tovil Hill (to the north). The houses in Straw Mill Hill have differing materials and differing roof lines to provide interest.
- 5.4.3 The main differences in the design of the buildings from the previously approved scheme are the reduction of the overall bulk of the buildings on the Straw Mill Hill elevation with the eaves line reduced from approximately 10.5m to 7.7m, provision of the third floor accommodation within the roofspace and the loss of the communal amenity area previously located above the parking courtyard to be replaced by individual decked terraced areas at first floor level to the rear of each of the eight houses.
- 5.4.4 I consider the scale of the development to be acceptable in relation to its surroundings. The scale and massing in Straw Mill Hill has been further reduced from the extant scheme through the lowering in overall height of the buildings by up to 1.8m together with the provision of the third floor accommodation largely within the roof space and the set back from the southern boundary by 5m. Whilst the ragstone boundary walls are to be demolished this was approved under the earlier scheme. However material salvaged from the walls will be re-used as part of the external elevations of the development. Overall, I consider that the development will not have an unacceptably adverse impact on the visual amenities and character of the area.
- 5.4.5 The detailing of the scheme as indicated is also acceptable. Windows and doorways are recessed, there are brick cills and quoins for the houses with ragstone panelling and the apartment windows have rubbed brick flat-arched lintels. Subject to the provision of the ragstone plinth to the apartment section and a condition requiring submission of precise details of the architectural

detailing to include a detailed design of the terraced areas and supporting structures, I raise no objections to the overall design of the buildings.

- 5.4.6 It is however regrettable that the previously proposed communal amenity area above the parking courtyard has been omitted from the current scheme, on the grounds of cost/viability, although no figures have been submitted to substantiate this. However, each of the eight houses will have a decked terrace at first floor level to provide useable external amenity space, however none of the six flats will have any external amenity space. As Members will be aware, the Council has no adopted amenity space standards for development and given the flats are one bedroom flats or studio flats and not family housing it would be unreasonable to require amenity space on the back of *PPS3: Housing*. Therefore whilst the loss of the amenity area is regrettable, on balance I consider the alternative provision to be acceptable. Appropriate s106 contributions have been sought and agreed by the applicant for the improvement of public open space within a 1 mile radius of the site within South Ward.
- 5.4.7 The Design and Access Statement also confirms that the scheme will be designed and built to achieve Level Three within the Code for Sustainable Homes and that a condition to this effect would be acceptable.

5.5 Residential Amenity

- 5.5.1 The general layout and height of the development and its orientation remain unchanged from the previously approved scheme. However, there is now permission for housing development proposal for 10 flats (MA/06/0288) allowed on appeal on 06/01/2009 on the existing industrial/office building immediately to the south of the site. The previous scheme was considered acceptable in terms of its impact on residential amenity. I shall consider this matter fully below.
- 5.5.2 The proposed houses on the Straw Mill Hill frontage would be located approximately 25m from the dwellings at 13-16 (consec.) The Quern. The properties in The Quern are two-storey terraced dwellings located on the eastern side of Straw Mill Hill and their rear (west) elevations and gardens face Straw Mill Hill. They are approximately 1.5m lower than the carriageway in Straw Mill Hill, the boundary to which is formed by a 2m high brick wall.
- 5.5.3 In addition, compared to the previously approved scheme the overall height of the proposed buildings on Straw Mill Hill has been reduced by up to 1.8m and the development moved away from the southern site boundary by approximately 5m.
- 5.5.4 Given the separation between the existing and proposed developments, the intervening highway, the existing boundary wall and the level differences, I do

not consider that the proposed houses would result in an unacceptable loss of privacy or amenity to the occupiers of the properties in The Quern.

- 5.5.5 The relationship between the apartment element and the houses on the east side of Farleigh Hill is also considered to be acceptable. Whilst the separation distance is approximately 12.5m-13m, this is across a busy road and is a relationship common to many urban areas. I do not consider that objections in terms of an unacceptable loss of privacy or amenity could be raised on this basis. Furthermore the currently proposed apartments are no closer to the highway and other houses on the east side of Farleigh Hill than the extant scheme.
- 5.5.6 I have also considered the potential relationship between the development and the existing and permitted development on the land to the south of the site.
- 5.5.7 The apartments adjacent to the south east corner of the site within Wharfdale Square are located at an angle looking north east away from the site and as a result would not directly overlook any habitable room windows in unit 14 the closest of the proposed houses in Straw Mill Hill. The external deck area to no.14 could be surveilled.
- 5.5.8 The dwellings fronting Straw Mill Hill would be located approximately 14m from the rear elevation of the apartment building approved on appeal on the RPM site to the south (MA/06/0288). The windows on the north elevation of the block permitted on appeal are small square secondary windows that serve a kitchen/diner and the main stairway on each floor. There is also a window serving the main stairway on each floor of the block approved on appeal located on the rear elevation adjacent to the current site boundary. Rear facing bedroom windows on the approved RPM site block would be located approximately 6m in from the site boundary and approximately 18m from the rear of the houses fronting Straw Mill Hill.
- 5.58 I do not consider that the relationship of the currently proposed development and the existing and approved development to the south of the site would be so unacceptable as to warrant and sustain a ground of refusal.

5.6 Highways

- 5.6.1 The proposal retains vehicular access onto Straw Mill Hill in a similar location, although slightly further from the junction with Tovil Hill/Farleigh Hill. The visibility proposed is acceptable and the use of the access would not harm highway safety. Kent Highway Services raise no objections to the scheme and are also satisfied that the building at the junction of Straw Mill Hill and Tovil Hill/Farleigh Hill would not impair visibility at the junction.

- 5.6.2 The level of off street car parking has been reduced from fourteen spaces under MA/07/2416 (one space per unit) to eight spaces under the current proposal (one for each house). There would be no car parking for the one bed flats or studio flats.
- 5.6.3 There has been a reduction in proposed provision on the site compared to the approved scheme and this is regrettable. However, the site is in a sustainable location being located on a 'bus route with stops adjacent to the site and in close proximity to shopping and other community facilities such as the local primary school.
- 5.6.4 In respect of the development I would remind Members that the Council does not have parking standards adopted at a local level. I would also draw Members' attention to PPG13 which states as follows in paragraph 51
- "2. not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety which cannot be resolved through the introduction or enforcement of on-street parking controls;"
- 5.6.5 There have been no injury accidents in the vicinity of the site within the last three years. In my view on street parking is unlikely to occur in the vicinity, but measures can be put in place if necessary through enforcement of on-street parking controls. On balance therefore I raise no objections to the development in terms of the parking provision proposed.
- 5.6.6 Kent Highway Services agree with his assessment and have raised no objections to the development in terms of the access or site layout or number of parking spaces or on highway safety grounds.

5.7 Noise

- 5.7.1 An acoustic assessment has been submitted as part of the application. This indicates that the properties fronting Farleigh Hill would be in NEC 'C' and those fronting Straw Mill Hill in NEC 'B'. The submitted acoustic report concludes that noise can be satisfactorily ameliorated by use of appropriate acoustic fenestration to meet a minimum of R_w of 40dB to meet the requirement of 30dBA Leq, 1 hour in bedrooms (2300-0700hours), and in living rooms and dining rooms not greater than 35dBA Leq, 1 hour (0700-2300 hours) and the use of mechanical ventilation such as 'Passivent Fresh80dB' (or similar). This can be secured by condition.

5.8 Contamination

- 5.8.1 The reports submitted with the application have identified areas of potential contamination largely in fill material thought to have been brought onto the site

when originally developed and therefore the necessity for remediation works to be undertaken. No evidence of landfill gas has been detected. A contamination condition is considered necessary as recommended by Environmental Health to ensure the site is adequately remediated.

5.9 Flood Risk

5.9.1 The Environment Agency has stipulated that the finished floor level of the development should be no lower than 13.5m AOD Newlyn. The applicants have confirmed that this will be the case. This can be secured by means of an appropriate condition.

5.10 S106 obligations

5.10.1 The following Heads of Terms are proposed and would take the form of a new s106 agreement to replace that entered into in respect of the extant permission MA/07/2416.

5.10.2 Contributions for Parks and Open Space: This would be a contribution of **£22,050** towards improving parks and open space within a 1 mile radius of the application site within South Ward. This would address the need generated by this proposal and would be in accordance with the Councils adopted DPD;

5.10.3 No formal response has been received to identify how much, or where it would be spent. I have requested that the Parks and Open Space Officer confirm exactly where the money would be spent, in order for this request to meet the statutory tests. In the absence of this information the request would not be justified.

5.10.4 Contributions for Kent County Council (Mouchel): These would be contributions of

£227/dwelling for Library facilities (**£3,178**)

£180 for Adult Education facilities (**£2,520**)

These two contributions would be used towards additional provision and enhanced capacity at the new Maidstone Hub Library and Archive/History centre.

Youth and Community contributions are required for a youth worker to serve the additional demand and this is a total of **£2,550** for the eight houses on the site.

5.10.5 Contributions for Healthcare (PCT): These would be contributions of **£11,088** as it is considered that a residential development would be likely to generate additional demand upon the existing health care facilities within the locality. I have requested that the Primary Care Trust confirm where this money be spent,

in order that it meet the requirements of Regulation 122 of the Act. They have identified three surgeries that would be improved as a result of the money provided – at Vine Surgery, St Luke’s and Marsham Street. They have identified that the additional units would be a further strain upon the existing medical facilities within the locality by virtue of introducing additional residents in place of a work place – i.e. not simply an intensification of the existing use. I am therefore satisfied that this request is required to overcome a potential concern of granting planning permission, and it directly related to the proposal, and is reasonable.

5.10.6 The 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, with the exception of the Parks and Public Open Space request, unless further justification is supplied by the Parks and Open Space Officer, would meet these requirements in that the legal agreement is necessary. The contributions are related to the development, and fair and reasonable in terms of the scale of the requirements, to the development. These contributions are as requested by the interested parties. I consider that the provision of these contributions would ensure that the development would provide a suitable level of funding to ensure that any additional strain placed upon the existing services and infrastructure within the locality is addressed. I therefore consider that the proposal complies with Policy CF1 of the Maidstone Borough-wide Local Plan (2000).

6. CONCLUSION

- 6.1 The scheme proposes changes to an extant residential scheme for 14 units comprising 3 houses and 11 two-bedroom flats. The total number of units stays the same but the primary change is the provision of 5 houses fronting Straw Mill Hill in-lieu of previously proposed flats and the consequential overall reduction in the number of flats to 6 units as well as changing the mixture to 3 studio and 3 one-bedroom units from two-bedroom units.
- 6.2 The design of the scheme is considered to be acceptable as it is impact on the character and visual amenities of the area and surrounding residential properties. It is regrettable that the previously proposed amenity area has been deleted from the scheme. However, on balance, I consider the currently proposed external amenity provision to the houses to be acceptable.

- 6.3 The concerns of the Parish Council regarding car parking are noted. Whilst the reduction from 14 spaces to 8 spaces in overall provision is regrettable, again I would remind Members that the Council does not have locally adopted parking standards and of the advice at Paragraph 51 of PPG13. In addition Kent Highway Services raise no objections to the scheme in respect of the level of car parking.
- 6.4 Appropriate s106 contributions that meet the requirements of Regulation 122 of the CIL Regulations have been sought and agreed. Subject to appropriate safeguarding conditions, on balance I consider the proposals to be acceptable and recommend accordingly.

7. RECOMMENDATION

SUBJECT TO:

A: The prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to secure;

- Contributions for Kent County Council (Mouchel) for Library facilities (£3,178), Adult Education facilities (£2,520) towards additional capacity and the new library and adult education centre and Youth and Community facilities (£2,550) in the form of monies towards a youth worker for the area.
- Contributions for the Primary Care Trust. This would consist of a contribution of £11,088 which would be spent at the identified surgeries within the proximity of the site.

The Head of Development Management be given DELEGATED POWERS to GRANT PLANNING PERMISSION subject to the following conditions:

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

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

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

Reason: To ensure a satisfactory appearance to the development pursuant to the advice in PPS1.

3. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety pursuant to policy T13 of the Maidstone Borough-wide Local Plan 2000.

4. The development shall not commence until, details of the proposed slab levels of the buildings which shall show accommodation to be no lower than 13.5m AOD Newlyn and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site pursuant to the advice in PPS1 and PPS25

5. The development shall not commence until:

1. The application site has been subjected to a detailed scheme for the investigation and recording of site contamination and a report has been submitted to and approved by the Local planning authority. The investigation strategy shall be based upon relevant information discovered by a desk study. The report shall include a risk assessment and detail how site monitoring during decontamination shall be carried out. The site investigation shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology and these details recorded.

2. Detailed proposals in line with current best practice for removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') have been submitted to and approved by the Local Planning Authority. The Contamination Proposals shall detail sources of best practice employed.

3. Approved remediation works have been carried out in full on site under a Quality Assurance scheme to demonstrate compliance with the proposed methodology. If, during any works, contamination is identified which has not previously been identified additional Contamination Proposals shall be submitted to and approved by, the local planning authority.

4. Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the local planning authority. The closure report shall include full details of the works and certification that the works have been carried out in accordance with the approved methodology. The closure report shall include details of any post remediation sampling and analysis together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Reason: To prevent harm to human health and pollution of the environment pursuant to the advice in PPS23.

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

Reason: To safeguard the character, appearance and functioning of the surrounding area pursuant to the advice in PPS1.

7. The development shall not commence until, details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land;

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

8. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development 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 to ensure a satisfactory external appearance to the development pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000.

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

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

10. The development shall not commence until details of both foul and surface water drainage to serve the development have been submitted to and approved by the local planning authority in consultation with Southern Water. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: to ensure adequate and proper drainage of the site and to prevent flood risk from surface water run-off pursuant to the advice in PPS25

11. The development shall not commence until and in conjunction with the details submitted pursuant to condition 2 above, the following details have been submitted to and approved by the local planning authority;

- (i) large scale drawings at a scale of 1:50 or 1:20 showing
 - (a) the layering of the elevations/juxtaposition of materials particularly at the junction of the weatherboarding and brickwork and ragstone panelling,
 - (b) significant projections and recesses and details showing overhanging eaves and details combining these with rafter feet,
 - (c) the extent of window/door reveals
 - (d) details of the rubbed brick flat-arches to window heads and details of the brick window cills and brick window surrounds to the housing units with ragstone panel inserts
 - (e) details of the design of the external terraced areas including any privacy screens between units

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

Reason: To maintain the quality and integrity of the design and to ensure a satisfactory external appearance to the development pursuant to the advice in PPS1.

12. The development shall not commence until details of acoustic amelioration as recommended in the acoustic assessment undertaken by Acoustics Plus Ltd. have been submitted to and approved by the local planning authority.

(i) Where habitable rooms will be exposed to noise levels that are in excess of NEC A of PPG24, mitigation should include a scheme of acoustic protection sufficient to ensure internal noise levels (LAeqT) no greater than 30 dB in bedrooms and living rooms with windows closed. Where the internal noise levels (LAeq,T) will exceed 35 dB in bedrooms (night-time) and 45dB in living rooms (daytime) with windows open, the scheme of acoustic protection should incorporate appropriate acoustically screened mechanical ventilation.

(ii) Within gardens and amenity areas, the daytime 07.00-23.00 hours level of noise should not exceed 55dB (LAeq) free field. This excludes front gardens;

The subsequently approved scheme of mitigation shall be implemented to the satisfaction of the local planning authority prior to the first occupation of the dwellings and maintained thereafter.

Reason: To protect residential amenity pursuant to the advice in PPG24.

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

Reason: to ensure a sustainable and energy efficient form of development in accordance with Kent Design and PPS1.

14. A sample panel of ragstone that clearly demonstrates the proposed bond, mortar mix and pointing method shall be provided on site for approval by the local planning authority prior to its use within the development. The ragstone panels on the dwellings shall then be implemented in accordance with the approved details and the sample panel retained on site as a reference until works to provide the ragstone panels have been completed.

Reason: To ensure a satisfactory visual appearance to the dwellings pursuant to the advice in 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.

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

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

The developer may be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. This should be available for inspection by the Local Authority at any time prior to and during the development.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside the normal working hours, can not be highly stressed. Where possible, the developer shall provide the Council and residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work, for example scaffolding alarm misfiring late in the night/early hours of the morning, any over-run of any kind.

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.

A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd. Anglo Street James House, 39A Southgate Street, Winchester,

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 there are no overriding material considerations to indicate a refusal of planning consent.

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RPM
INSTALLATIONS (KENT)

25.08.2010

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106 GARAGE DOORS LTD
Tel: 01622683200



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MA/10/0649:

S106 Contributions

I would advise that the **West Kent Primary Care Trust** have revised their requested contribution based on the sizes if the units within the scheme and are now seeking a contribution of £10,224 not £11,088.

Parks and Leisure have provided further justification and information as to where their previously requested contribution of £22,050 would be spent.

They have advised that within 1 mile of this development there are a number of green and open spaces, these include:

Woodbridge Drive Play Area
St Stevens Church Yard
Hudsons Quarry
Millers Wharf
Bridge Mill Way Open Space
South Park

The contribution requested above would be used to improve some or all of the above open spaces to accommodate the additional usage created as a result of this development.

Officer Comment

I consider that the above details are now sufficient to justify the request for the Open Space contribution. In my view however, priority should be given to improvement of the green and open space areas located within Tovil Parish, the first group set out above with priority to Woodbridge Drive and Bridge Mill Way.

I can also advise Members that I have sought further modifications from the applicant to improve the external appearance of the scheme and provide for a greater degree of landscaping.

The applicants have submitted amended plans showing proposed design changes in the light of the discussions that have taken place and have also commented on the suggested changes as follows.

'Elevational Treatment - First Floor Straw Mill Hill

Weatherboarding has been substituted for tile-hanging on the Straw Mill Hill elevation to Units 12 and 13.

Terraces/Balconies

The Council has requested that the terraces/balconies are deepened to 3.5m (being an extra 1m).

This is not feasible for all of the dwellings, due to the arrangement of the terraces. The terraces to Units 3, 10 and 11 are currently all interconnected at the rear of the development, and it is not feasible to further extend these terraces without impacting on the residential amenities of the future occupiers. It is also not reasonable or feasible to

extend the terrace to Unit 14, as this is already a larger, wrap-around terrace providing a reasonable amount of amenity space, and it is noted that Maidstone BC does not have private amenity space standards. Also, should the terrace of Unit 14 be extended rearwards, the supports would interfere with the access and parking arrangements.

We agree to extend the terraces of Units 1, 2, 12 and 13 to a depth of 3500mm. We note that there is a recommended condition (11(e)) which requires further details of the external terraces and privacy screens prior to commencement, to ensure that privacy between future occupiers and to neighbouring occupiers is maintained.

Unit 14 to be Moved Rearwards/Decrease the Access Width

The objective of these two interrelated points is to maximise opportunities for soft landscaping on the southern side of the development, to soften the appearance of the building as viewed from the south looking along Straw Mill Hill.

As discussed yesterday, it is not feasible or reasonable to move Unit 14 further rearwards, primarily as this would push the parking space and terrace supports into the rear courtyard which would detrimentally affect parking and manoeuvring within the site. In addition, the ridge line currently runs the full length of the Straw Mill Hill dwellings, and it would result in an awkward roof arrangement and southern flank elevation to Unit 13. Moving this Unit rearwards would also not achieve a substantial area of landscaping in any event, as it would conflict with the southern side front entrance to Unit 14.

We agree to reduce the access and driveway width, with the intention of providing additional soft landscaping on the southern side of the development and along the return. The first section of the access road has been reduced in width to 4800mm and the gated section to 3100mm. This allows the provision of 900mm wide planters close to the southern wall of Unit 14 as shown in drawing 304RevG, and this could be supplemented with a planter frame attached to the southern flank wall of Unit 14.

We consider that that above would satisfactorily achieve the Member's objective to provide further landscaping to visually soften the appearance of the building as viewed from Straw Mill Hill, and it is noted that recommended Condition 7 would require details of hard and soft landscaping prior to commencement.

Planters Under Decking

As suggested, we have introduced planters below the canopied area in the rear courtyard. We have also provided a 600mm wide planter bed along the southern boundary of the courtyard. All additional planting is shown on drawing 304RevG, and details would be supplied in accordance with the recommended Condition 7.

Conical Roof on Corner

We have completed the conical roof form as suggested; this necessitates the provision of small sections of parapet walled flat roofs to fully contain the accommodation below but it does restore the visual gaps to the housing units on Straw Mill Hill and Farleigh Hill as previously approved.'

I consider that the proposed changes would result overall in an improved external appearance to the scheme and have increased the opportunity to provide landscaping within the site and also enlarge where possible the external amenity terraces. I also welcome the applicant's agreement to the incorporation of a planting frame attached to the southern flank elevation of unit 14 facing the site access.

Amendments to recommendation

SUBJECT TO:

A: The receipt of amended plans confirming the changes set out above and;

B: The prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to secure;

- Contributions for Kent County Council (Mouchel) for Library facilities (£3,178), Adult Education facilities (£2,520) towards additional capacity and the new library and adult education centre and Youth and Community facilities (£2,550) in the form of monies towards a youth worker for the area.
- Contributions for the Primary Care Trust. This would consist of a contribution of £10,244 which would be spent at the identified surgeries within the proximity of the site.
- Contributions for MBC Parks and Leisure towards the provision or improvement of Open and Green Spaces within Tovil Parish/South Ward at Bridge Mill Way and Woodbridge Drive

The Head of Development Management be given DELEGATED POWERS to GRANT PLANNING PERMISSION subject to the conditions set out in the report and amended as follows:

Amend condition 8 to read as follows

- 8: The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development 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 details shall include inter-alia;
- (i) The provision of planter and planted beds under the terraced areas and within the car park and adjacent to the south flank elevation of unit 14.
 - (ii) The provision of a frame and climbing plants on the south flank wall of unit 14.

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

Amend condition 11 to read as follows

11. The development shall not commence until and in conjunction with the details submitted pursuant to condition 2 above, the following details have been submitted to and approved by the local planning authority;

- (i) large scale drawings at a scale of 1:50 or 1:20 showing

- (a) the layering of the elevations/juxtaposition of materials particularly at the junction of the weatherboarding and brickwork and ragstone panelling,
- (b) significant projections and recesses and details showing overhanging eaves and details combining these with rafter feet,
- (c) the extent of window/door reveals
- (d) details of the rubbed brick flat-arches to window heads and details of the brick window cills and brick window surrounds to the housing units with ragstone panel inserts
- (e) details of the design of the external terraced areas including any privacy screens between units
- (f) details of rainwater goods

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

Reason: To maintain the quality and integrity of the design and to ensure a satisfactory external appearance to the development pursuant to the advice in PPS1.

Add additional condition.

15. The development shall not commence until details of swift and bat bricks within the buildings have been submitted and approved by the local planning authority.

Reason: In the interests of biodiversity and ecology pursuant to the advice in PPS9.

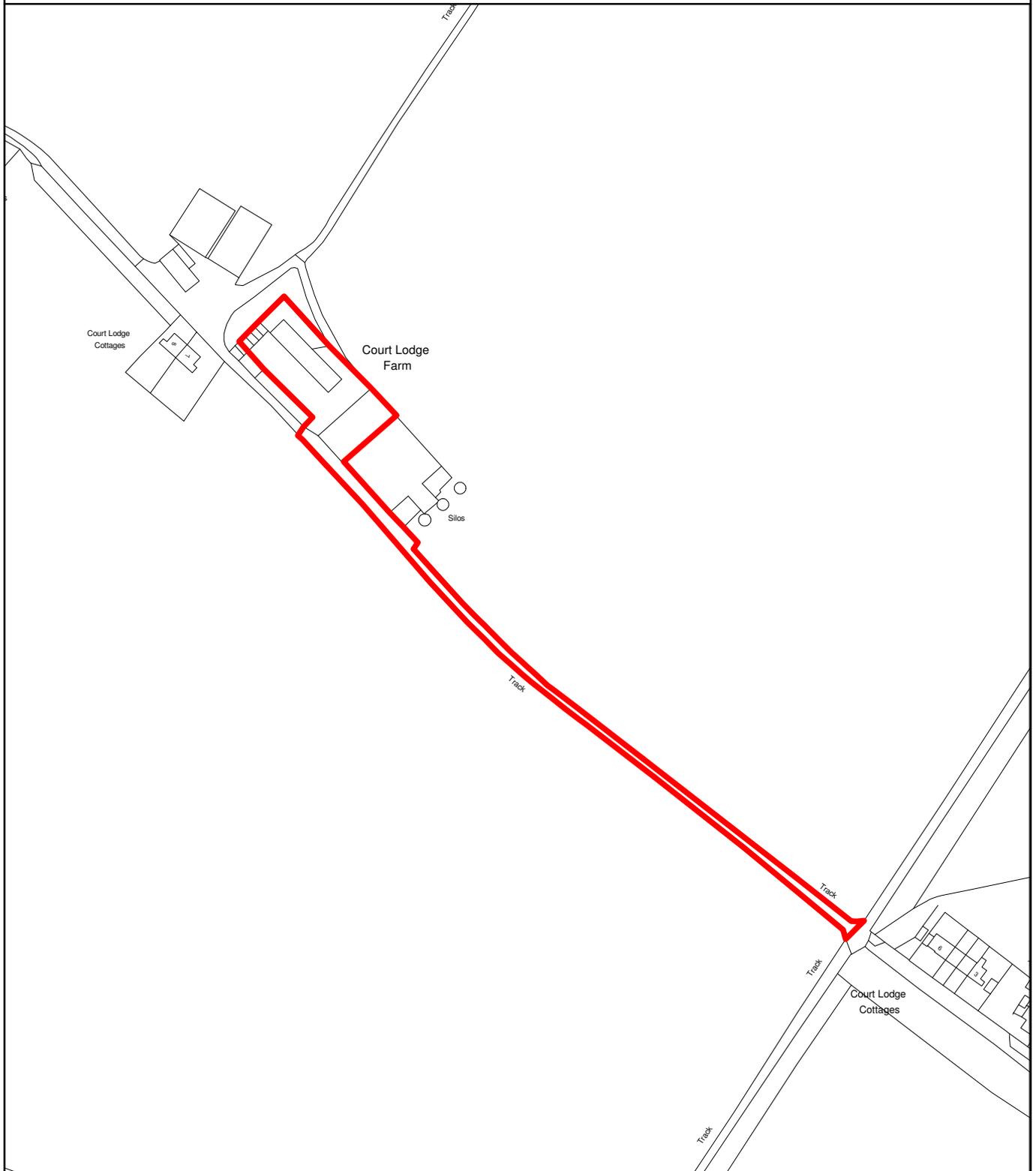
Agenda Item 16

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/10/0651

GRID REF: TQ8653

**COURT LODGE FARM,
COURT LODGE ROAD, HARRIETSHAM.**



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Rob Jarman
Head of Development Management

APPLICATION: MA/10/0651 Date: 19 April 2010 Received: 16 June 2010
APPLICANT: F D Attwood & Partners
LOCATION: COURT LODGE FARM, COURT LODGE ROAD, HARRIETSHAM,
MAIDSTONE, KENT, ME17 1AT
PARISH: Harrietsham
PROPOSAL: Erection of grain store with continuous flow grain dryer as shown on
Drawing Nos WM/328/03 Sheets 1 and 2 , WM/0328/500, scale
1:1250 site location plan and Design and Access Statement
received on 19 April 2010 and detailed in agents letter received on
16th June 2010
AGENDA DATE: 2nd September 2010
CASE OFFICER: Laura Gregory

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

- it is contrary to views expressed by the Parish Council

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV28, ENV33, ENV34, ENV43
Village Design Statement: N/A
Government Policy: PPS1, PPS7, PPG24

1. HISTORY

MA/09/2044 - Planning application for erection of 1 storage building including concrete apron to replace existing fire damaged buildings – APPROVED WITH CONDITIONS

2. CONSULTATIONS

3.1 Harrietsham Parish Council - Original Comments (received 24th May 2010)

“Wish to see the above application **REFUSED** and request that the application is reported to the Planning Committee for the reasons set out below:

- Insufficient noise assessment.
- Insufficient transport / vehicle movement details.
- Insufficient justification for the size of the building.

- The application is within an AONB.”

Subsequent comments following reconsultation on details of hours of work and noise levels (received 08 July 2010)

“The Planning group of Harrietsham Parish Council have now had time to review the amendments to the above planning application.

This has not changed their response. To confirm, the Parish Council wish to see the above planning application **refused**, for the reasons previously stated, and requested that the application is reported to the Planning Committee”

3.2 KCC Highways - Raises no objections subject to restrictions on HGV movements from the farm.

3.2 MBC Environmental Health Officer - No objections raised subject to standard informatives and conditions relating to noise.

:

3.3 Rural Planning Ltd - Confirms a reasonable need for the buildings

“The buildings at Court Lodge Farm currently comprise

- 1) *450m² portal-framed aged grain store with limited access and headroom, providing some 700 tonnes of short-term post-harvest grain storage,*
- 1) *438m² portal-framed former grain store with limited access and headroom,*
- 2) *178m² let workshop.*

The Greenway Court holding includes three further agricultural buildings, but they offer relatively limited usable space and are close to Grade II listed buildings. They date from the 1960's and comprise a 389m² general store with a floor below the external ground level, with a low eaves height and in a poor state of repair, one 549m² general purpose store with concrete block construction walls, and one former dairy of brick construction.

I understand none of the Greenway Court buildings are now regarded as acceptable for grain storage under “farm assured” standards due to their size and poor condition

The proposed building would be designed to accommodate, to modern farm assured standards, some 2400 tonnes of grain plus temporary holding storage for “wet” grain. It would also provide modern drying/cleaning facilities for the farm’s grain production.

Given the extent of the farm enterprise here now, and the limitations of the existing buildings, I consider the proposed building would be reasonably necessary for agriculture”.

3. REPRESENTATIONS

Two letters of representation received to date raising the following objections:-

- The proposed building would be seen from the whole area and beyond and by virtue of scale would be visually intrusive;
- Noise disturbance would be caused to the residents of Court Lodge Road, from the continuous grain flow;
- Development would increase the number of lorry movements up and down Court Lodge Road which would be adversely impact on the residents and result in a hazard to highway safety;
- Proposed tree planting on the line of the new bund should be of mature standards, to improve the immediate screening effect both in terms of visual impact and possible noise impact.

4. CONSIDERATIONS

5.1 Site and Surroundings

- 5.1.1 The application site is in open countryside approximately 0.5km north west of Harrietsham village within the Kent Downs Area of Outstanding Natural Beauty (AONB) and Special Landscape Area (SLA). It is located on an escarpment on the North Downs where the land rises from the south, before rising steeply towards the north and north west.
- 5.1.2 Located at the north end of Court Lodge Road, the site comprises Court Lodge Farm which comprises of some 135 ha of arable land. The crops grown are combinable crops comprising of Oil Seed Rape, Wheat, Barley, Lindseed and Harvest peas.
- 5.1.3 The farm has recently combined with adjoining farm Greenway Court Farm bringing the amount of arable land farmed to 875 acres (354 ha). Court Lodge’s farm buildings are grouped together, located some 300m from the entrance off Court Lodge Road. The farm buildings are utilitarian in appearance and comprise of five storage buildings and a workshop. One of the storage buildings, the one to the south east of the site is new building, permitted in 2009.
- 5.1.4 To the south west of the site, approximately 22m away is a pair of cottages, 7 and 8 Court Lodge Cottage. These cottages are in the

ownership of the farm. The nearest non agricultural dwellings are 1 -6 Court Lodge Cottages which are located some 300m to the south east of the site at the entrance to farm on Court Lodge road. These dwellings are also located where the public road stops and the road turns into private drive leading into the farmyard. The drive is also a public footpath and bridleway KH289. To the north east and south of the site along the boundary of the farm is a second bridleway KH290 and this is located approximately 315m from the site. This leads up to the second public right of KH152, also known as the Pilgrims Way, which cuts through the farmland to the north of the site and, is approximately 394m from the site.

5.2 Background

5.2.1 The site is in agricultural use and in 2009, planning permission was granted under MA/09/2044 for a new building to replace a fire damaged building.

5.2.1 The building is now complete and is approximately 23m from the proposal site. It measures approximately 48m by 30m and has an eaves height of 8m and a ridge height of 11.3m. The building is constructed of concrete panels and slate blue sheeting under a grey cement sheeting roof to match the existing buildings. New tree planting is proposed to the northern and eastern sides of the building and along the south side of the lane and new hedge is proposed along the track. This is yet to be implemented. The building is required to store machinery and straw as part of the Court Lodge's amalgamation with Greenway Court Farm.

5.3 Proposal

5.3.1 Planning permission is sought to replace two existing stores with a grain store with a continuous flow grain dryer inside. Measuring approximately 42m by 40m, the proposed building would have a ridge height of 11.5m and an eaves height of 7.9m on the west elevation and 5.7m on the east elevation. The proposed building would be constructed adjacent to the building permitted under MA/09/2044 and would be a steel framed structure with the walls clad in box profile plastisol cladding, slate blue in colour. The roof would be a fibre cement roof natural grey in colour. To the north of the building, tree planting comprising of three rows of Holly, Hornbeam, Ash, Field Maple. Guelder Rose and Dogwood, is proposed to join the planting permitted under MA/09/2044.

5.4 Principle of Development

5.4.1 When considering new development in the rural area, Central Government and Development Plan policy dictate that new development in the rural area should be strictly controlled. There are exceptions and as Local Plan Policy

ENV43 states, agricultural development is one of these, provided that the building is deemed reasonably necessary for the purposes of agriculture.

- 5.4.2 The justification for the proposed development is that as a result of the amalgamation of Greenway Court Farm and Court Lodge Farm, there is a need for a grain store to dry, clean, cool and store grain for a period of up to 12 months. The existing stores at Court Lodge Farm only provide temporary storage and are too small with limited headroom. As such they are unable to store the amount of grain produced on the combined holding. The buildings at Greenway Court cannot be used for grain storage as they do not meet the required standards laid down by the Red Tractor Food Assurance Scheme and in addition, Greenway Court is within close proximity of several Grade II listed buildings and residential properties.
- 5.4.3 In view of the above, I consider that there is sufficient agricultural justification for the proposed building. Court Lodge Farm is a more appropriate site. It is over 300m from the nearest residential property (not owned by the farm) and there are no listed buildings nearby.
- 5.4.4 The Agricultural advisor has considered the proposal and is also satisfied that the proposal is justified given the extent of the farm's enterprise and the limitations of the existing buildings. He considers that the proposed building is reasonably necessary for the purposes of agriculture and therefore raised no objection.

5.5 Impact on Landscape

- 5.5.1 The site is located within the Kent Downs AONB, a nationally designated and protected landscape. When considering proposals for development in this area significant weight is given under Policy ENV33 towards the conservation of the area's natural beauty. Policy ENV43 states that new agricultural development will only be permitted if the proposal is grouped with existing buildings, does not have an adverse visual impact, is accompanied by an integral landscaping scheme and is constructed of materials sympathetic the surrounding area.
- 5.5.2 The proposed building would be a large, modern structure which although located 394m away, would be visible from the Pilgrims Way to the north east and public footpath KH289 to the north west. However, from Court Lodge Road and public footpath KH290 which runs along the south east and north east boundary of the farm, approximately 315m from the site, the visibility of proposed building is significantly restricted, due to the form of the landscape.

- 5.5.3 The undulating land on which the farm is located comprises of an escarpment which rises from the south to the north. The farmyard is located in the centre of the escarpment where, the land dips slightly before rising again to the north and north west. When approaching the site from the south east on footpath KH290, the farmyard and farm buildings are not visible. Only the roof of new building is visible and it is only this building that one would see when using the footpath. Furthermore, as the building is located some 315m from the footpath, long distance, open views of the North Downs are maintained from this footpath.
- 5.5.4 From the north east on the Pilgrims Way, the farm yard is more visible but is obscured slightly by the rising foreground. The new building is the most prominent structure but, situated some 394m from the footpath and, located on land which is below the footpath, the building does not interrupt the skyline and is viewed against the backdrop of North Downs, and surrounding countryside.
- 5.5.5 With a ridge height of 11.5m, the proposed building would be taller than the building approved under MA/09/2044, by approximately 200mm. However, erected next to the new building and within the existing farmyard, it is considered that from the public footpaths, the proposed building would appear as an extension of the existing farm rather than a new, separate entity in the open countryside. It would be viewed in conjunction with the existing buildings on site and although it would be bigger than the stores it is intended to replace, visual intrusion of the development on the countryside would be eased by the proposed screen of trees and hedgerow on the northern boundary. Furthermore by constructing the building where the land naturally dips, the cumulative impact of the proposed is significantly reduced as the proposed building would be viewed against a backdrop of open countryside.
- 5.5.6 The proposed landscaping would adjoin the landscaping scheme approved under MA/09/2044. It would comprise of three rows of indigenous trees, Holly, Ash, Field Maple, Hornbeam, Guelder Rose, and Dogwood planted, with spacing of 3m between and a double staggered row hedgerow comprising of Hawthorn, Hazel, Dogwood, Holly & Field Maple is also proposed, with spacing 0.35m between. Given the details I recommend that a condition is imposed which requests that trees, of a nursery standard height of 2.75 -3m are planted. This would ensure that the development is softened by this landscape with immediate effect.
- 5.5.7 The use of native trees and hedgerow is acceptable as it is in accordance with the Council's adopted Landscape Character Assessments and Guidelines. Over time as the trees and hedgerow mature they will range in height from 8m to 20m and this will provide a dense, natural screen around

the farmyard, obscuring the new buildings from the footpath and the bridleways to the north east of the site.

- 5.5.8 The building would remain visible from the footpath to the west of the site, but I do not consider that significant visual harm would be caused given that it would be seen in conjunction with an existing group of large farm buildings. Furthermore, the proposed building would be finished using the same materials of the adjacent building and this is acceptable given their neutral colour which does not appear as harsh or stark against the skyline.
- 5.5.9 Grouping the building with existing buildings is in accordance with policy ENV43 as the proposal ensures that a cluster of farm buildings is continued rather than new development in an isolated position. Clusters of farm buildings are typical in the Kentish countryside and also the AONB and by placing the building with the existing buildings, long distance, open views of the North Downs and surrounding countryside are preserved and this in accordance with Policy ENV33. To conclude, the proposed location and design of the building ensures that the natural beauty of the AONB is preserved and as such I consider the development to be acceptable.
- 5.5.10 The Parish Council have raised concern over the size of the building. Whilst having a ridge height of 11.5m, when seen in the context of the existing buildings on site I do not consider it would appear overly prominent or out of character. The building is larger than the buildings it is intended to replace but it is needed for agricultural purposes which have already been addressed and which are considered to be justified I therefore do not consider the proposed size of the building to be unacceptable.

5.6 Impact on the Highway

- 5.6.1 Most of the objections received on this application have raised concern over the impact the proposed development would have on the increase in lorry movements on Court Lodge Road.
- 5.6.2 Court Lodge Farm extends to 135 ha and is predominately arable and will produce approx 1,300 tonnes of combinable crops per annum which results in 45 lorry movements off the farm. Greenway Court extends to 222 ha, of which, 182 ha are arable and will produce approx 1,800 tonnes of combinable crops per annum resulting in 62 lorry movements off the farm. All the movement between the two farmsteads would take place using internal tracks. The only movements off Court Lodge Farm would be when the crop is sold which will be in equal quantities over the 9 months from October to June. This will be approximately 340 tonnes per month or 12 lorry loads. The applicant has confirmed that there will be no more than 4 lorry loads a day at a time, for three days per month.

- 5.6.3 The Highways Officer and is satisfied that the proposed development would not result in a significant increase in vehicle movements on and off Court Lodge Farm. The proposed grain store would reduce the overall intensity of farm traffic as without it, all the grain would have to leave the farm during the harvest period as the existing temporary stores cannot be used for long term storage under the Assured Combinable Crops Standards Scheme. Furthermore, with the farm utilising the internal tracks between the two farms to store grain, the Highways Officer is satisfied that the number of HGV on Court Lodge Road and the local highway network is sufficiently reduced.
- 5.6.4 In view of the submitted details, I am satisfied that the proposed development would not result in any significant or detrimental impact upon the highway and in particular Court Lodge Road. However, in view of the fact that there are dwellings on Court Lodge Road and that the proposed grain store would result in some HGV movements on this road, albeit only when the grain is sold, I do think it is necessary to impose a condition which restricts the hours of movement on this road, in order to preserve the residential amenity of the neighbouring occupiers. Aside from this, I consider the development is acceptable on highways grounds.

5.7 Noise Impact

- 5.7.1 With regard to the noise produced from the proposed dryer the applicant has stated that the hours of operation during the harvest periods would take place between 7am and 9pm. For the remainder of the year the proposed hours of operation would be from 7am to 5pm. The noise output from a typical 30.0kW fan dryer (which is what would be used within the grain store) would be 88dBA at a 1m distance and 48dBA at a distance of 100m.
- 5.7.2 The Environmental Health Officer is satisfied with the proposed noise level from the dryer and raises no objection over noise produced from lorry movements on Court Lodge Road, as the number of movements are reasonable given the extent of the business operations on site.
- 5.7.3 Whilst it is recognised that the dryer equipment has the potential to cause a noise disturbance, given that the nearest non agricultural resident lives over 300 metres away, it is considered that the impact of noise on residents of Court Lodge Road is minimal. It is however advised that steps should be taken to adequately insulate the building to combat airborne and impact sound. Given that there are neighbouring dwellings in the vicinity, I do not consider this to be unreasonable and therefore I recommend a condition requesting that such to these details are submitted.

5.8 Ecology

- 5.8.1 As the site is in agricultural use and the proposed development involves the replacement of redundant agricultural buildings, it is important to fully assess the implications of the development on biodiversity. No information has been provided to demonstrate that any protected species are located within the site and the stores which are to be replaced are not traditional farm buildings of timber frame construction. Furthermore, there is no local evidence of protected species within the vicinity of the application site and on my site visit I did not notice any evidence of bats within the buildings.
- 5.8.2 Natural England's standing advice is that, if the proposed development does not affect a traditional timber framed farm building and there is no evidence of protected species on site, a protected species survey is not required. In view of the circumstances, I am satisfied that an ecological survey is not necessary, especially as the proposed landscaping would to enhance the surrounding environment. However, given that the site is located within the rural area, I do consider it necessary to draw the applicant's attention to the Wildlife and Countryside Act 1981 and, recommend that bat boxes are implemented by way of an informative in order that biodiversity be enhancing by the proposal.

5.9 Conclusion

- 5.9.1 In conclusion, it is considered that there is a reasonable agricultural need for the development. as a suitable landscaping scheme has been submitted the development would not be harmful to the character of the countryside or natural beauty of the AONB and therefore, for these reasons, I recommend that permission is granted subject to the following conditions.

5. 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. During the harvest period of July - September no deliveries shall be taken at or despatched from the site outside of the hours of 7am and 9pm Monday to Friday

and 7am - 1pm on Saturdays and not at any time on Sundays, Bank or Public Holidays. During the period of October - June no deliveries shall be taken at or despatched from the site outside the hours 7am - 5pm Monday to Friday and 7am and 1pm on Saturdays and not at any time on Sundays, Bank or Public Holidays;

Reason: To safeguard the enjoyment of their properties by residential occupiers in Court Lodge Road accordance with Policy ENV28 of the Maidstone Borough Wide Local Plan 2000 and advice contained within PPG24: Planning and Noise .

3. The materials to be used in the construction of the external surfaces of the building hereby permitted shall match those shown on Drawing No WM/328/02 received on 19 April 2010

Reason: To ensure a satisfactory appearance to the development in accordance with policies ENV33, ENV34 and, ENV43 of the Maidstone Borough Wide Local Plan 2000.

4. Prior to the commencement of the development, details of a scheme for the insulation of the buildings against the transmission of both airborne and impact sound shall be submitted to and approved in writing by the local planning authority and the development shall be undertaken in accordance with the approved details.

Reason: To safeguard the enjoyment of their properties by residential occupiers in Court Lodge Road accordance with Policy ENV28 of the Maidstone Borough Wide Local Plan 2000 and advice contained within PPG24: Planning and Noise .

5. The landscaping scheme hereby permitted shall consist of trees of not less than Nursery Standard size (8-10cm girth, 2.75-3m height), conforming to the specifications of BS 3936 Part I 'Nursery Stock', shall be planted during the tree planting season (October to February) following substantial completion of the building hereby permitted, and shall be maintained thereafter to the satisfaction of the local planning authority;

Reason: In the interests of amenity and in accordance with policies ENV28, ENV33 and ENV34 of the Maidstone Borough Wide Local Plan 2000.

6. All planting, comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development; 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 policies ENV28, ENV33 and ENV34 of the Maidstone Borough Wide Local Plan 2000

Informatives set out below

Under the Wildlife and Countryside Act 1981 you are obliged to ensure that any local wildlife is protected. If during construction, evidence of any existing protected species is discovered, you must contact Natural England before progressing with the works. The Area Office address is Natural England, International House, Floor 9, Dover Place, Ashford, Kent, TN23 1HU

You are advised that although there is no evidence of bats using the site, the implementation of at least two bat boxes on the elevations of the building hereby permitted is recommended, to ensure enhance the biodiversity of the locality

You are reminded that the landscaping approved under MA/09/2044 is yet to be implemented. I strongly advise that this is implemented as soon as possible otherwise you will be liable to Enforcement action.

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 there are no overriding material considerations to indicate a refusal of planning consent.

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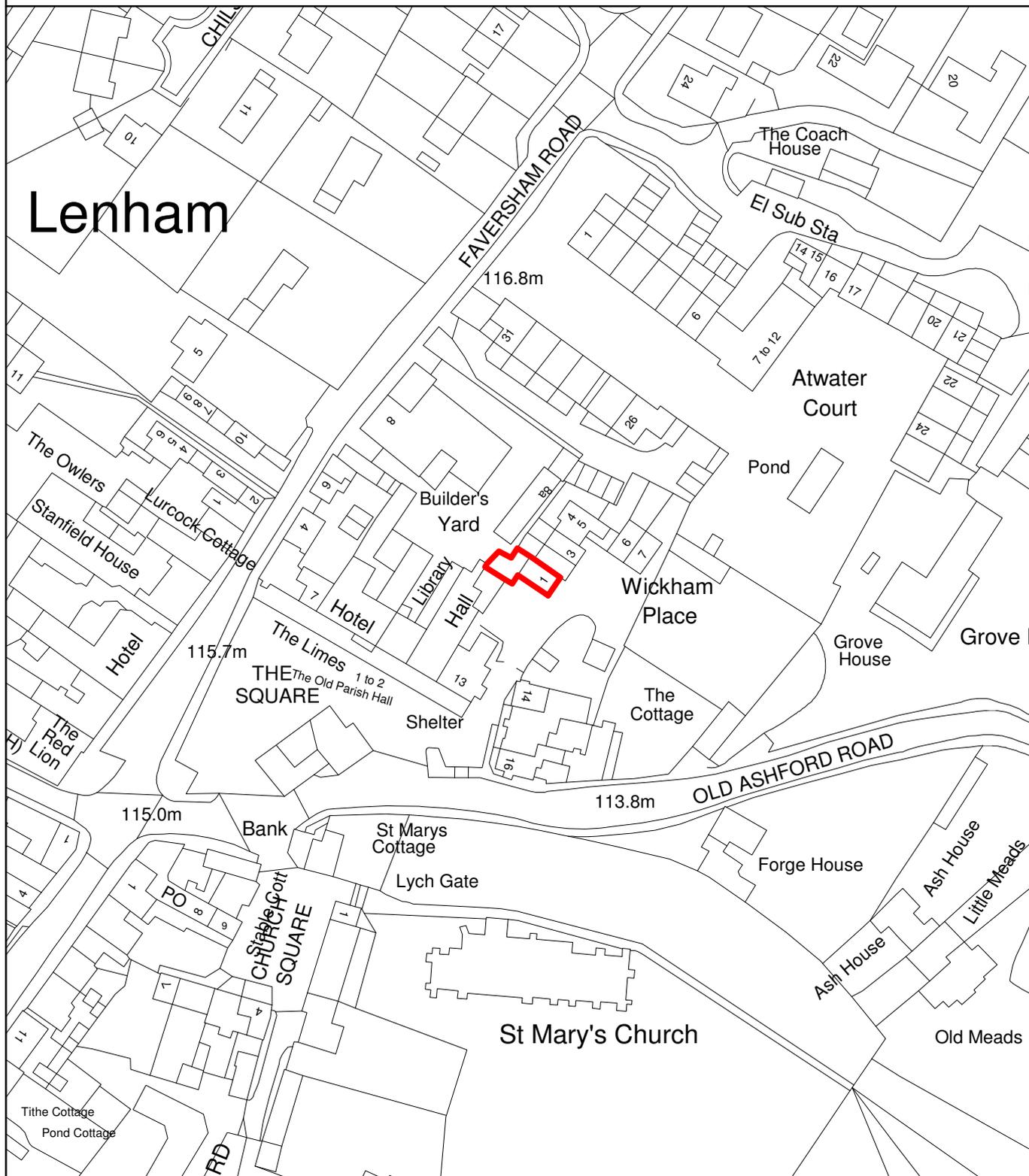
Agenda Item 17

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/10/0832

GRID REF: TQ8952

1 WICKHAM PLACE,
LENHAM.



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Rob Jarman
Head of Development Management

APPLICATION: MA/10/0832 Date: 5th May 2010 Received: 16th June 2010

APPLICANT: Mrs Boorman

LOCATION: 1, WICKHAM PLACE, LENHAM, MAIDSTONE, KENT, ME17 2PF

PROPOSAL: Erection of conservatory as shown on Design and Access statement, site location plan and drawing no. MC 13404/1 received 14/05/10 and drawing no. MC 13404/7 received 03/08/10.

AGENDA DATE: 2nd September 2010

CASE OFFICER: Kathryn Altieri

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

- It is contrary to views expressed by Lenham Parish Council

POLICIES

Maidstone Borough-Wide Local Plan 2000: H18, ENV34

Government Policy: PPS1 - Delivering Sustainable Development, PPS3 - Housing, PPS5 - Planning for the Historic Environment

HISTORY (relevant)

MA/10/0472 - Erection of a conservatory - withdrawn

MA/87/1928 - Erection of five houses and two flats – approved/granted with conditions

CONSULTATIONS

See appended report.

REPRESENTATIONS

Neighbours: In total, six letters of objection have been received from two households, raising concerns over;

- Impact upon conservation area
- Out of keeping with surrounding area
- Scale and over dominance
- Loss of light

- Maintenance of gap to the side of the proposal
- Proposed use of materials
- Existing covenants

CONSIDERATIONS

1. Background information

1.1 This application was previously presented to Planning Committee 22nd July 2010 and was deferred by Members to enable the submission of larger plans. The enlarged drawings of the proposal were received 3rd August and all interested parties were re-consulted. The re-consultation period ended 19th August 2010 and the report is now ready to be reported back to Planning Committee for formal determination.

1.2 This report will consider representations made during this period as well as re-emphasising certain points already made in the original report. The original committee report is attached (Appendix 1).

2. The Site

See appended report.

3. The Proposal

See appended report.

4. Planning Issues

4.1 The considerations have not significantly changed and so please refer to the appended report. However, I would like to elaborate on some of the points already made in my previous report.

4.2 The shared boundary treatment between the rear gardens of 1 and 2 Wickham Place includes a 1.8m close boarded panel immediately attached to the rear flank of 1 Wickham Place (approx 1m in length) and then low level fencing of some 1.3m in height from ground level. In addition, the applicant has a hedge (some 1.8m in height) running along side this boundary treatment. This hedge would be removed for this proposed development but the applicant has confirmed that the existing fencing would remain unaffected. The rear boundary treatment for this terrace consists of high level fencing (more than 2.5m in height).

4.3 As shown by the enlarged drawing, the extension's elevation closest to the shared boundary with 2 Wickham Place would have a 2m brick wall (painted white) and then high level windows measuring 0.5m. These high level windows and the fully glazed roof that is proposed would allow natural light to pass through. I believe that this

choice of material, together with its eaves height, hipped roof design and it being set away from the shared boundary (by some 0.2m), would ensure that this development would not cause a significant loss of light to 2 Wickham Place or have an overwhelming impact upon this neighbour.

4.4 A BRE daylight test was carried out from the re-submitted plan. This was to see if there would be any impact upon the neighbour (2 Wickham Place) in terms of loss of daylight. Once again, the proposal, when judged against this test passed. As such, there would be no loss of light to the neighbours that would warrant a refusal. I would also like to highlight that the rear patio doors of 2 Wickham Place are fully glazed and some 1.8m in width, allowing optimum levels of light into the room it serves.

4.5 It is considered that even with this modest extension in situ and the high level boundary treatment along the rear boundary, the orientation of this terrace is such that limited sunlight already reaches the rear gardens of the adjoining neighbours. Therefore, I do not believe that this proposal would have a significant enough detrimental effect upon this situation, to justify refusal.

5. The conclusion

5.1 The comments raised by Lenham Parish Council and the neighbours, in relation to material planning matters, have been dealt with in the main body of this report. However, I would like to add that any covenants on the site or maintenance issues of the gap created to the side of the development are not planning considerations and therefore cannot be considered under this application.

5.2 It is therefore considered overall that the proposal is acceptable with regard to the relevant provisions of the development plan and amenity impacts on the local environment and other material considerations such as are relevant. I therefore recommend conditional approval of the application on this basis.

RECOMMENDATION

APPROVE PLANNING PERMISSION subject to the following conditions:

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

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

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

Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development. This is in accordance with policy H18 of the Maidstone Borough Wide Local Plan 2000 and PPS5.

3. The development shall not commence until, full details of the following matters have been submitted to and approved in writing by the Local Planning Authority:-

a) New external joinery in the form of large scale drawings.

The development shall be carried out in accordance with the approved details;

Reason: To ensure the appearance and the character of the building are maintained. This is in accordance with policy H18 of the Maidstone Borough Wide Local Plan 2000 and PPS5.

Informatives set out below

None

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 there are no overriding material considerations to indicate a refusal of planning consent.

APPLICATION: MA/10/0832 Date: 5th May 2010 Received: 16th June 2010

APPLICANT: Mrs Boorman

LOCATION: 1, WICKHAM PLACE, LENHAM, MAIDSTONE, KENT, ME17 2PF

PROPOSAL: Erection of conservatory as shown on Design and Access statement, site location plan and drawing no. MC 13404/1 received 14/05/10 and drawing no. MC 13404/2 received 16/06/10.

AGENDA DATE: 22nd July 2010

CASE OFFICER: Kathryn Altieri

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

- It is contrary to views expressed by Lenham Parish Council

POLICIES

Maidstone Borough-Wide Local Plan 2000: H18, ENV34

Government Policy: PPS1 - Delivering Sustainable Development, PPS3 - Housing, PPS5 - Planning for the Historic Environment

HISTORY (relevant)

MA/10/0472 - Erection of a conservatory - withdrawn

MA/87/1928 - Erection of five houses and two flats – approved/granted with conditions

CONSULTATIONS

Lenham Parish Council wish to see the application refused on the following grounds;

"We wish to see the application refused and request the application is reported to the Planning Committee for the planning reasons set out below:-

The height of the proposed development will cause a loss of light to neighbouring properties. We are concerned about the closeness to the boundary of the neighbouring property and feel it will cause maintenance difficulties. The attribution of the layout of the plans is incorrect. The conservatory is on the side of the building and not on the rear."

Conservation Officer: Raises no objections to the proposal subject to materials and joinery conditions;

"This scheme is better than that previously withdrawn and has a more comfortable relationship with the host dwelling; it will also have a lesser (and acceptable) impact on the character of the Conservation Area."

REPRESENTATIONS

Neighbours: 2 neighbours raised concerns over the proposal's impact upon the conservation area, it being out of keeping, it being over dominant, possible loss of light, maintenance of gap to the side of the proposal, use of materials and existing covenants.

CONSIDERATIONS

1. The Site

1.1 The application site relates to an end of terrace, two-storey dwelling that is part of a private cul-de-sac known as Wickham Place, which is accessed from the eastern side of 'The Square'. Situated within the village of Lenham, the property also falls within an Article 4 Direction area, Lenham Conservation Area and the North Downs Special Landscape Area, as designated by the Maidstone Borough Wide Local Plan 2000. The Article 4 Directive removes the permitted development rights for extensions, outbuildings, fences and hardstanding.

1.2 There is garaging and an Ironmongers yard to the west of the site, largely screened by high level boundary treatment.

2. The Proposal

2.1 The proposal is for the erection of a conservatory that would project 4m from the rear flank and in total, measure 4.3m wide (including the porch section). With its 'L' shaped hipped roof, the proposal would have a ridge height of 3.3m from ground level and an eaves height of 2.5m. The total floor area of this proposal would be some 14m².

2.2 The roof of this proposed addition is to be glazed and the external walls would be of white painted brick to match the main dwelling.

2.3 The property has had its permitted development rights removed by way of condition on the original planning approval for this development (MA/87/1928).

3. Planning Issues

3.1 The specific policy under the Maidstone Borough-Wide Local Plan 2000 relating to housing extensions within a village envelope is Policy H18, which states;

"THE BOROUGH COUNCIL WILL PERMIT EXTENSIONS AND ADDITIONS TO RESIDENTIAL PROPERTIES PROVIDED THAT THE PROPOSAL:

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

SUCH DEVELOPMENT WILL BE GUIDED BY SUPPLEMENTARY PLANNING GUIDANCE WHICH HAS BEEN APPROVED BY THE BOROUGH COUNCIL."

I will consider the proposal against the criteria set out in this policy.

Impact upon the property and streetscene

3.2 The proposal would be a single storey structure, subordinate and ancillary to the existing house and conditions would be imposed requesting joinery and external material details, to further ensure the appearance of this development is satisfactory. It should also be noted that the footprint of this proposal would be less than 40% than that of the existing property, which is considered to be a modest addition.

3.3 In addition, I feel that the low eaves height and hipped roof design would only further reduce the bulk of this development and that its location and orientation is such that it would be largely screened from any public vantage point, especially given that the existing 2m close boarded fencing for boundary treatment would screen the bulk of it from view.

3.4 I therefore believe that this modest proposal, subject to material and joinery conditions, would not overwhelm or destroy the character of the existing property and nor would it have a significant detrimental impact upon the character and appearance of the Lenham Conservation Area or adjacent buildings. The Conservation Officer is in agreement with this opinion.

3.5 Whilst I appreciate that each planning application is assessed on its own merits, it is worth noting that a similar scaled and designed conservatory has been erected to the rear of 7 Wickham Place (approved under MA/00/1563), which is the end property located in the north-eastern corner of Wickham Place.

Impact upon the neighbours

3.6 The proposed extension would project more than 3m from the rear elevation, so in accordance with the Council's 'Supplementary Planning Document - Residential Extensions', the BRE daylight elevation and plan tests were carried out. This was to see if there would be any impact upon the neighbour (2 Wickham Place) in terms of

loss of daylight. The proposal failed the BRE daylight plan test but passed the BRE daylight elevation test. The BRE guidelines state that only development that fails both tests would cause a significant loss of light. Furthermore, the rear ground floor opening of 2 Wickham Place is a fully glazed patio door measuring some 1.8m in width, which allows optimum light into the room it serves. The proposed roof would also be glazed, allowing natural light to pass through; and the proposal's low eaves height and hipped roof design would ensure that this development would not have an overwhelming impact upon the adjoining neighbour.

3.7 It should also be noted that the orientation of this terrace is such that limited sunlight already reaches the rear gardens of the adjoining neighbours and I do not believe that this proposal would have a significant detrimental effect upon this situation, enough to justify refusal.

3.8 It is therefore considered, because of the proposal's scale, design and location, there would be no significant detrimental impact upon the residential amenity of any neighbour, in terms of loss of privacy, outlook, daylight and sunlight.

Impact upon the parking

3.9 The proposal, because of its location and nature, would not have a significant impact upon the parking provision or generate any need.

4. The conclusion

4.1 The comments raised by Lenham Parish Council and the neighbours have been dealt with in the main body of this report. However, I would like to add that any covenants on the site or maintenance issues of the gap created to the side of the development are not material planning considerations and therefore cannot be considered under this application.

4.2 It is therefore considered overall that the proposal is acceptable with regard to the relevant provisions of the development plan and amenity impacts on the local environment and other material considerations such as are relevant. I therefore recommend conditional approval of the application on this basis.

RECOMMENDATION

APPROVE PLANNING PERMISSION subject to the following conditions:

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

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

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

Reason: To ensure a satisfactory appearance to the development. This is in accordance with policy H18 of the Maidstone Borough Wide Local Plan 2000 and PPS5.

3. The development shall not commence until, full details of the following matters have been submitted to and approved in writing by the Local Planning Authority:-

a) New external joinery in the form of large scale drawings.

The development shall be carried out in accordance with the approved details;

Reason: To ensure the appearance and the character of the building are maintained. This is in accordance with policy H18 of the Maidstone Borough Wide Local Plan 2000 and PPS5.

Informatives set out below

None

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 there are no overriding material considerations to indicate a refusal of planning consent.



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06.04.2010

153

08.04.2010

06.04.2010

154



06.04.2010

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Reference number: MA/10/0832

One further neighbour objection and comments from Lenham Parish Council have been received, raising concern with the proposal's scale, its overwhelming impact and possible loss of light.

These points have been addressed in the main body of the Committee Report.

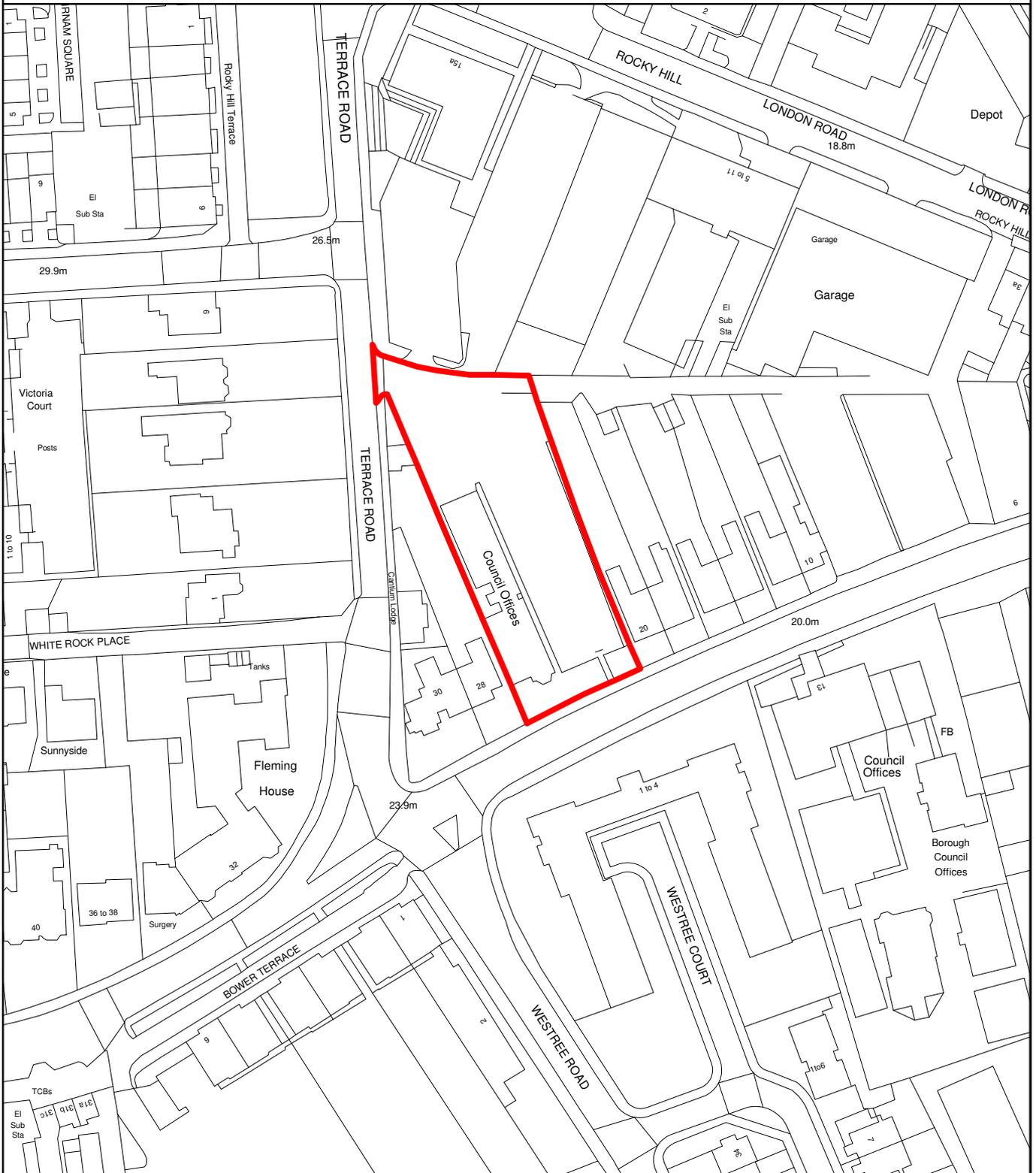
My recommendation remains unchanged.

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/10/1230

GRID REF: TQ7555

26 TONBRIDGE ROAD,
MAIDSTONE.



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Rob Jarman
Head of Development Management

APPLICATION: MA/10/1230 Date: 14 July 2010 Received: 15 July 2010
APPLICANT: Maidstone Borough Council
LOCATION: 26, TONBRIDGE ROAD, MAIDSTONE, MAIDSTONE, KENT, ME16 8RT
PARISH: Maidstone
PROPOSAL: Outline application for the erection of a medical centre (Use Class D1) and 4no. dwellings and parking with all matters reserved for future consideration in accordance with illustrative plans, design and access statement, marketing report and planning statement submitted on 14 July 2010, and additional supporting information submitted on 5 August 2010 and 24 August 2010.
AGENDA DATE: 2nd September 2010
CASE OFFICER: Chris Hawkins

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

- The Council is the applicant.
- It is a departure from the Development Plan.

1.0 POLICIES

Maidstone Borough-Wide Local Plan 2000: ED2 (xxiii), ENV6, T13, CF2
Village Design Statement: N/A
Government Policy: PPS1, PPS3, PPS4, PPS5, PPG13, PPS23, PPG24
Circulars: 11/95

2.0 HISTORY

MA/08/1789 22-26 Tonbridge Road, Maidstone. Demolition of existing buildings and erection of 96 bedroom budget hotel with associated bar/restaurant and on-site parking. Approved with conditions (11 Dec 2008).

The following planning history relates to this site, although is not considered of significant relevance to this planning application: -

MA/02/1830 1) Construction of concrete ramp with hand rail and kerb to enable disabled persons to access offices at 26 Tonbridge Road. 2) Provide

disabled parking space and dropped kerb in adjoining car park. 3) Remove existing concrete bollards. 4) Landscape forecourt with suitable low growing ground cover shrubs, as described in application MA/02/1830G. – APPROVED.

- MA/97/0640 Erection of automatic car park barrier and new fencing to provide limited access to car parking – WITHDRAWN.
- MA/90/0354 Outline application for the demolition of existing buildings and erection of new offices with associated car parking – WITHDRAWN.
- MA/79/0126 Three Storey Office Block, Demolition of No. 11 Tonbridge Road for 2 Storey Extension, conversion of Block F and Demolition of 22-24 Tonbridge Road, use of site for car parking – APPROVED WITH CONDITIONS.
- MA/75/0744 Change of use to offices – APPROVED WITH CONDITIONS.
- MA/74/0729 Change of use from dental surgery, offices and 3 flats to offices – REFUSED.
- 74/0011/MK1 Outline Application for the demolition of existing building and the erection of office block – REFUSED.
- 73/0112/MK1 Outline Application for the demolition of existing partial office premises and erection of new offices with car parking – REFUSED.
- 71/0481/MK1 Change of use of 1st floor flat from residential to dental surgery waiting room – APPROVED.
- 49/0276/MK1 Change of use of first and second floors of No 22 from offices to living accommodation; and alterations to covert first and second floors into two flats – APPROVED.

3.0 CONSULTATIONS

- 3.1 **Maidstone Borough Council Environmental Health Officer** was consulted and (on 21 July 2010) and has raised no objection to this application subject to the imposition of the following informative: -
- 3.1.1 The issues of traffic noise and air quality will be required to be dealt with by the submission of the relevant assessment in due course; they will be required prior to the determination of the reserved matters.

3.2 Maidstone Borough Council Conservation Officer was consulted (on 21 July 2010) due to the proximity of the Rocky Hill Conservation Area, and has raised no objections to the application. His comments are as follows: -

'All matters are reserved, but the illustrative block plan shows a form and layout which would appear to be appropriate to its context. Development of the site within these parameters would be unlikely to adversely affect the setting of nearby listed buildings or the Rocky Hill Conservation Area.

In addition to the normal conditions regarding submission of details it would also be appropriate to impose one restricting the development to no more than 3 storeys in height (in accordance with the Design and Access Statement).'

3.3 Maidstone Borough Council Economic Development Officer was consulted (on 21 July 2010) and no comments have been received to date.

3.4 Maidstone Borough Council Property Services were consulted (on 21 July 2010) and no comments have been received to date.

3.5 Kent Highway Services were consulted (on 21 July 2010) and raise no objections to this proposal subject to the imposition of suitable safeguarding conditions and informatives. These are set out at the end of the report.

3.6 KCC Archaeology were consulted and raised no objections to the proposal subject to the imposition of a conditions requiring a watching brief to be undertaken.

3.6 Southern Water were consulted and have raised no objections to this proposal subject to the imposition of a suitable condition regarding the connection to the existing sewers.

4.0 REPRESENTATIONS

4.1 Neighbouring properties were notified and no letters of objection have been received.

5.0 CONSIDERATIONS

5.1 Site Description

5.1.1 The application site is located upon the northern side of Tonbridge Road (A26), close to the junction with Terrace Road (A20). Both roads are one-way, running to the west along Tonbridge Road and to the north along Terrace Road.

- 5.1.2 The application site relates to an unused surface-level car park and two-storey office building that was previously in use as the former Council offices and staff car parking at 22-26 Tonbridge Road.
- 5.1.3 There is no vehicular access to the site directly from the A26 Tonbridge Road with access to the site via an existing vehicular access off Terrace Road. This access road also serves other premises in Rocky Hill/London Road and Tonbridge Road. The site is within the urban area of Maidstone approximately 170m west of Maidstone West railway station. There are no Listed Buildings in the vicinity and the site is not within a Conservation Area, although is close to the Rocky Hill Conservation Area.
- 5.1.4 The site is within an area designated as a B1 employment retention area by Policy ED2 of the Maidstone Borough-Wide Local Plan (2000).
- 5.1.5 The site, approximately 0.2 hectares in area, is currently covered by an existing office building in the western part of the site extending from the Tonbridge Road frontage northwards, it comprises just over 4000m² of floorspace. The majority of the remainder of the site is covered by tarmac and was in use as a car parking area. There is a small area of landscaping to the front of the site adjoining Tonbridge Road, approximately 100m². Within this section of land is an area of grass, shrubs and seven trees with hardstanding for pedestrian access to the car park area and office building. This element of soft landscaping provision gives a higher quality road frontage than at 13 Tonbridge Road. The site slopes upwards from east to west with a difference in levels of approximately 1.4 metres.
- 5.1.6 The property to the west, 28-30 Tonbridge Road is in use as an Osteopathy Clinic, with the property to the other side, number 20, in use as offices. The property at number 18 Tonbridge Road has no planning history and appears to be in residential use, the properties at 14-16 Tonbridge Road have been converted into six one-bedroom flats.
- 5.1.7 To the rear of the site is the London House office block – which is five storeys in height (including the undercroft car parking). This is a mid 20th Century building, of little merit.
- 5.1.8 To the south of the site, beyond Tonbridge Road is the former Council Offices of Maidstone Borough Council – now demolished, and also the student accommodation, which is located behind a screen of substantial trees.

5.2 Proposal

- 5.2.1 This application is for outline planning permission, with all matters reserved for future consideration. The outline planning permission seeks the demolition of the

existing buildings, and the erection of a medical centre, and four dwellings, together with associated parking areas.

- 5.2.2 This is an outline application, with all matters reserved for future consideration, however, illustrative plans have been submitted with the application, which give an indication of potential heights and massing of the proposed buildings. These plans show four terraced residential properties located along the frontage of Tonbridge Road, following the building line of the existing properties. These properties would also be of a similar width to the existing properties, being shown as 6.5metres. These illustrative plans also show that these properties could be three storeys in height, again, reflecting the character and appearance of the properties on either side of the application site.
- 5.2.3 The proposed medical centre is shown to be located to the rear of the application site. Again, as this is outline, this is illustrative only. This plan does show however, that the medical centre could be constructed up to two storeys in height, in a U-shape.
- 5.2.4 Car parking is shown as being located within the centre of the application site, with a total of 15 spaces within the car park, with one space per unit for each dwelling, giving a total of 19 (plus one emergency bay).
- 5.2.5 Both hard and soft landscaping has been shown to be provided to the front of the application site, as the buildings are set some 5-6metres from the highway. All properties are shown to have a good sized rear garden measuring some 11.5metres in depth. All existing trees would be lost as a result of this development.

5.3 Principle of Development

- 5.3.1 The application site is within an area designated for employment purposes (B1) under Policy ED2 of the Maidstone Borough Wide Local Plan (2000). This is a saved policy. The Policy states: -

'Planning permission will not be granted to redevelop or use vacant business, industrial, storage or distributions sites or premises for non-employment purposes unless the retention of the site or premises for employment use has been explored fully without success.'

Due to this designation, the applicant has been asked to demonstrate that the retention of the site for employment purposes has been fully examined, without success.

- 5.3.2 The applicant has therefore submitted supporting information which demonstrates that a public decision was made to sell the land in October 2006.

Following this agreement, the land was marketed through a combination of the property press and the Kent Messenger over a five week period (in June 2007). This included advertising within the 'Estates Gazette' (national) and within a local newspaper. Two further advertisements were placed within 'Property Week' (national) following this initial marketing. In addition to this, the applicant mailed the particulars of the site to parties that had previously shown an interest in the application site.

- 5.3.3 Of the bids submitted, none were for solely B1 use on the site (nor on 13 Tonbridge Road), but rather for a mix of B1 and residential, and for a hotel use. Following negotiations, a hotel operator placed an offer for the site, and obtained planning permission for a budget hotel – this permission was granted in late 2008. Following the granting of planning permission the applicant withdrew their offer, citing changes in the economy for their reasoning. There have been no further bids for this plot of land. I consider the granting of the previous planning permission a material consideration in the determination of this application. This proposal was also a departure from the Local Plan policy, and was considered acceptable as it would provide an alternative employment use for the site. Therefore the principle of deviating from the Development Plan, albeit with a use that would provide employment, has previously been accepted on this site.
- 5.3.4 Following the withdrawal of this offer from the hotel operator (and no further bids on the land), the applicant decided to withdraw the site from the market in 2009, and submit planning applications in order that they be taken to auction and sold with outline planning consent. The applicant has subsequently placed this application in with the Local Planning Authority. I consider this background sufficient to demonstrate that reasonable attempts have been made to dispose of the land prior to the submission of this application.
- 5.3.6 Clearly, the proposal to erect a medical centre and dwellings would be a departure from the Development Plan – being D1 and C3 uses. However, since the formulation (and adoption) of the Local Plan, it is acknowledged that there has been a significant shift in the requirements for office accommodation within the town centre of Maidstone. Evidence indicates that there is an over-provision of office space within the town centre, with most being of a relatively poor quality.
- 5.3.6 As Policy ED2 was formulated prior to the adoption of the Local Plan in 2000, it is in excess of 10 years in since it was first researched and drafted, and as a result central government guidance and advice has changed in this intervening period. Furthermore, the way in which businesses operate is also likely to have changed within this period. As such, in determining this application, I consider it important to give weight to the more recent information available, central government guidance, and assess whether this would result in the overriding of the existing local policy.

5.3.7 In 2009 the Council commissioned GVA Grimley to complete an Employment Land Review, to identify where there was a surplus and shortfall of employment land, and to look at future trends, to help formulate future policy. This document demonstrates that there is an over-provision of office accommodation within the town, and that much of this is of a lower quality than that required by the market. This correlates with the information provided within the viability assessment. This, together with the fact that the site was marketed for office accommodation, with no interest shown, further demonstrates that this use is no longer considered viable at this location. From this evidence base, it has been indicated that this site is unlikely to be retained as an office (B1) employment site within future LDF plans.

5.3.7 Of particular relevance to this application is Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4), which was released in 2009. This sets out the governments objectives for sustainable growth within the UK. Within this document, 'economic development' is recognised as achieving one of the following objectives: -

- Providing employment opportunities;
- Generates wealth; or
- Produces or generates an economic output or product.

I am satisfied that the provision of a medical centre would generate employment opportunities, and as such is identified as a form of economic development.

5.3.8 Policy EC1 of PPS4 requires for Local Planning Authorities to use evidence to plan positively. At present Maidstone Borough Council (MBC) have not adopted their core strategy, although background research has been undertaken to ascertain the level of employment land needed within the Borough, both now, and in the future. This complies with the requirement of this policy, in that it assesses the overall need for land or floor space for economic development. This will inform the policy which is then forthcoming. Work carried out to date, by GVA Grimley on behalf of the Council (September 2009) provides an assessment of the existing employment stock. I therefore consider that this study is a material consideration in the determination of this planning application.

5.3.9 Policy EC10 of PPS4 requires Local Planning Authorities (LPA) to adopt a positive approach towards planning applications for economic development, and to treat favourably planning applications that secure sustainable economic growth.

5.3.10 Of most relevance to this planning application is policy EC11 of PPS4, which relates to the determination of planning applications for economic development not in accordance with an up to date Development Plan. This policy states that when determining such a planning application, LPA's should: -

- Weigh market and other economic information alongside environmental and social information;
- Take full account of any longer term benefits, as well as the costs, of any development, such as job creation or improved productivity including any wider benefits to national, regional or local economies; and
- Consider whether those proposals help to meet the wider objectives of the Development Plan.

5.3.11 As such, this proposal should be assessed in accordance with these requirements. In terms of the first point, I consider that there is an evidence base that suggests that there is an over-provision of office accommodation within the town centre – this is identified within the GVA Grimley Employment Land Review. Furthermore, the Council’s Economic Development Strategy (EDS) sets an overall target for 10,000 new jobs within the Borough by 2026 (within the B and non B classes), and also for the existing office stock within the town centre to be improved. It states that this should be done on a sequential basis, with offices located within the town centre first provided or enhanced, and then any new additional provision to be located on edge of town centre sites, with good access.

5.3.12 What can be seen from the Employment Land Review is that there was (in Sept 2009) in excess of 50,000m² of vacant office space within the Borough of Maidstone, 3,268m² of which was within the London Road area. In total 23 units, comprising of 14,283m² were vacant within the town centre, and in accordance with the EDS is considered more suitable for upgrading.

5.3.13 The information given above, is a clear indication that there is an over-provision of office accommodation within the Borough, and whilst much of this is brought about by virtue of its quality, there is a large proportion of town centre sites that are more suitable for upgrading prior to the application site. I am therefore satisfied that there is up-to-date economic information which would support an alternative use on this site.

5.3.14 The second point within Policy EC11 (b) requires the LPA to assess the longer term benefits of the proposal, and in particular look at job creation. As no interest has been shown recently (back to 2008) in utilising the site for office accommodation, there is little indication that this form of economic growth will be forthcoming. I therefore consider it appropriate to assess the potential viability for the development to provide employment within other sectors.

5.3.15 The provision of a medical centre within this site would give rise to employment opportunities, in particular skilled employment. It would also generate employment in the wider area through the requirements for medicine to the

provided etc...I am therefore satisfied that this proposal meets with this requirement of the policy.

5.3.16 Finally, one has to assess whether the proposal would meet with the wider objectives of the Development Plan. The Development Plan does provide support for employment opportunities, in particular within town centre sites. I am therefore satisfied that the proposal would meet with the wider objectives of the Development Plan.

5.3.17 However, PPS4 specifically identifies housing development as not being *economic development*. As such, justification is required as to why this is a suitable location for such a use. However, as stated above, policy EC1 does require Local Policies to be informed by relevant and up to date information. Part of the wider understanding is to acknowledge where there are deficiencies in supply for all types of development in town centres. It is with this in mind that I refer to the Maidstone Town Centre Study, which was completed in February 2010 (undertaken by consultants, Urban Practitioners on behalf of Maidstone Borough Council). This report forms part of the published evidence base for the production of the Local Development Framework (LDF) documents, and although not part of the Development Plan at present, is a material consideration in the determination of planning applications.

5.3.18 The recommendations of this report include definition of a town centre boundary. The recommended boundary would run along the railway line at the nearby Maidstone West station and would exclude this site from the town centre area. The site is included in the designated 'Neighbourhood Quarter', the study states its rationale for this quarter in paragraph 11.222:-

"The potential exists to create a sustainable neighbourhood surrounding Maidstone West Station. This area is partly within the town centre and partly outside of the boundary. It is some distance from the core town centre and is currently dominated by business and residential uses, with the latter becoming more prevalent over recent years. The opportunity exists to support this area as a neighbourhood in its own right through focusing residential development on key sites and ensuring a mix of local retail / A3, community uses and small businesses on key streets."

5.3.19 The assessment of the area continues with paragraph 11.227 stating that the area lacks a clearly defined commercial identity or specialism. The land use strategy for this area (para 11.248) indicates that the principal future land uses for this area would be predominantly residential uses, but including mixed retail and office uses where appropriate. Paragraph 11.250 of the Town Centre Study expands further on this point stating that residential development should be steered towards *houses and family accommodation with private outdoor space*.

As stated, however, this is not policy, but rather guidance for the formulation of proposed future policy. I do not consider that this in itself is sufficient to warrant a departure from the Development Plan, but it does indicate support for this proposed use.

5.3.20 However, in addition to this guidance, there is a clear indication (Through the GVA Grimley Report) that there is an over-provision of office accommodation within the town centre, and the fact that the site was marketed for B1 use, and no offers have been submitted for this use (indeed a planning permission has already be granted to depart from this policy) I am content that there is a clear indication that the site is unlikely to be retained for B1 based employment use. I consider that there has been sufficient evidence submitted to permit a deviation from the Development Plan as a result, and I see no reason why residential use, as part of a mixed use scheme (which also provides employment) would be inappropriate. Indeed, central government policy encourages mixed use developments.

5.3.21 It should be noted that Policy CF2 of the Maidstone Borough Wide Local Plan (2000) refers to the loss of 'publicly owned land.' As this site is owned by the Council, I consider it appropriate to apply this Policy. However, the policy states that the Local Planning Authority needs to be satisfied that 'an identified need for community facilities that could be met on this site does not exist.' I am satisfied that there is no need on this site for such a facility, and as such, the proposal does comply with this Policy.

5.3.22 I am therefore of the opinion that this proposal would comply with the requirements of Policy EC11 of PPS4, and this, together with the information being collated by the LPA at present, indicates that alternative uses are acceptable on this allocated site. I am therefore satisfied that it is appropriate in this instance to depart from the existing Development Plan and give greater weight to the more recent guidance provided by Central Government.

5.4 Visual Impact

5.4.1 This is an outline planning application, with all matters reserved. As such, the matter of visual impact relates to the principle of erecting buildings within the parameters indicated within the application. These parameters propose that the properties fronting Tonbridge Road would be no more than three storeys in height, and in line with the existing properties, and the medical centre would be to the rear of the site, with a height of no more than three storeys.

5.4.2 I consider that the erection of three storey dwellings fronting Tonbridge Road could be acceptable, subject to the buildings being of a good architectural standard. The properties upon either side of the site are of this form, and this would ensure that the rhythm of the street is maintained. I do consider it

necessary to suggest that conditions be imposed to limit the level of development along the frontage, to ensure that no development be more than three storeys in height, in order that the character and appearance of the area be maintained. Whilst it is acknowledged that the hotel previously approved was four storeys in height, I consider that the fact that dwellings are now being provided requires the height to be reduced. These dwellings would be read as individual units, with, as a result, a greater vertical emphasis, with an additional fourth floor exacerbating this.

I therefore recommend that conditions be imposed that address the following: -

- Landscaping to the front (this is covered in more detail later in the report);
- The buildings should not exceed three storeys in height;
- The buildings should be set back from the edge of the pedestrian footpath by at least 5metres;
- Details of materials to be submitted, and agreed in writing prior to the commencement of works on site.

I am also suggesting the following informatives: -

- Any building should be well articulated, and should respect the pattern and rhythm of the development within the locality;
- The applicant should consider the use of projecting and recessed elements, both in terms of fenestration, and with the way in which the roof is designed;
- The areas designated for vehicular movements and parking should be kept to a minimum.

5.4.3 I consider that the imposition of these conditions and informatives would guide any future developer to provide a good quality of design, at the reserved matters stage.

5.4.3 With regard to any development to the rear, I consider that there is greater flexibility with regards to the positioning of the buildings as there would be less impact upon the existing development – i.e. it is more isolated. The illustrative plans show a three story building, in a U-shape. I consider that this has the potential to be a high quality contemporary building that could enhance what is at present a relatively untidy site.

5.4.4 I consider that the layout shown is broadly acceptable, subject to the reduction of the amount of hardstanding. I consider that they demonstrate that a suitably sized medical centre together with housing could be accommodated within the parameters of the site, whilst also providing a good level of soft landscaping provision, and car parking. As set out above, the development should be set back a suitable amount from the edge of the highway (I have suggested 5metres) with landscaping, including street trees to the front. I am therefore

satisfied that a suitable layout, and building design could be brought forward, subject to the adherence to the conditions and informatives set out above.

5.5 Residential Amenity

- 5.5.1 The proposal, would incorporate the erection of four dwellings within the application site. From the illustrative plans submitted it is demonstrated that the proposed, four residential properties could be located in line with the existing properties within Tonbridge Road. As these could be built in line, I consider that these would be unlikely to lead to any significant overlooking of the neighbouring properties, or the creation of a sense of enclosure, or overshadowing. I therefore consider that this element of the outline permission, could be accommodated within the application site, without impacting upon the amenities of the neighbouring occupiers.
- 5.5.2 The proposal would also see the erection of a medical centre within the application site. Illustratively shown as being to the rear of the application site, this would not be in close proximity to any residential dwelling. I do not consider that this building would give rise to any overlooking, overshadowing, or the creation of a sense of enclosure to the neighbouring occupiers, and as such is acceptable in this respect.
- 5.5.3 I do not consider that the vehicular movements into and out of the site would generate an unacceptable level of noise and disturbance. The previous use of the site was for a car park, and I consider that this use would result in less vehicular movements into and out of the site – thus reducing the impact upon the neighbouring residents.
- 5.5.4 Concern has been raised by the Council's Environmental Health Officer with regards to the road noise created by traffic along Tonbridge Road. It has been agreed however, that this matter should be fully considered at the point of the submission of the detailed application, in order that the design of the buildings incorporate sound proof materials, and means of ventilation.
- 5.5.5 I am of the opinion that this proposal would have less impact upon the amenities of the neighbouring occupiers than the previously approved hotel. The hotel was proposed to include a large three storey element that run to the rear of the site, that would have had a number of windows with views down the hill, and over some of the gardens of the properties within Tonbridge Road.
- 5.5.4 I am therefore satisfied that this proposal would not give rise to any concern in terms of the impact upon residential amenity.

5.6 Highways

- 5.6.1 Kent Highway Services have raised no objection to this proposal. The illustrative plans submitted show that the medical centre and dwellings could both be served from the existing access which is served from Terrace Road, to the west. This existing access serves a number of the businesses and residential properties, and was also the access point for Council car park, when operating from within 13 Tonbridge Road and London Road. As such, I do not consider that this proposed use would be likely to generate significant additional traffic at this junction.
- 5.6.2 The site is located within a sustainable location, being well served by public transport, and close to a number of amenities within the town centre. As such, I do not consider it appropriate to seek maximum levels of car parking within the site. As the plans are illustrative only, the parking provision has not been set. The plans demonstrate that a building of over 400metres² could be provided to the rear, which falls below the threshold of PPG13's parking standards (set out in Annex D). The plans indicate the provision of 15 car parking spaces for the medical centre (equating to 1 space per 30metres² which is relatively high for such a sustainable location. However, I am of the opinion that this would be further reduced by the requirement to provide additional soft landscaping within the site, which I consider to be acceptable.
- 5.6.3 Each residential property would be provided with one space, served from a private drive (should residents park within this private drive, it would not impede the free flow of traffic), which I consider to be acceptable, due to the sustainable location of the site.
- 5.6.4 Whilst I do not consider that the illustrative layout represents a high quality layout, it does demonstrate that suitable access, and parking area can be provided. I am of the opinion that any detailed scheme brought forward should significantly reduce the amount of hardstanding proposed, but irrespective of this, the applicants would have a sufficient space to ensure that there would be no overspill onto the busy Tonbridge Road and Terrace Road, to the detriment of highway safety.
- 5.6.5 I am conscious that as this is in outline form, the numbers of spaces provided at the reserved matters stage may well vary. As such, I recommend that an informative be placed upon any permission granted, requiring the applicant to be mindful of the sustainable location of the site, and the need to keep parking numbers to a minimum whilst ensuring that the provision does not have a detrimental impact upon highway safety.
- 5.6.6 I am satisfied therefore that a detailed proposal could be provided that would not impact upon highway safety, and as such would comply with PPG13.

5.7 Landscaping

5.7.1 Landscaping is a matter reserved for consideration at the detailed design stage. However, from the illustrative plans submitted it is demonstrated that the development could achieve a good level of planting, in particular fronting Tonbridge Road. It is noted however, that the existing trees along the road frontage would be removed as a result of this proposal. These trees do soften this part of the Tonbridge Road, but I consider are individually of limited merit. However, I do consider it appropriate that should these trees be removed, suitable replacements be provided. I therefore propose that a prescriptive condition be imposed upon any planning permission that ensures that the following landscaping be delivered at the reserved matters stage: -

- The planting of at least four street trees along the road frontage;
- The provision of an area of soft landscaping of at least 3.5metres in depth along the Tonbridge Road frontage;
- The erection of a dwarf ragstone wall along the road frontage;
- A landscape buffer of at least 2metres in depth between the medical use and the residential properties; and
- A landscaped buffer of at least 1.5metres in depth to run along the boundary with number 20 Tonbridge Road, and also along the boundary with 28 Tonbridge Road.

5.7.2 In addition, I would suggest that the following informatives be placed upon any planning application: -

- The applicant is advised to consider the provision of a green/living roof on any of the flat roof elements of the proposal;
- The applicant is advised to consider the provision of a living wall on the most exposed elevations of the building, in order to soften the appearance of the development;
- Should any front boundary wall be required, this should be constructed of ragstone;

5.7.3 This is not to suggest that this is the *only* landscaping that would be required within this development, however, I do not consider it appropriate to be more prescriptive at present, as this would reduce the flexibility of any future land owners/developers.

5.7.4 I consider therefore that the proposal demonstrates that there would be scope to provide a good level of soft landscaping within the development, which would have a positive impact upon the character and appearance of the locality, and as such, the proposal would comply with policy ENV6 of the Maidstone Borough Wide Local Plan (2000) and PPS1.

5.8 Other Matters

- 5.8.1 Because of the nature of the proposal, and the low numbers of residential properties proposed, there would be no requirement for any contributions to be made on this application. Contributions are only required when 10 or more dwellings are proposed, and the Council's Affordable Housing DPD sets the threshold for affordable housing provision at 15 units. As such, there would also be no requirement for any affordable housing to be provided.
- 5.8.2 In terms of ecology, due to the nature of the site, I do not consider that there would be any likelihood of a significant level of biodiversity. As such, no ecological report has been carried out. However, as the existing building (which remained on site at the time of the completion of this report) has been unused for a significant period of time, I recommend that an informative be placed upon any permission relating for the need for the applicant, or any future developers, to be aware of the need to survey the building, prior to demolition for any protected species, and in particular, bats. Should any be found, then works should cease, and suitable mitigation undertaken. In addition, I consider it appropriate to suggest an informative that the applicants consider the use of swift bricks, or bat boxes, as well as the placement of cordwood within the site, to enhance biodiversity, in accordance with PPS9. I have also suggested informatives requesting that the applicants look at the possibility of providing living/green walls and roofs within the development, to enhance biodiversity and to further soften the appearance of the development, within this urban area.
- 5.8.3 No details have been submitted as to how energy efficient the proposed dwellings would be. However, PPS1 requires that any development be well designed, and I consider an important element of 'good design' to be sustainable construction. As such, I consider it appropriate to recommend a condition that the residential units be constructed to be rated at least level 3 of the Code for Sustainable Homes. Likewise, I would expect the medical centre to achieve at least a 'very good' BREEAM rating when submitted.

6.0 CONCLUSION

- 6.0.1 To conclude, whilst this proposal is a departure from the policies within the Development Plan, it should be noted that a previous planning permission has been granted on the application site for an alternative business use – i.e. a hotel use. It has been accepted that there is an over-provision of office accommodation within the Town Centre, a fact backed up by a marketing exercise that the applicant has undertaken for this site. The relevant policy was conceived over ten years ago, and I consider that the market for such accommodation has altered in that time. The provision of employment on the site, through the erection of a medical centre would accord with the objectives of PPS4 – Sustainable Economic Development. Whilst the proposal would see the erection of four residential properties, this would be part of a mixed use scheme,

and would also ensure continuation of the pattern of development along Tonbridge Road.

6.0.2 I consider that this development would deliver a new community based facility, within a sustainable location, providing a mixed use scheme. I consider that this meets with the requirements of central government policy and as such, I am satisfied that it is appropriate in this instance to deviate from the Development Plan.

7.0 RECOMMENDATION

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. Access e. Landscaping

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

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

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

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

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

3. The details submitted pursuant to Condition 1 shall show inter alia a building or buildings whose height shall not exceed 10metres (three storeys) from normal ground level to ridge level as ascertained by external measurement;

Reason: To ensure conformity with the existing form and character of development in the surrounding area in accordance with PPS1.

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

Reason: In order to secure a satisfactory form of development having regard to the topography of the site in accordance with PPS1.

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

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

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

Reason: No such details have been submitted and in the interest of visual and residential amenity, in accordance with PPS1.

7. The development shall not commence until, details of a scheme for the insulation of the residential units against the transmission of both airborne and impact sound has been submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be completed before any residential unit is first occupied and shall be maintained thereafter;

Reason: To mitigate the effects of potential noise nuisance in accordance with PPS23.

8. The development shall not commence until, details of the parking spaces and/or garages and sufficient turning area to enable vehicles to enter and leave the site in forward gear have been submitted to and approved in writing by the Local Planning Authority;

Reason: Development without adequate parking/garage provision is likely to lead to

parking inconvenient to other road users and in the interests of road safety, in accordance with PPG13.

9. The development shall not commence until, details of the means of vehicular access to the site, including the road width, kerb radii, visibility splays and details of finishing materials, have been submitted to and approved in writing by the Local Planning Authority;

Reason: No such details have been submitted and in the interests of highway safety, in accordance with PPG13.

10. There shall be no vehicular access from Tonbridge Road.

Reason: In the interests of visual amenity in accordance with PPG13.

11. A scheme of landscaping using indigenous species as required under Condition 1 above shall include indications of all existing trees and hedgerows on the land, and details of any to be retained. The development shall also include:-

- i) The provision of a minimum of four street trees along the Tonbridge Road frontage (to be of a suitable species);
- ii) The provision of an area of low planting of at least 3.5 metres in depth along the Tonbridge Road frontage;
- iii) The provision of a landscaped buffer along the eastern boundary of the application site, which shall be at least 2 metres in depth, and should include trees as well as low planting;
- iv) The provision of a landscaped buffer along the western boundary of the application site, which shall be at least 1.5 metres in depth, and should include trees as well as low planting.

Details of the measures for their protection in the course of development, together with and a programme for the scheme's implementation and long term management shall also be submitted. 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 in the interests of visual amenity in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan (2000) and PPS1.

12. 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.

13. Construction of the development hereby permitted shall not commence until details of the proposed means of foul sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: In the interests of the amenities of the existing properties, in accordance with PPS3.

14. The details submitted pursuant to Condition 1 shall show inter alia a building or buildings that are set back a minimum of 5 metres from the edge of the pedestrian footpath;

Reason: To ensure conformity with the existing form and character of development in the surrounding area in accordance with PPS1 and to ensure a good level of landscaping provision in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan 2000.

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

Reason: to ensure a sustainable and energy efficient form of development in accordance with Kent Design 2000 and PPS1.

16. The developer shall arrange for a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. No works shall start on site until a written programme and specification for the work has been submitted to and approved by the Local Planning Authority;

Reason: To enable the recording of any items of historical or archaeological interest in accordance with PPS5.

17. The medical centre shall achieve a 'very good' BREEAM rating. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that a very good rating has been achieved.

Reason: to ensure a sustainable and energy efficient form of development in accordance with Kent Design 2000 and PPS1.

18. The details submitted pursuant to Condition 1 shall show inter alia a building or buildings that are articulated so as to reflect the pattern and grain of the development within the locality.

Reason: To ensure conformity with the existing form and character of development in the surrounding area in accordance with PPS1 and to ensure a good level of landscaping provision in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan 2000.

Informatives set out below

No burning shall take place on site.

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

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.

Adequate and suitable provision in the form of water sprays should be used to reduce dust from demolition work.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside of the normal working hours is advisable.

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

Should any future development of the site include the erection of a front boundary wall, this wall should be constructed of Kentish Ragstone.

The applicant is reminded of the sustainable location of the application site, and the need to balance the provision of parking in accordance with sustainable objectives, and highway safety. I therefore recommend that prior to the submission of any reserved matters planning application, discussions are held with the Borough Council Planning Officers, and Kent County Council Highway Services to fully address this matter.

The applicants, or successors in title are advised to seek to improve biodiversity within the application site. It is suggested that any development incorporate the use of bat boxes, swift bricks, and if appropriate the provision of cordwood.

Any buildings proposed within the site should be well articulated, and should respect the pattern (and in particular the rhythm) of the development within the locality.

The applicant is advised to consider the provision of a green/living roof on any of the flat roof elements of the proposal.

The applicant is advised to consider the provision of a living wall on the most exposed elevations of the building, in order to soften the appearance of the development.

The areas designated for vehicular movements and parking should be kept to a minimum.

The issues of traffic noise and air quality will be required to be dealt with by the submission of the relevant assessment in due course; they will be required prior to the determination of the reserved matters.

The applicant is requested to consider the use of bat boxes and swift bricks within the development hereby permitted.

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GOODY
TIRE SERVICE
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Claydon Hospital
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NR11 6JN

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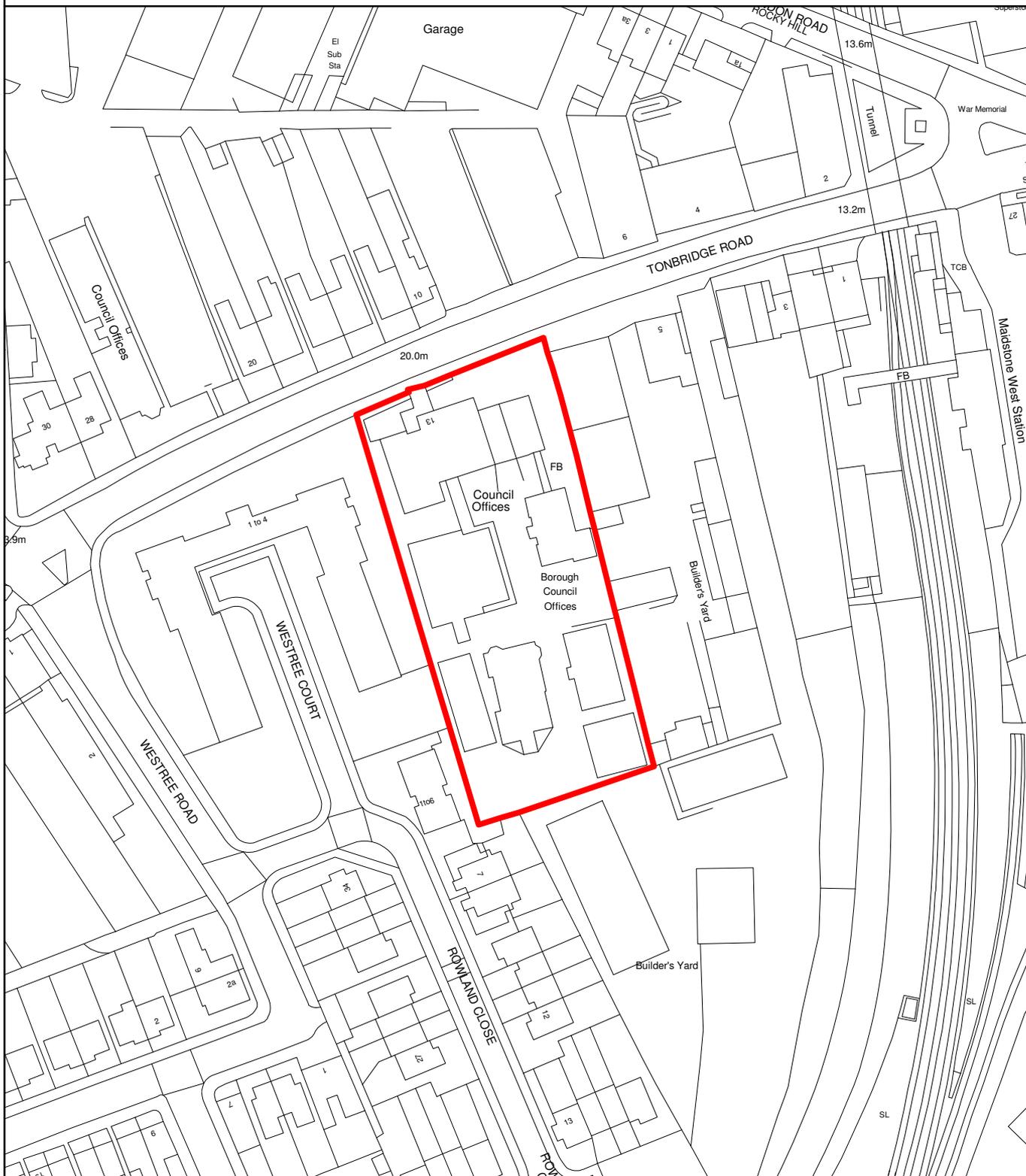
25.08.2010

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/10/1231

GRID REF: TQ7555

13 TONBRIDGE ROAD,
MAIDSTONE.



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Rob Jarman
Head of Development Management

APPLICATION: MA/10/1231 Date: 14 July 2010 Received: 14 July 2010

APPLICANT: Maidstone Borough Council

LOCATION: 13, TONBRIDGE ROAD, MAIDSTONE, MAIDSTONE, KENT, ME16 8HG

PARISH: Maidstone

PROPOSAL: Outline application for the erection of a residential care home (Use Class C2), parking and relocation of access with all matters reserved for future consideration in accordance with illustrative plans, design and access statement, marketing report and planning statement submitted on 14 July 2010, and additional supporting information submitted on 5 August 2010 and on 24 August 2010.

AGENDA DATE: 2nd September 2010

CASE OFFICER: Chris Hawkins

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

- It is a departure from the Development Plan.
- The Council is the applicant.

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: H26, ED2(xxiii), T13, ENV6, CF1, CF2
Government Policy: PPS1, PPS4, PPS5, PPG13, PPS23, PPG24
Circulars: 11/95

2. HISTORY

MA/05/2276 13 Tonbridge Road, Maidstone. Outline application for residential development with all matters reserved for future consideration. Withdrawn.

There is significant planning history to this application site. However, the above application is the only relevant planning history to this application.

3.0 CONSULTATIONS

3.1 KCC Archaeology were consulted (on 21 July 2010) and raise no objection to the proposal subject to the imposition of a suitable condition requiring the

applicants, or successors in title, to undertake a watching brief. This is on the basis that the site is close to (or found on) a Roman cemetery in the mid 19th Century.

3.2 KCC Highway Services were consulted (on 21 July 2010) and have raised no objections to this proposal subject to the imposition of suitable safeguarding conditions and informatives regarding parking and highway safety. These are set out at the rear of the report.

3.3 KCC Residential Care Homes Department were consulted (on 21 July 2010) and object to this proposal. The concerns they raise are as follows: -

'The applicant states that 'there is evidence that care facilities are required' without providing evidence. Within the Maidstone Borough Boundary there are 15 care homes with contracts with KCC providing 534 beds. As of the 6th August 2010 there were 18 vacancies within these homes. This would suggest that there is not a demand for residential care home beds in the Maidstone Borough.

Within the current West Kent Area Social Services business plans the emphasis is on enabling older people to remain in their own homes with support from enablement services and making adaptations to peoples homes, using telecare systems and in the future developing wheelchair accessible housing in conjunction with MBC. The real pressure is progressively more for dementia, mental health registered and nursing beds as the number of people with dementia rises and with an aging population, the number of elderly frail people increase.

Increases in the number of residential home beds also creates a financial pressure on West Kent Area Social Services as often there is little demand locally. Older people are placed from 'out of area' and they self fund their placement. However, when they have depleted their funds the financial responsibility for their placements becomes Social Service's, which has implications for the individual (as often they have to move placement) and the resources available to the local population of Maidstone.

We trust you will take these issues into consideration when making your decision regarding this application.'

***Officer Comment:** - This matter is addressed within the main body of the report.

3.4 Southern Water Services were consulted (on 21 July 2010) and raised no objections to this proposal.

3.5 West Kent Primary Care Trust were consulted (on 21 July 2010) and raised no objections to this proposal subject to the receipt of contributions towards health care provision within the locality. Following this response, on 16 August 2010, I requested information as to where this money would be spent, and am awaiting confirmation on this matter. I will address this matter within an urgent update report.

3.6 Maidstone Borough Council Environmental Health Officer was consulted (on 21 July 2010) and has raised no objections to this proposal.

3.7 Maidstone Borough Council Economic Development Officer was consulted (on 21 July 2010) and made no comment on this application.

3.8 Maidstone Borough Council Property Services were consulted (on 21 July 2010) and made no comment on this application.

***Officer Comment:** - Whilst no comment has been formally received from the Property Services Section, they have submitted the planning applications, and as such raise no objections to these proposals. The applications are submitted in order to put these applications forward for sale at auction, should permission be granted.

4. REPRESENTATIONS

4.1 Neighbouring properties were notified and no letters of objection have been received.

4.2 CPRE Maidstone have made comments upon this application. The points raised are summarised below: -

- The heights of the buildings should not exceed three storeys from ground level;
- There should be an exploration of the possibility of underground car parking;
- The employment possibilities should be taken into account;
- This is the preferred option for the CPRE - they consider there to be a need within the locality;
- There should be input from healthcare professionals to determine the specific need to the area, prior to the submission of reserved matters.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The application site is the former Council offices on the south side of the A26, Tonbridge Road. The 2-3 storey buildings previously at the site were recently

demolished and the site has been cleared. The site has a road frontage width of 44m and depth of some 95m with an existing access off Tonbridge Road roughly in the centre of the frontage. Tonbridge Road is a two lane, one way road in a westward direction at this point past the site. The site slopes gradually to the south from Tonbridge Road. Internally, the site is relatively flat (although there was a 'dip' in the land as the access road run under the offices to the front of the site).

- 5.1.2 This area has a mix of residential, retail and business uses. The site itself is surrounded by buildings with nos. 5-9 Tonbridge Road to the east being single and two storey retail units. The Corbens Business Centre is to the rear of these properties and extends from the east edge of the site around the south. This centre has a mix of single and two storey buildings with a range of uses including a building plant hire and repair company and warehousing. To the southwest of the site are terraced houses at Rowland Close and to the west fronting Tonbridge Road is the large 3 storey Westree Court building which provides student accommodation. Opposite the site are two storey semi-detached houses and a car parking area.
- 5.1.3 The site and land to the south and east extending to the railway line is designated under policy ED2 of the Local Plan for economic use for class B1 (office and light industry) uses. Land opposite on the north side of Tonbridge Road is also designated for such use.

5.2 Proposal

- 5.2.1 This application is for outline planning permission, with all matters reserved for future consideration, for the erection of a residential care home (Use Class C2) with parking and the relocation of the access.
- 5.2.2 At this stage, all matters are reserved for future consideration, and as such, in determining this application, one has to assess whether the principle of developing the site for a care home is acceptable.
- 5.2.3 At present, the design of the development is not for consideration, however, the Design & Access Statement indicates that the buildings would be of 3 storeys providing 64 rooms.
- 5.2.4 Illustrative plans have been submitted showing a layout of four main blocks towards the front of the site with the access running along the west side of the site. Enclosed gardens are to the west of the buildings and further outdoor space to the south. A car park with turning area is at the south end of the site for 28 cars, three of which are shown to be disabled parking bays. Three additional visitor/delivery spaces are alongside the access. Landscaped areas are shown

along the site frontage, most of the west side of the site, the south boundary and the rear part of the east boundary.

5.3 Principle of Development

5.3.1 The application site is within an area designated for employment purposes (B1) under Policy ED2 of the Maidstone Borough Wide Local Plan (2000). This is a saved policy. The Policy states: -

'Planning permission will not be granted to redevelop or use vacant business, industrial, storage or distributions sites or premises for non-employment purposes unless the retention of the site or premises for employment use has been explored fully without success.'

Due to this designation, the applicant has been asked to demonstrate that the retention of the site for employment purposes has been fully examined, without success.

5.3.2 The applicant has therefore submitted supporting information which demonstrates that the land was marketed through a combination of the property press and the Kent Messenger over a five week period (within June 2007). This included advertising within the 'Estates Gazette' (national) and within a local newspaper. Two further advertisements were placed within 'Property Week' (national) following this initial marketing. In addition to this, the applicant mailed the particulars of the site to parties that had previously shown an interest in the application site.

5.3.3 Of the bids submitted in 2008, none were for solely B1 use on the site (nor on 26 Tonbridge Road), but rather for a mix of B1/B8 storage on the site. At the time of the offer, advice was given to the applicant that the proposal would need to incorporate a suitable proportion of B1 use. However, no planning application was forthcoming, and the bid was then withdrawn. There have been no further bids for this plot of land.

5.3.4 Following the withdrawal of this offer, and no further bids on the land, the applicant decided to withdraw the site from the market, and submit planning applications in order that they be taken to auction and sold with outline planning consent. The applicant has subsequently placed applications in with the Local Planning Authority for a care home (Use Class C2), a B1/B8 storage use, and a pure residential use (Use Class C3) for determination. In the mean time, a care home operator has submitted an unconditional offer for the land (in July 2010), however, this sale has fallen through as sufficient funds could not be raised by this developer, for this use. This application submitted for the provision of a care home is unconnected to this offer. Whilst there are applications for alternative employment purposes submitted alongside this application, I do not consider

that this demonstrates that these are viable, (indeed the recent problems by a care home operator in obtaining funds is an indication of this) rather that the applicant is seeking to maximise their opportunity to sell the land.

- 5.3.5 Clearly, the proposal to erect a care home would be a departure from the Development Plan – being a C2 use. However, since the formulation (and adoption) of the Local Plan, it is acknowledged that there has been a significant shift in the requirements for office accommodation within the town centre of Maidstone. Evidence suggests that there is an over-provision of office space within the town centre, with most being of a relatively poor quality.
- 5.3.6 As Policy ED2 was formulated prior to the adoption of the Local Plan in 2000, it is clear that it was evidenced and drafted in excess of 10 years ago, and as a result central government guidance and advice has changed in this intervening period. Also, the way in which businesses operate is also likely to have changed within this period. As such, in determining this application, I consider it appropriate to give weight to the more recent central government guidance, and assess whether this would result in the overriding of the existing local policy.
- 5.3.7 As part of this planning application, and in order to overcome the Policy objection to a B8 use within this designated employment site, a viability assessment has been submitted that includes a survey of office space currently available within the Maidstone Area. This research confirms that there are a number of suites or buildings currently available on the market and extending to a provision of over 200,000sq ft.
- 5.3.8 This survey identifies that it is clear that the supply of offices in Maidstone is very fragmented in terms of the quality of space available and through factors of location, accessibility and amenities. This then identifies that the majority of available accommodation falls within the tertiary market, with relatively low yields. Many of these spaces have remained vacant for a number of years.
- 5.3.9 Notwithstanding the difficult market conditions, agents have reported that they have been receiving occasional enquiries from national companies considering Maidstone as an option for location, and who have expressed interest only in prime units such as County Gate or Eclipse Park (although they note that demand has fallen within the past two years). These sites having been identified by virtue of their high spec buildings, excellent parking provision, notwithstanding their lack of profile. Similarly, Turkey Mill continues to have a good level of demand (and Members are aware of the recent planning application to provide an additional 1632metres² of new office space that has been granted), due to the high quality of most of the refurbished units, and again, because of the level of parking provision, and its attractive setting.

- 5.3.10 In addition to the existing supply of accommodation, there are a number of outstanding planning permissions that would expand the provision within the town. One of these, at Springfield, has the potential for three purpose built blocks totalling some 13,090metres². This plan has been mothballed due to the economic conditions, but the renovated Mansion remains in the market.
- 5.3.11 I consider that this information demonstrates that there is a clear over-supply of poor quality accommodation, and that those interested in re-located to/expanding within the town are seeking the more high spec office space.
- 5.3.12 The report then refers to the suitability of Tonbridge Road for future office development. From the experience of the author, and from the enquiries that they have made, that land to the west of the River Medway is not favoured for offices, by virtue of its poor accessibility, lack of local staff amenities, the mixed use environment and the lack of parking provision. Because of this there has been a trend in recent years for the move away from offices toward residential in the area. An indication of this is the granting of part of Bower Terrace (itself designated as B1 employment under policy ED2) for student and housing accommodation under planning permission MA/05/1251 despite the employment designation.
- 5.3.13 Furthermore, it is identified that the adjacent and nearby retail showrooms, modern industrial buildings, and older Victorian buildings detract from the attractiveness of the locality as an office destination, as does the constant noise from the adjacent Tonbridge Road. It is considered that these factors have a negative factor on the suitability of 13 Tonbridge Road as an office location, such that the author does not consider that it would be consequently viewed as a suitable located by developers. The Author concludes that *'we do not consider that 13 Tonbridge Road presents a suitable site for office development, particularly given the fact that good quality secondary space within the town centre at Kestrel House and Link House has not been found suitable despite lengthy marketing campaigns.'* They then state that due to the nature of the economic climate, and the over-provision of supply *'any employment provision must meet market expectations in order to find suitable occupiers and to this extent the issues of environment, accessibility and parking will be paramount. In our submission these attributes cannot be achieved in Tonbridge Road and hence the site at 13 Tonbridge Road would not be suitable for office accommodation.'*
- 5.3.14 It is therefore clear from this viability assessment that the site is no longer considered suitable for office accommodation, and as such, I consider that the requirement of Policy ENV28 of ensuring that this use be fully explored without success, has been satisfied.

5.3.15 As Policy ED2 was formulated prior to the adoption of the Local Plan in 2000, it is in excess of 10 years since the evidence was gained, and policy drafted, and as a result central government guidance and advice has changed in this intervening period. Also, the way in which businesses operate is also likely to have changed in this period. As such, in determining this application, one has to look at the existing central government guidance, and assess whether this would result in the overriding of the existing local policy.

5.3.16 Of particular relevance to this application is Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4), which was released in 2009. This sets out the government's objectives for sustainable growth within the UK. Within this document, 'economic development' is recognised as achieving one of the following objectives: -

- Providing employment opportunities;
- Generates wealth; or
- Produces or generates an economic output or product.

I am satisfied that the provision of a care home would generate employment opportunities, and as such is identified as a form of economic development.

5.3.17 Policy EC1 of PPS4 requires for Local Planning Authorities to use evidence to plan positively. At present Maidstone Borough Council (MBC) have not adopted their core strategy, although background research has been undertaken to ascertain the level of employment land needed within the Borough, both now, and in the future. This complies with the requirement of this policy, in that it assesses the overall need for land or floor space for economic development. This will inform the policy which is then forthcoming. Work carried out to date, by GVA Grimley on behalf of the Council (September 2009) provides an assessment of the existing employment stock. I therefore consider that this study is a material consideration in the determination of this planning application.

5.3.18 Policy EC10 of PPS4 requires Local Planning Authorities (LPA) to adopt a positive approach towards planning applications for economic development, and to treat favourably planning applications that secure sustainable economic growth.

5.3.19 Of most relevance to this application is policy EC11 of PPS4, which relates to the determination of planning applications for economic development not in accordance with an up to date Development Plan. This policy states that when determining such a planning application, LPA's should: -

- Weigh market and other economic information alongside environmental and social information;

- Take full account of any longer term benefits, as well as the costs, of any development, such as job creation or improved productivity including any wider benefits to national, regional or local economies; and
- Consider whether those proposals help to meet the wider objectives of the Development Plan.

5.3.20 As such, this proposal should be assessed in accordance with these requirements. In terms of the first point, I consider that there is an evidence base that suggests that there is an over-provision of office accommodation within the town centre – this is identified within the GVA Grimley Employment Land Review. Furthermore, the Council’s Economic Development Strategy (EDS) sets an overall target for 10,000 new jobs within the Borough by 2026 (within the B and non B classes), and also for the existing office stock within the town centre to be improved. It states that this should be done on a sequential basis, with offices located within the town centre to be provided or upgraded first, and then any new provision to be located on edge of town centre sites, with good access.

5.3.21 What can be seen from the Employment Land Review is that there was (in Sept 2009) in excess of 50,000m² of vacant office space within the Borough of Maidstone, 3,268m² of which was within the London Road area. In total 23 units, comprising of 14,283m² were vacant within the town centre, and in accordance with the EDS is considered more suitable for upgrading.

5.3.22 The information given above, is a clear indication that there is an over-provision of office accommodation within the Borough, and whilst much of this is brought about by virtue of its quality, there is a large proportion of town centre sites that are more suitable for upgrading prior to the application site. I am therefore satisfied that there is up-to-date economic information which would support an alternative use on this site.

5.3.23 The second point within Policy EC11 (b) requires the LPA to assess the longer term benefits of the proposal, and in particular look at job creation. As no interest has been shown in the recently (back to 2008) in using the site for office accommodation, there is little indication that this form of economic growth will be forthcoming. I therefore consider it appropriate to assess the potential viability for the development to provide employment within other sectors.

5.3.24 The provision of a care home on this site would provide a high number of jobs – both skilled and less skilled. The labour intensive nature of the proposal would ensure that the site would generate a good level of employment, as well as providing suitable accommodation for those in need. I am therefore satisfied that this proposal meets with this requirement of the policy.

5.3.25 Finally, one has to assess whether the proposal would meet with the wider objectives of the Development Plan. The Development Plan has a specific policy relating to the provision of residential homes within the Borough. In the supporting text, it is acknowledged that due to the aging population, there is an increasing demand for private nursing accommodation for the elderly infirm. The policy is again, criterion based, but subject to these being met, gives broad support for the provision of such accommodation. I am therefore satisfied that the proposal would meet with the wider objectives of the Development Plan.

5.3.26 I am therefore of the opinion that this proposal would comply with the requirements of Policy EC11 of PPS4, and this, together with the information being collated by the LPA at present, indicates that alternative uses are acceptable on this allocated site. I am therefore satisfied that it is appropriate in this instance to depart from the existing Development Plan and give greater weight to the more recent guidance provided by Central Government.

5.4 Visual Impact

5.4.1 As previously stated, this is an outline planning application with the matter of design reserved for future consideration. As such, it is difficult to make a detailed assessment of the impact that the proposal would have upon the character and appearance of the area. However, clear parameters have been suggested which would see the erection of a care home of three storeys in height.

5.4.2 The application site is located within the urban area of Maidstone, upon a well used main thoroughfare out of Maidstone. The character of the area is varied, with a mix of residential and commercial properties, with the building types also of great variation. I consider that the southern side of the Tonbridge Road has the potential to be significantly improved, both in terms of the built form, and also in terms of the soft landscaping provision.

5.4.3 I consider it important to enable any future development to have a good level of soft landscaping provision along the road frontage, and as such, I suggest that the building needs to be set back a suitable distance to ensure that this is provided. This would have the dual effect of softening the development visually, as it would enable the building to be erected up to three storeys without appearing as overbearing and also reducing the impact of noise generated by traffic on the A26. As such, I recommend that the following conditions be imposed upon any planning permission granted, to ensure a suitable quality development be provided: -

- The buildings should not exceed three storeys in height at the front of the application site;

- The buildings should be set back from the front of the application site by a minimum of 7metres;
- Details of the materials to be submitted, and agreed in writing prior to the commencement of works on site;
- The building shall be well articulated, and should respect the rhythm, and pattern of development within the locality.

I am also suggesting that the following informatives: -

- The applicant should consider the use of projecting elements, both in terms of fenestration and with regards to the design of the roof;
- The areas designated for vehicular movements and parking should be kept to a minimum.

5.4.4 I consider that the imposition of these conditions and informatives would guide any future developer to provide a good quality of design at he reserved matters stage.

5.4.5 The access has been shown on the illustrative plans as being of a width of 5.1metres. Whilst it may be necessary to have an access of this width at the junction point (to enable two vehicles to pass) I would recommend that to the rear of the site, this be reduced, to enable additional soft landscaping to be provided. I see no reason for pedestrian footpaths to be provided on both sides of the access, and as such, suggest a condition restricting this to the side of the proposed care home.

5.4.6 In terms of materials, as this is an outline application, no details have been submitted. I do not consider it necessary to place any restrictions on this (other than the requirement to submit samples prior to the development starting) but would suggest and informative that should any dwarf/retaining wall be required along the Tonbridge Road elevation, that this be constructed of ragstone.

5.5 Residential Amenity

5.5.1 The application site is bounded to the west by residential properties, which are utilised as student accommodation. Although only illustrative at present, i consider that the plans demonstrate that a building of a significant scale could be erected on the site without having a detrimental impact upon the amenities of these neighbouring occupiers, in terms of overlooking, the creation of a sense of enclosure, or having an overbearing impact.

5.6 Highways

5.6.1 The access into the site, and the parking provision within are illustrative only at this stage. It has been suggested that the access be located on the western side

of the Tonbridge Road frontage, and this be 5.1metres in width – to enable two motor vehicles to pass at the point of access/egress. I consider the principle of access here acceptable, subject to an appropriate design.

- 5.6.2 With regards to the parking numbers, 26 spaces have been shown to be provided. This is within an area of open parking to the rear of the application site. I consider the rear of the site the most appropriate location for the car parking, and I do not consider 26 spaces an over provision. It should also be noted that there are parking restrictions in place along both sides of Tonbridge Road, and as such, parking would be unlikely to take place on the highway. The site is within a sustainable location, with good access to a number of facilities, including shops, transport, and medical. The site is well served by public transport, with a number of bus stops nearby, and both Maidstone East and Maidstone West train stations within a short walk of the site. This would reduce the reliance upon the private motor car for both those working on site, and potentially those visiting the property.
- 5.6.3 I am conscious however, that as this is in outline form, the numbers of spaces provided at the reserved matters stage may well vary. As such, I recommend that an informative be placed upon any permission granted, requiring the applicant to be mindful of the sustainable location of the site, and the need to keep parking numbers to a minimum whilst ensuring that the provision does not have a detrimental impact upon highway safety.
- 5.6.4 On this basis, I am satisfied that the proposal could be designed in such a way to ensure that there would be no detrimental impact upon highway safety, both in terms of the access into and out of the site, and also, with regards to the number of parking spaces that could be provided.

5.7 Landscaping

- 5.7.1 Landscaping is a reserved matter with no details submitted. I am however, of the view that a good level of soft landscaping could be provided within the application, with the illustrative plans showing that a soft landscape buffer between the front of the building and the highway.
- 5.7.2 I am of the view that this is an opportunity to enhance the character and appearance of the locality, with at present, many of the existing properties erected close to the footpath, with little or no landscaping. The illustrative plans show the building set back approximately 9metres from the highway, and I consider it appropriate to suggest a condition that requires the building to be set back a suitable distance to ensure that soft landscaping can be provided. I also suggest a condition requiring a good level of planting to be provided along the building frontage, which shall include the following: -

- The provision of at least three street trees – tilla cordata for example;
- The provision of an area of low level planting of at least 5metres in depth along the frontage of the site (excluding the area immediately abutting the access – to ensure that visibility is maintained);
- The provision of a landscape buffer along the western boundary of the application site – this should be at least 2metres in depth and should include trees as well as low level planting.
- The provision of a landscape buffer along the rear (southern) elevation of the application site – this should be at least 2metres in depth and should include trees as well as low level planting.

5.7.3 Whilst I do not consider that this is all the planting that should be provided at the reserved matter stage, I do not consider it appropriate to be more prescriptive at present, as the siting and design of any building should influence the further landscaping provision within the internal layout of the site. However, I do consider it appropriate to also suggest the following informatives, in order that the development provide as much soft landscaping provision as possible, within this urban area: -

- The applicant is advised to consider the provision of a green/living roof on any flat roof element of the proposed building;
- The applicant is advised to consider the provision of a living wall on the most exposed elevations of the building, in order to soften the appearance of the development;
- Should any front boundary wall be required, this should be constructed of ragstone.

5.7.4 I consider therefore that the proposal demonstrates that there would be scope to provide a good level of soft landscaping within the development, which would have a positive impact upon the character and appearance of the locality, and as such, I the proposal would comply with policy ENV6 of the Maidstone Borough Wide Local Plan (2000) and PPS1.

5.8 Contributions

5.8.1 Any requests for contributions for money needs to be carefully scrutinised, in accordance with Regulation 122 of the Act. This has strict criteria, that 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.

- 5.8.2 Contributions have been sought by the Primary Care Trust, as it is considered that a care home would be likely to generate additional demand upon the existing health care facilities within the locality. I have requested that the Primary Care Trust confirm where this money be spent, in order that it meet the requirements of Regulation 122 of the Act. The Primary Care Trust (PCT) have explained that the provision of a care home, irrespective of whether it is privately owned or otherwise, results in additional strain being placed upon the existing health care provision within its locality. Residents will often require specific care or medication that would need to be provided by those outside of the care home, i.e. general practitioners, or hospitals within the locality. As such, the PCT have requested that money be provided in order that the facilities at the nearest surgeries be enhanced. These considered suitable for enhancement are the Vine Surgery, as well as those within St Luke's and Marsham Street. I do acknowledge that the residents of a medical centre are likely to place additional strain on the existing health care facilities within the area, and as such, I conclude that they are necessary to make the development accessible in planning terms. I consider that the PCT have identified the sites that the money would be spent, and have therefore demonstrated that the request is directly related to the development, and is also of a fair and reasonable scale. I am therefore that the three tests have now been met.
- 5.8.3 I therefore consider that the proposal complies with Policy CF1 of the Maidstone Borough Wide Local Plan (2000).

5.9 Other Matters

- 5.9.1 No details have been submitted as to how energy efficient the proposed building would be. However, PPS1 requires that any development be well designed, and I consider an important element of 'good design' to be sustainable construction. As such, I consider it appropriate to recommend a condition that the care home be constructed to be rated at least 'very good' in line with the BREEAM standards.
- 5.9.2 I do not consider that the site is likely to house any significant biodiversity, due to the nature of its use, and the fact that the buildings have now been removed. As such, no ecological reports have been completed. However, I do consider it appropriate to suggest an informative that the applicants consider the use of swift bricks, or bat boxes, as well as the placement of cordwood within the site, to actually enhance biodiversity, in accordance with PPS9. Due to the urban nature of the proposal, I also consider it appropriate to suggest that green, or living walls and roofs be introduced if possible within the development. This would have the possibility of enhancing the biodiversity within the application site, as well as softening the development, from longer distance views (I am of the opinion that the roof of any building erected here could be viewed from longer distance views, and from within neighbouring , higher buildings).

5.9.3 Concern has been raised by KCC Care Homes Department on the basis that they do not consider there to be a need within the Borough for more care home provision. They have identified that there are spaces available within the care homes that they currently run. However, whilst there may be no immediate need within their care homes, I do not consider this to be a material consideration in the determination of this application. Should there be no need to provide any additional bedrooms for this use, then the market will decide. With regards to the long term impacts upon Social Services, whilst the concern is understood, I do not consider that any evidence has been produced to demonstrate that this should result in any grounds for refusal in this instance.

6.0 CONCLUSION

6.1 Whilst the application is technically a departure from the Development Plan, in that it would not provide B1 employment accommodation within the application site, it would, nonetheless provide employment which is suited to a town centre use. I am satisfied that the proposal would comply with the requirements of Policy EC11 of PPS4, and as such, is an acceptable use within this site allocated for employment purposes. Whilst no detailed plans have been submitted, I am of the opinion that the scale suggested is appropriate, and with the imposition of suitable conditions, I am satisfied that the site can accommodate a well designed development that would enhance the character and appearance of the area. I therefore recommend that Members give this application favourable consideration, and give delegated powers to approve subject to the completion of a S106 and the imposition of the conditions set out below.

7.0 RECOMMENDATION

Subject to the receipt of a Section 106 legal agreement which provides for the following: -

- Contributions for the Primary Care Trust. This would consist of a contribution of £23,040 which would be spent within a 1mile radius of the application site.

The Development Manager BE GRANTED DELEGATED POWERS to approve 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. Access
 - e. Landscaping

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

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

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

2. The 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.

3. The details submitted pursuant to Condition 1 shall show inter alia a building or buildings whose height shall not exceed three storeys from normal ground level to ridge level;

Reason: To ensure conformity with the existing form and character of development in the surrounding area in accordance with PPS1.

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

Reason: In order to secure a satisfactory form of development having regard to the topography of the site in accordance with PPS1.

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

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

6. The development shall not commence until, details of satisfactory facilities for the storage of refuse on the site have been submitted to and approved in writing by the

Local Planning Authority and the approved facilities shall be provided before the first occupation of the buildings or land and maintained thereafter;

Reason: No such details have been submitted and in the interest of visual and residential amenity, in accordance with PPS1.

7. The development shall not commence until, details of a scheme for the insulation of the residential care units against the transmission of both airborne and impact sound has been submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be completed before any residential unit is first occupied and shall be maintained thereafter;

Reason: To mitigate the effects of potential noise nuisance in accordance with PPS23.

8. The development shall not commence until, details of the parking spaces and/or garages and sufficient turning area to enable vehicles to enter and leave the site in forward gear have been submitted to and approved in writing by the Local Planning Authority;

Reason: Development without adequate parking/garage provision is likely to lead to parking inconvenient to other road users and in the interests of road safety, in accordance with PPG13.

9. The development shall not commence until, details of the means of vehicular access to the site, including the road width, kerb radii, visibility splays and details of finishing materials, have been submitted to and approved in writing by the Local Planning Authority;

Reason: No such details have been submitted and in the interests of highway safety, in accordance with PPG13.

10. A scheme of landscaping using indigenous species as required under Condition 1 above shall include indications of all existing trees and hedgerows on the land, and details of any to be retained. The development shall also include:-

- i) The provision of a minimum of three street trees along the Tonbridge Road frontage (to be of a suitable species);
- ii) The provision of an area of low planting of at least 5metres in depth along the Tonbridge Road frontage;
- iii) The provision of a landscaped buffer along the western boundary of the application site, which shall be at least 2metres in depth, and should include trees as well as low planting;
- iv) The provision of a landscaped buffer along the rear (southern) boundary of the application site, which shall be at least 2metres in depth, and should include trees

as well as low planting.

Details of the measures for their protection in the course of development, together with and a programme for the scheme's implementation and long term management shall also be submitted. 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 in the interests of visual amenity in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan (2000) and PPS1.

11. 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.

12. The developer shall arrange for a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. No works shall start on site until a written programme and specification for the work has been submitted to and approved by the Local Planning Authority;

Reason: To enable the recording of any items of historical or archaeological interest in accordance with PPS5.

13. The details submitted pursuant to Condition 1 shall show inter alia a building or buildings that are set back a minimum of 7metres from the edge of the highway (not including the footpath);

Reason: To ensure conformity with the existing form and character of development in the surrounding area, and to enable a suitable level of soft landscaping to be provided in accordance with PPS1 and Policy ENV6 of the Maidstone Borough-Wide Local Plan 2000.

14. The buildings shall achieve a 'very good' BREEAM rating. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that a very

good rating has been achieved.

Reason: to ensure a sustainable and energy efficient form of development in accordance with Kent Design 2000 and PPS1.

15.No development shall take place, until the applicants, or their successors in title have demonstrated the measures to be undertaken to ensure that the proposal would not adversely impact upon the existing sewers within the locality.

Reason: In the interests of the residential amenities of the existing occupiers, in accordance with PPS3.

16.The details submitted pursuant to Condition 1 shall show inter alia a building or buildings that are articulated so as to reflect the pattern and grain of the development within the locality.

Reason: To ensure conformity with the existing form and character of development in the surrounding area in accordance with PPS1 and to ensure a good level of landscaping provision in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan 2000.

Informatives set out below

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

No burning shall take place on site.

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.

Adequate and suitable provision in the form of water sprays should be used to reduce dust from demolition work.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside of the normal working hours is advisable.

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

Should any future development of the site include the erection of a front boundary wall, this wall should be constructed of Kentish Ragstone.

The applicant is reminded of the sustainable location of the application site, and the need to balance the provision of parking in accordance with sustainable objectives, and highway safety. I therefore recommend that prior to the submission of any reserved matters planning application, discussions are held with the Borough Council Planning Officers, and Kent County Council Highway Services to fully address this matter.

The applicants, or successors in title are advised to seek to improve biodiversity within the application site. It is suggested that any development incorporate the use of bat boxes, swift bricks, and if appropriate the provision of cordwood.

Any buildings proposed within the site should be well articulated, and should respect the pattern of the development within the locality.

The applicant is advised to consider the provision of a green/living roof on any of the flat roof elements of the proposal.

The applicant is advised to consider the provision of a living wall on the most exposed elevations of the building, in order to soften the appearance of the development.

The areas designated for vehicular movements and parking should be kept to a minimum.

The applicant is advised that a bench should be provided to the front of the application site.

The proposal shall be designed in such a way as to minimise the impact upon the residential amenity of the neighbouring occupiers.

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 there are no overriding material considerations to indicate a refusal of planning consent.

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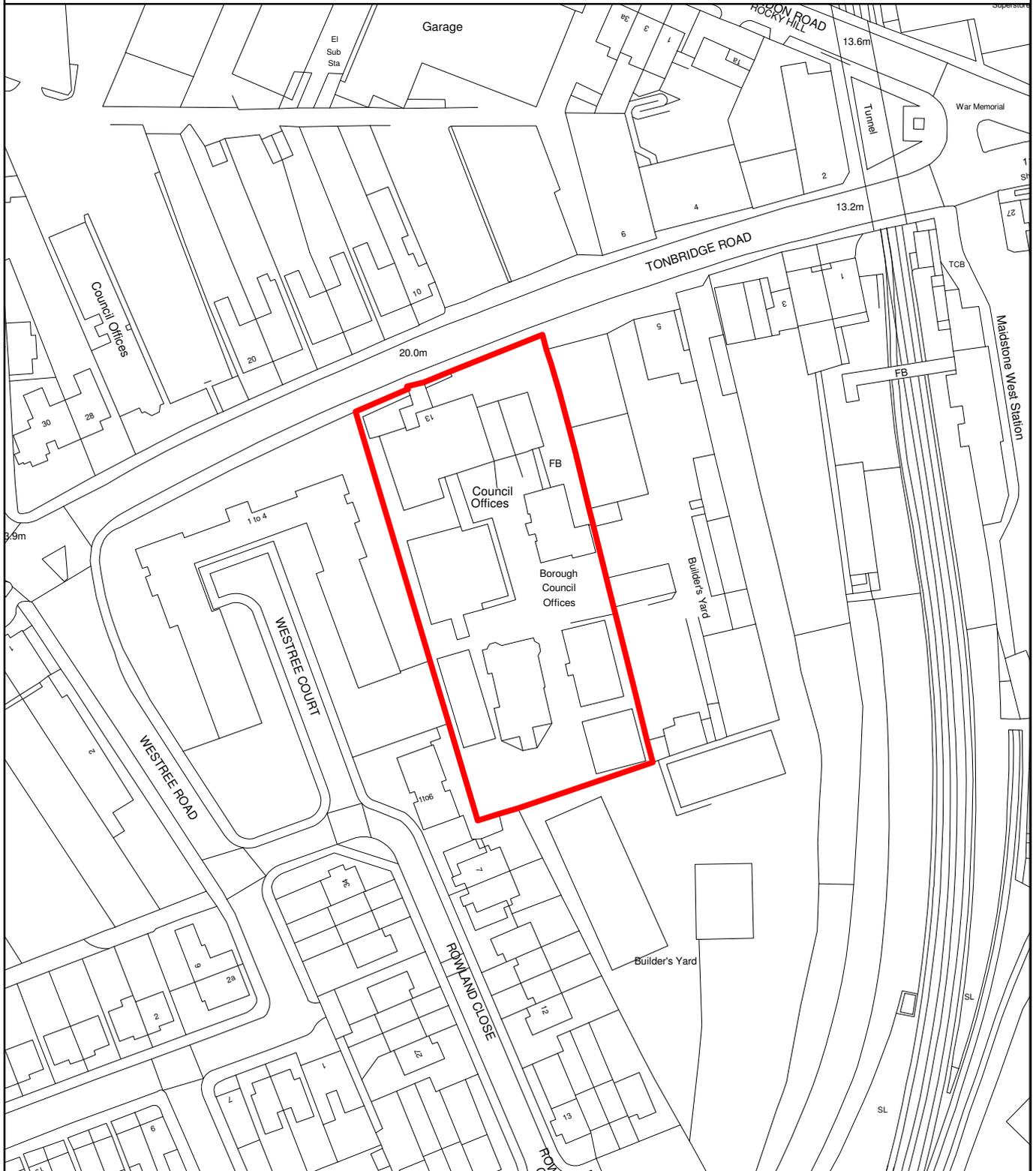


THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/10/1232

GRID REF: TQ7555

13 TONBRIDGE ROAD,
MAIDSTONE.



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Rob Jarman
Head of Development Management

APPLICATION: MA/10/1232 Date: 14 July 2010 Received: 15 July 2010

APPLICANT: Maidstone Borough Council

LOCATION: 13, TONBRIDGE ROAD, MAIDSTONE, KENT, ME16 8HG

PARISH: Maidstone

PROPOSAL: Outline application for the erection of up to 23 residential units with all matters reserved for future consideration in accordance with illustrative plans, design and access statement, marketing report and planning statement submitted on 14 July 2010, and additional supporting information submitted on 5 August 2010 and 24 August 2010.

AGENDA DATE: 2nd September 2010

CASE OFFICER: Chris Hawkins

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

- The proposal is a departure from the Development Plan
- The Council is the applicant

1.0 POLICIES

Maidstone Borough-Wide Local Plan 2000: ED2(xxiii), T13, ENV6, CF1, CF2
Local Development Framework Affordable Housing DPD (2006)
Local Development Framework Open Space DPD (2006)
Government Policy: PPS1, PPS3, PPS4, PPS5, PPG13, PPS23, PPG24
Circulars: 11/95

2.0 HISTORY

MA/05/2276 13 Tonbridge Road. Outline application for residential development with all matters reserved for future consideration. Withdrawn.

There is significant planning history to this application site. However, the above application is the only relevant planning history to this application.

3.0 CONSULTATIONS

3.1 KCC Archaeology were consulted (on 21 July 2010) and raised no objection to the proposal subject to the imposition of a suitable condition requiring the

applicants, or successors in title, to undertake a watching brief. This is on the basis that the site is close to (or found on) a Roman cemetery in the mid 19th Century.

- 3.2 KCC Highway Services** were consulted (on 21 July 2010) and raised no objections to this proposal subject to the imposition of suitable safeguarding conditions and informatives. These are set out at the end of the report.
- 3.3 KCC (Mouchel)** were consulted (on 21 July 2010) and raise no objections to this development subject to the provision of contributions towards libraries, adult education and youth and community facilities. Details of the precise contributions are discussed within the main body of the report.
- 3.4 Southern Water Services** were consulted (on 21 July 2010) and raised no objections to this proposal.
- 3.5 West Kent Primary Care Trust** were consulted (on 21 July 2010) and raised no objections to this proposal subject to the receipt of contributions towards health care provision within the locality. Following this response, on 16 August 2010, I requested information as to where this money would be spent, and am awaiting confirmation on this matter. I will address this matter within an urgent update report.
- 3.6 Maidstone Borough Council Environmental Health Officer** was consulted (on 21 July 2010) and has raised no objections to this proposal.
- 3.7 Maidstone Borough Council Economic Development Officer** was consulted (on 21 July 2010) and made no comment on this application.
- 3.8 Maidstone Borough Council Property Services** were consulted (on 21 July 2010) and made no comment on this application.

***Officer Comment:** - Whilst no comment has been formally received from the Property Services Section, they have submitted the planning applications, and as such raise no objections to these proposals. The applications are submitted in order to put these applications forward for sale at auction, should permission be granted.

- 3.9 Maidstone Borough Councils Parks and Open Space Officer** was consulted (on 21 July 2010) and has made no formal response to this application.

***Officer Comment:** - I have spoken to the Parks and Open Space Officer and he has informed me that he would expect contributions. No formal response has been received to identify how much, or where it would be spent. I have

requested that the Parks and Open Space Officer confirm exactly where the money would be spent, in order for this request to meet the statutory tests.

3.10 Maidstone Borough Council Spatial Policy Officer made the following comments on the emerging Policy Framework: -

'A Town Centre Study has been completed which will provide evidence for the Core Strategy and subsequent LDF documents. On 1st April 2010 the Council's Cabinet Member for Regeneration agreed a number of matters arising from this Study. These matters were agreed only as the basis for progressing the Core Strategy policy for the town centre and therefore they, and the Study itself, do not have policy status and simply give an indication of an approach that could emerge. The application site falls beyond the town centre boundary that was agreed.'

4.0 REPRESENTATIONS

4.1 Neighbouring properties were notified and no letters of objection have been received.

4.2 CPRE Maidstone have made comments upon this application. The points raised are summarised below: -

- The heights of the buildings should not exceed three storeys from ground level;
- There should be an exploration of the possibility of underground car parking;
- The employment possibilities should be taken into account;
- CPRE does not support this application, as they do not consider that there is a requirement for new dwellings within the locality;
- Employment opportunities would be limited within the development;
- There are too many flats already within the locality – the proposal is flawed.

5.0 CONSIDERATIONS

5.1 Site Description

5.1.1 The application site is the former Maidstone Borough Council offices on the southern side of the A26, Tonbridge Road. The 2-3 storey buildings (which included a mezzanine floor) previously at the site were recently demolished and the site has been cleared. The site has a road frontage width of 44m and depth of some 95m with an existing access off Tonbridge Road roughly in the centre of the frontage. Tonbridge Road is a two lane, one way road in a westward direction at this point. The site slopes gradually to the south from Tonbridge Road. Internally, the site is relatively flat (although there was a 'dip' in the land where the access road run under the offices to the front of the site).

- 5.1.2 The site is located close to the town centre, and also the Maidstone West railway station. It is also within a short walk of Maidstone East railway station. This area has a mix of residential, retail and business uses. The site itself is surrounded by buildings with nos. 5-9 Tonbridge Road to the east being single and two storey retail units. The Corbens Business Centre is to the rear of these properties and extends from the east edge of the site around the south. This centre has a mix of single and two storey buildings with a range of uses including a building plant hire and repair company and warehousing. To the southwest of the site are terraced houses at Rowland Close and to the west fronting Tonbridge Road is the large 3 storey Westree Court building which provides student accommodation. Opposite the site are two storey semi-detached houses and a car parking area.
- 5.1.3 The site and land to the south and east extending to the railway line is designated under policy ED2 of the Local Plan for economic use for class B1 (office and light industry) uses. Land opposite on the north side of Tonbridge Road is also designated for such use.
- 5.1.4 It is noted that the area has become more residential in character over the life span of the Local Plan, with residential conversions allowed on the northern side of Tonbridge Road, as well as on the southern side (in Bower Terrace).

5.2 Proposal

- 5.2.1 This application is for outline planning permission for the erection of up to 23 residential units. At this stage, all matters are reserved for future consideration, and as such, in determining this application, one has to assess whether the principle of developing the site for residential development is acceptable.
- 5.2.2 At present, the design of the properties is not for consideration, however, the Design & Access Statement indicates that the apartments would be 3 storeys and the houses 2.5 storeys (with rooms within the roof).
- 5.2.3 Illustrative plans have been submitted showing apartments at the front of the site within five blocks with the access running underneath (through the ground floor) near to the centre of the frontage. Behind these apartments is a parking and turning area for 14 cars, one of which is shown to be a disabled parking bay.
- 5.2.4 At the rear of the site 9 houses are arranged around a T-shaped roadway on the west side. Two pairs of semi-detached houses are shown fronting the road facing eastwards, with another pair and a terrace row of three houses facing northwards at the rear of the site. Each house is shown with one off-street parking space and a private rear garden.
- 5.2.5 Space for landscaping is provided along the site frontage, parts of the east side of the site in addition to private gardens, and parts of the west side. Private

gardens of houses adjoin the south boundary. Space for landscaping is also provided to the front of the houses adjacent to parking areas. This is shown as illustrative only, however I have addressed the matter of landscaping provision within the remainder of the report.

5.2.7 The Design & Access Statement indicates that 40% (9) of the units would be allocated as affordable housing.

5.3 Principle of Development

5.3.1 The application site is within an area designated for employment purposes (B1) under Policy ED2 of the Maidstone Borough Wide Local Plan (2000). This is a saved policy. The Policy states: -

'Planning permission will not be granted to redevelop or use vacant business, industrial, storage or distributions sites or premises for non-employment purposes unless the retention of the site or premises for employment use has been explored fully without success.'

Due to this designation, the applicant has been asked to demonstrate that the retention of the site for employment purposes has been fully examined, without success.

5.3.2 The applicant has therefore submitted supporting information which demonstrates that a public decision was made to sell the land in October 2006. Following this agreement, the land was marketed through a combination of the property press and the Kent Messenger over a five week period. This included advertising within the 'Estates Gazette' (national) and within a local newspaper in June 2007. Two further advertisements were placed within 'Property Week' (national) following this initial marketing. In addition to this, the applicant mailed the particulars of the site to parties that had previously shown an interest in the application site. Because an offer was received at this point, the site was taken off the market.

5.3.3 Of the bids submitted, none were for solely B1 use on the site (nor on 26 Tonbridge Road), but rather for a mix of B1/B8 storage on the site. At the time of the offer, advice was given to the applicant that the proposal would need to incorporate a suitable proportion of B1 use. However, no planning application was forthcoming, and the bid was then subsequently withdrawn.

5.3.4 Following the withdrawal of this offer, and (at that point) no further bids on the land, the applicant decided to withdraw the site from the market, and submit planning applications in order that they be taken to auction and sold with outline planning consent. The applicant has subsequently placed applications in with the Local Planning Authority for a care home (Use Class C2), a B1/B8 storage use,

and a pure residential use (Use Class C3) for determination. Since the submission of these planning applications, an unconditional offer was placed with the Council by a care home operator. However, this operator was unable to raise sufficient funds to purchase this land, and as such, withdrew their offer. The application submitted for the provision of a care home is unconnected to this offer. Whilst there are applications for employment purposes submitted alongside this application, I do not consider that this demonstrates that these are viable, (indeed the recent problems by a care home operator in obtaining funds is an indication of this) rather that the applicant is seeking to maximise their opportunity to sell the land.

- 5.3.5 As set out above, the proposal to erect residential properties would be a departure from the Development Plan – being a C3 use. However, since the formulation (and adoption) of the Local Plan over 10 years ago, it is acknowledged that there has been a significant shift in the requirements for office accommodation within the town centre of Maidstone. This sets out that there is an over-provision of office space within the town centre, with most being of a relatively poor quality. The question therefore needs to be asked; does this land still need to be retained for B1 employment provision?
- 5.3.6 As part of this planning application, and in order to overcome the Policy objection to residential use within this designated employment site, a viability assessment has been submitted that includes a survey of office space currently available within the Maidstone Area. This research confirms that there are a significant number of suites or buildings currently available on the market and extending to a provision of in excess of 200,000 sq ft.
- 5.3.7 This survey identifies that the supply of offices in Maidstone is very fragmented in terms of the quality of space available and through factors of location, accessibility and amenities. This then identifies that the majority of available accommodation falls within the tertiary market, with relatively low yields. Many of these spaces have remained vacant for a number of years. Notwithstanding the difficult market conditions, agents have reported that they have been receiving occasional enquiries from national companies considering Maidstone as an option for location, and who have expressed interest only in prime units such as County Gate or Eclipse Park. These sites having been identified by virtue of their high spec buildings, excellent parking provision, notwithstanding their lack of profile. Similarly, Turkey Mill continues to have a good level of demand (and Members are aware of the recent planning application to provide an additional 1632metres² of new office space that has been granted), due to the high quality of most of the refurbished units, and again, because of the level of parking provision, and its attractive setting.
- 5.3.8 In addition to the existing supply of accommodation, there are a number of outstanding planning permissions that would expand the provision within the

town. One of these, at Springfield, has the potential for three purpose built blocks totalling some 13,090metres². This plan has been mothballed due to the economic conditions, but the renovated Mansion remains in the market.

5.3.9 I consider that this information demonstrates that there is a clear over-supply of lower quality accommodation, and that those interested in re-locating to/expanding within the town are seeking the more high spec office space.

5.3.10 The report then refers to the suitability of Tonbridge Road for future office development. From the experience of the author, and from the enquiries that they have made land to the west of the River Medway is not favoured for offices, by virtue of its poor accessibility, lack of local staff amenities, the mixed use environment and the lack of parking provision. Because of this there has been a trend in recent years for the move away from offices toward residential in the area. An indication of this is the granting of part of Bower Terrace (itself designated as B1 employment under policy ED2) for student and housing accommodation under planning permission MA/05/1251 despite the employment designation.

5.3.11 Furthermore, it is identified that the adjacent and nearby retail showrooms, modern industrial buildings, and older Victorian buildings detract from the attractiveness of the locality as an office destination, as does the constant noise from the adjacent Tonbridge Road. It is considered that these factors have a negative factor on the suitability of 13 Tonbridge Road as an office location, such that the author does not consider that it would be consequently viewed as a suitable located by developers. The Author concludes that *'we do not consider that 13 Tonbridge Road presents a suitable site for office development, particularly given the fact that good quality secondary space within the town centre at Kestrel House and Link House has not been found suitable despite lengthy marketing campaigns.'* They then state that due to the nature of the economic climate, and the over-provision of supply *'any employment provision must meet market expectations in order to find suitable occupiers and to this extent the issues of environment, accessibility and parking will be paramount. In our submission these attributes cannot be achieved in Tonbridge Road and hence the site at 13 Tonbridge Road would not be suitable for office accommodation.'*

5.3.12 It is therefore clear from this viability assessment that the site is no longer considered suitable for office accommodation, and as such, I consider that the requirement of Policy ENV28 of ensuring that this use be fully explored without success, has been satisfied.

5.3.13 As Policy ED2 was formulated prior to the adoption of the Local Plan in 2000, it is in excess of 10years since the evidence was gained, and policy drafted, and as a result central government guidance and advice has changed in this intervening

period. Also, the way in which businesses operate is also likely to have changed in this period. As such, in determining this application, in addition to the information within the viability assessment, one has to look at the up to date information, existing central government guidance, and assess whether this would result in the overriding of the existing local policy.

5.3.14 In 2009 the Council commissioned GVA Grimley to complete an Employment Land Review, to identify where there was a surplus and shortfall of employment land, and to look at future trends, to help formulate future policy. This document demonstrates that there is an over-provision of office accommodation within the town, and that much of this is of a lower quality than that required by the market. This correlates with the information provided within the viability assessment. This, together with the fact that the site was marketed for office accommodation, with no interest shown, further demonstrates that this use is no longer considered viable at this location. From this evidence base, it has been indicated that this site is unlikely to be retained as an office (B1) employment site within future LDF plans.

5.3.15 With regards to government policy, of particular relevance to employment land allocations, and economic development within sustainable locations, is the recently published (2009) Planning Policy Statement 4: Delivering Sustainable Economic Growth. PPS4 specifically identifies housing development as not being *economic development*. As such, justification is required as to why this is a suitable location for residential development. Within PPS4, Policy EC1 does require emerging Local Policies (forming part of the LDF) to be informed by relevant and up to date information. Part of this wider understanding is to acknowledge where there are deficiencies in supply for all types of development in town centres. It is with this in mind that I refer to the Maidstone Town Centre Study, which was completed in February 2010 (undertaken by consultants, Urban Practitioners on behalf of Maidstone Borough Council). This report forms part of the published evidence base for the production of the Local Development Framework (LDF) documents, and although not part of the Development Plan at present, can be given some weight in the determination of relevant planning applications.

5.3.16 Part of the recommendation of this report includes definition of a town centre boundary. The recommended boundary would run along the railway line at the nearby Maidstone West station and would exclude this site from the town centre area. The site is included in the designated 'Neighbourhood Quarter', the study states its rationale for this quarter in paragraph 11.222:-

"The potential exists to create a sustainable neighbourhood surrounding Maidstone West Station. This area is partly within the town centre and partly outside of the boundary. It is some distance from the core town centre and is currently dominated by business and residential uses, with the latter becoming

more prevalent over recent years. The opportunity exists to support this area as a neighbourhood in its own right through focusing residential development on key sites and ensuring a mix of local retail / A3, community uses and small businesses on key streets."

- 5.3.17 The assessment of the area continues with paragraph 11.227 stating that the area lacks a clearly defined commercial identity or specialism. The land use strategy for this area (para 11.248) indicates that the principal future land uses for this area would be predominantly residential uses, but including mixed retail and office uses where appropriate. Paragraph 11.250 of the Town Centre Study expands further on this point stating that residential development should be steered towards houses and family accommodation with private outdoor space.
- 5.3.18 As stated, this is not policy, but rather guidance for the formulation of proposed future policy. I do not consider that this in itself is sufficient to warrant a departure from the Development Plan, but it does indicate support for this proposed use.
- 5.3.19 It should be noted that Policy CF2 of the Maidstone Borough Wide Local Plan (2000) refers to the loss of 'publicly owned land.' As this site is owned by the Council, I consider it appropriate to apply this Policy. However, the policy states that the Local Planning Authority need to be satisfied that 'an identified need for community facilities, that could be met on this site, does not exist.' I am satisfied that there is no need on this site for such a facility, and as such, the proposal does comply with this Policy.
- 5.3.20 To conclude, a marketing exercise has been carried out that showed no interest in the provision of office accommodation within the site, offers to purchase the land for alternative employment uses have been submitted, and ultimately withdrawn. This has taken place over a period of two/three years. I am therefore satisfied that suitable attempts have been made to secure employment use on this land, without success. In this time the Council have also undertaken reviews of employment land which identify an over-provision of office accommodation within the town centre, and also direct future Council Policy towards making this a 'neighbourhood quarter.' It is unlikely therefore that this land will be allocated as land suitable only for B1/office use within any future development framework, and I give this considerable weight. I am also conscious of the governments desire to create mixed and sustainable communities, placing both family housing and more affordable units, within town centres in order that travel distances to work, schools etc are reduced. On balance, I am therefore satisfied that it is appropriate to deviate from the Development Plan in this instance, and recommend that residential development be allowed upon this allocated site.

5.4 Visual Impact

5.4.1 This is an outline planning application with the matter of design reserved for future consideration. As such, it is difficult to make a detailed assessment of the impact that the proposal would have upon the character and appearance of the locality. However, clear parameters have been suggested which would see the erection of a block of flats fronting Tonbridge Road, that would be three storeys in height, with two storey dwellings proposed to the rear of the site.

5.4.2 The application site, whilst located close to the town centre, does border residential properties, and there are also residential properties on the northern side of the road. The character of the locality is varied, with both residential and commercial properties within the vicinity, and as such, I do not consider the introduction of more residential properties to appear incongruous within the street scene, subject to a high quality design. I do consider however, that the southern side of Tonbridge Road does have the potential to be significantly improved, both in terms of the built form, and also in terms of the soft landscaping provision.

5.4.3 The provision of soft landscaping is covered in more detail below, however, I consider it important in this location in respect of improving the character and appearance of the area. In order to provide this, it is important that the residential properties be set back a suitable distance from the highway, and such I am recommending that a condition be imposed requiring any built form to be a minimum of 7metres from the edge of the highway. This set back would reduce the impact of the height of these units, allow for more landscaping, and would also assist in reducing the noise levels within (if only a small amount). Indeed, to address this issue, I consider it appropriate to impose the following conditions upon any planning permission: -

- Landscaping to the front of the site (this is covered in more detail later in the report);
- The height of the buildings to the front should not exceed three storeys in height;
- The buildings should be set back at least 7metres from the front of the application site;
- Any building should be well articulated, and should respect the pattern and rhythm of development within the locality;
- Details of the materials to be submitted prior to the commencement of works on site.

I also propose that the following informatives be applied: -

- The applicant should consider the use of projecting elements, both in terms of the fenestration and the way in which the roof is designed;
- Should any boundary wall be required along the Tonbridge Road frontage, this should be constructed of ragstone.

5.4.4 I do not consider the layout to be shown to be of a particularly high standard, and would not recommend a layout of this nature to be brought forward at the reserved matters stage. However, as this is illustrative only, I am satisfied that the layout does demonstrate that this number of units could be accommodated within the development, whilst still providing adequate parking areas, and areas of soft landscaping (including rear gardens). I also consider it appropriate to have the flatted accommodation fronting on to Tonbridge Road, as the flats can be designed in such a way as to have non-habitable rooms facing the road – this is more difficult with dwelling houses.

5.5 Residential Amenity

5.5.1 There are residential properties to the west of the application site, and also on the opposite side of the Tonbridge Road (number 16 Tonbridge Road). The neighbouring properties to the west have habitable windows facing on to the application site, and as such, overlooking from these properties does occur.

5.5.2 The proposal has been shown in such a way as to ensure that the proposed residential units would not be overlooked by these properties, and likewise, these would not be overlooked by the proposed dwellings/flats. It has been suggested that it would be suitable to provide a landscaped buffer along this western elevation to reduce the inter-relationship between the two sites, in terms of overlooking, and also, to reduce potential noise and disturbance from vehicles accessing properties to the rear. The existing wall is proposed to be retained.

5.5.3 I recommend however, that an informative be placed upon any permission requiring the applicants of any reserved matters application to carefully consider the impact that the proposal would have upon the amenities of the neighbouring occupiers, and to ensure that overlooking, and noise is minimised through the orientation of the buildings, and layout proposed within the detailed design.

5.5.4 Should these matters be addressed, I am satisfied that there would be no adverse impact upon the amenities of the neighbouring occupiers, and as such, consider that the proposal would comply with the requirements of the Development Plan in this respect.

5.6 Highways

5.6.1 Details of access and parking provision are reserved for future consideration, however, the illustrative plans demonstrate that an access can be achieved into the site, with an area of parking for the flats provided, and car parking spaces for each dwelling shown as one space per unit.

- 5.6.2 As stated above, I do not consider this to be a particularly high quality illustrative layout, with too much space given over to hardstanding, and parking areas. I am mindful that this is a site close to the town centre, and as such is relatively sustainable. This, together with the parking restrictions in place along Tonbridge Road suggests that the site would be suitable to provide a relatively low parking ratio, in order that more landscaping can be provided, and future residents are encouraged to utilise public transport, with less reliance upon the private motor car.
- 5.6.3 Due to the sustainable nature of the location – being close to the town centre – I am minded to suggest the imposition of a condition, limiting the amount of car parking within the application site to 1.5spaces per dwelling. I consider that this would ensure that a suitable level of parking provision can be created, without the large levels of hardstanding shown illustratively. This would enable more soft landscaping, whilst also aiming to reduce the reliance upon the private motor car. In suggesting this ratio, I am conscious of the sustainable location of the site, but also of the requirement of PPG13 to let the developer provide the level of parking that they consider appropriate. Clearly should the developer want to provide a lesser amount, this may well be acceptable.
- 5.6.4 Kent Highway Services raise no objections to this proposal, and I am therefore satisfied that, subject to the imposition of the condition set out above, and the creation of a high quality layout, the site could accommodate a suitable level of parking provision. This, together with the parking restrictions in place along Tonbridge Road should ensure that the development has no detrimental impact upon highway safety, and would accord with PPG13.

5.7 Landscaping

- 5.7.1 Landscaping is a reserved matter with no details submitted. I am however, of the view that a good level of soft landscaping could be provided within the application, with the illustrative plans showing that a soft landscape buffer between the front of the building and the highway.
- 5.7.2 I am of the view that this is an opportunity to enhance the character and appearance of the locality, with at present, many of the existing properties erected close to the footpath, with little or no landscaping. The illustrative plans show the building set back approximately 9metres from the highway, and I consider it appropriate to suggest a condition that requires the building to be set back a suitable distance (7metres) to ensure that soft landscaping can be provided. I also suggest a condition requiring a good level of planting to be provided along the building frontage, which shall include the following: -

- The provision of an area of low level planting of at least 3metres in depth along the frontage of the site (excluding the area immediately abutting the access – to ensure that visibility is maintained);
- The provision of a landscape buffer along the western boundary of the application site – this should be at least 2metres in depth and should include trees as well as low level planting.
- The provision of a landscape buffer along the rear (southern) elevation of the application site – this should be at least 2metres in depth and should include trees as well as low level planting.

5.7.3 In addition, I would suggest that the following informatives be placed upon any planning application: -

- The applicant is advised to consider the provision of a green/living roof on any of the flat roof elements of the proposal;
- The applicant is advised to consider the provision of a living wall on the most exposed elevations of the building, in order to soften the appearance of the development;

5.7.4 Whilst I do not consider that this is *all* the planting that should be provided at the reserved matter stage, I do not consider it appropriate to be more prescriptive at present, as the siting and design of any building should influence the further landscaping provision within the internal layout of the site.

5.7.5 I consider therefore that the proposal demonstrated that there would be scope to provide a good level of soft landscaping within the development, which would have a positive impact upon the character and appearance of the locality, and as such, I the proposal would comply with policy ENV6 of the Maidstone Borough Wide Local Plan (2000) and PPS1.

5.8 Contributions/Affordable Housing Provision

5.8.1 Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Act. This has strict criteria that sets out that any obligation must meet the following requirements: -

It is:

- (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.

5.8.2 The proposal incorporates the provision of a minimum of 40% affordable housing, in accordance with the Councils adopted DPD on affordable housing.

The applicant has agreed that this is appropriate, and as such I recommend that this be included in the completion of any s106 legal agreement. As this is an outline application, details of tenure, and the properties to be put forward for the affordable housing provision have not been identified, however this can be addressed within the s106 to ensure compliance with the Council's adopted Development Plan Document. I am satisfied that there is an identified need for affordable housing provision within the South East, and Maidstone. I am also satisfied that this provision would be directly related to the scale of the development, (and in accordance with our DPD) and is also directly related to the development, and I therefore consider that this requirement meets the tests set out above.

- 5.8.3 Maidstone Borough Council Parks and Open Space Officer has not formally commented on this application, but has informally requested that contributions be sought for improvements to open space within the locality. He has also informally confirmed that the money requested would be spent within a 1 mile radius of the application site. However, no precise details have been given and as such, I do not consider it appropriate to seek these contributions in this instance, as I am not satisfied that all three test (as set out above) have been met.
- 5.8.4 In addition contributions have been sought by the Primary Care Trust, as it is considered that a residential development would be likely to generate additional demand upon the existing health care facilities within the locality. I have requested that the Primary Care Trust confirm where this money be spent, in order that it meet the requirements of Regulation 122 of the Act. They have identified three surgeries that would be improved as a result of the money provided – at Vine Surgery, St Luke's and Marsham Street. They have identified that the additional units would be a further strain upon the existing medical facilities within the locality by virtue of introducing additional residents in place of a work place – i.e. not simply an intensification of the existing use. I am therefore satisfied that this request is required to overcome a potential concern of granting planning permission, and it directly related to the proposal, and is reasonable.
- 5.8.5 Money has also been requested from KCC (Mouchel) for improvements to the library book-stock, which will fund the new library being built within walking distance of the site, improvements to adult education, which again will be located within the new library/history centre, and for youth and community facilities, which will see the creation of a new Infozone, which would only be a quarter of a mile from the application site, and could be used by young people residing within the development. KCC have identified that there is no requirement for school places, nor for adult social services within this locality. I am satisfied that these requests meet the three tests set out above, in that they

are directly linked to the development (all within walking distance), they are specific and they are reasonable.

To summarise, the contributions sought are: -

- Primary Care Trust: £23,040 toward healthcare improvements;
- Kent County Council: £227 per dwelling towards library improvements, £180 for adult education and £827 (per house) and £206.75 (per flat) for youth and community payments – totalling £19,698.50 for the development;

5.8.2 As set out above, I am satisfied that the requests for contributions met the tests of Regulation 122, and I therefore consider it appropriate ensure that these are provided. I consider that the proposal complies with Policy CF1 of the Maidstone Borough Wide Local Plan (2000).

5.9 Other Matters

5.9.1 No details have been submitted as to how energy efficient the proposed dwellings would be. However, PPS1 requires that any development be well designed, and I consider an important element of 'good design' to be sustainable construction. As such, I consider it appropriate to recommend a condition that the residential units be constructed to be rated at least level 3 of the Code for Sustainable Homes.

5.9.2 I do not consider that the site is likely to house any significant biodiversity, due to the nature of its use, and the fact that the buildings have now been removed. As such, no ecological reports have been completed. However, I do consider it appropriate to suggest an informative that the applicants consider the use of swift bricks, or bat boxes, as well as the placement of cordwood within the site, to actually enhance biodiversity, in accordance with PPS9. I have also suggested informatives requesting that the applicants look at the possibility of providing living/green walls and roofs within the development, to enhance biodiversity and to further soften the appearance of the development, within this urban area.

5.9.3 I have been advised that concern has been raised at the loss of a well used bench to the front of the application site. The applicant has suggested that they would be willing to provide a replacement bench. I therefore recommend that an informative be placed upon any permission granted on this basis.

6.0 CONCLUSION

6.0.1 As can be seen from the above, this proposal is a departure from the Development Plan, in that it is providing housing upon a site allocated for employment purposes. However, the site has been marketed, and has been subject to offers for commercial use that has fallen through in the past three

years. In addition, information has been provided, both by the applicant, and through reports compiled for the Local Planning Authority, that demonstrate that this area is unlikely to be developed for B1 employment purposes. As such, it is appropriate to look at alternative uses, and whilst other applications have been submitted for commercial use at on this site, at the same time, because of the information submitted, I see no reason why these are more likely to be brought forward in the future. Evidence has been submitted to demonstrate that this may be brought forward as a residential quarter, which may influence future policy.

6.0.2 I am satisfied that the applicant has demonstrated that all reasonable efforts have been made to ensure that employment uses are retained on the site, without success, and as such meet the requirements of Policy ED2. It is on this basis that I recommend Members give this application favourable consideration and give delegated powers to grant, subject to a S106 agreement, and the imposition of the conditions set out below.

7.0 RECOMMENDATION

Subject to the receipt of a Section 106 legal agreement which provides for the following: -

- A minimum of 40% of the residential units permitted shall be provided for affordable housing.
- Contributions for the Primary Care Trust. This would consist of a contribution of £14,130 which would be spent at the identified surgeries within the proximity of the site.
- Contributions towards (KCC) of £19,698.50 for improvements to the book stock at the new library, adult education at the new library, and the provision of a new youth facility ¼ mile from the application site.

The Development Manager BE GRANTED DELEGATED POWERS to approve 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. Access e. Landscaping

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

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

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

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

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

3. The details submitted pursuant to Condition 1 shall show inter alia a building or buildings whose height shall not exceed three storeys from normal ground level to ridge level;

Reason: To ensure conformity with the existing form and character of development in the surrounding area in accordance with PPS1.

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

Reason: In order to secure a satisfactory form of development having regard to the topography of the site in accordance with PPS1.

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

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

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

Reason: No such details have been submitted and in the interest of visual and residential amenity, in accordance with PPS1.

7. The development shall not commence until, details of a scheme for the insulation of the residential units against the transmission of both airborne and impact sound has been submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be completed before any residential unit is first occupied and shall be maintained thereafter;

Reason: To mitigate the effects of potential noise nuisance in accordance with PPS23.

8. The development shall not commence until, details of the parking spaces and/or garages and sufficient turning area to enable vehicles to enter and leave the site in forward gear have been submitted to and approved in writing by the Local Planning Authority;

Reason: Development without adequate parking/garage provision is likely to lead to parking inconvenient to other road users and in the interests of road safety, in accordance with PPG13.

9. The development shall not commence until, details of the means of vehicular access to the site, including the road width, kerb radii, visibility splays and details of finishing materials, have been submitted to and approved in writing by the Local Planning Authority;

Reason: No such details have been submitted and in the interests of highway safety, in accordance with PPG13.

10. A scheme of landscaping using indigenous species as required under Condition 1 above shall include indications of all existing trees and hedgerows on the land, and details of any to be retained. The development shall also include:-

- i) The provision of a minimum of three street trees along the Tonbridge Road frontage (to be of a suitable species);
- ii) The provision of an area of low planting of at least 3metres in depth along the Tonbridge Road frontage;
- iii) The provision of a landscaped buffer along the western boundary of the application site, which shall be at least 2metres in depth, and should include trees as well as low planting;
- iv) The provision of a landscaped buffer along the rear (southern) boundary of the application site, which shall be at least 2metres in depth, and should include trees as well as low planting.

Details of the measures for their protection in the course of development, together with and a programme for the scheme's implementation and long term management shall also be submitted. 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 in the interests of visual amenity in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan (2000) and PPS1.

11. 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.

12. The developer shall arrange for a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. No works shall start on site until a written programme and specification for the work has been submitted to and approved by the Local Planning Authority;

Reason: To enable the recording of any items of historical or archaeological interest in accordance with PPS5.

13. The details submitted pursuant to Condition 1 shall show inter alia a building or buildings that are set back a minimum of 7 metres from the edge of the pedestrian footpath;

Reason: To ensure conformity with the existing form and character of development in the surrounding area in accordance with PPS1 and to ensure a good level of landscaping provision in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan 2000.

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

Reason: to ensure a sustainable and energy efficient form of development in accordance with Kent Design 2000 and PPS1.

15. There shall be no more than 1.5 spaces per dwelling.

Reason: In the interests of the sustainability of the site, and to ensure a suitable level of soft landscaping within the development, in accordance with PPS1, PPS3 and Policy ENV6 of the Maidstone Borough Wide Local Plan 2000.

16. The details submitted pursuant to Condition 1 shall show inter alia a building or buildings that is set back a minimum of 7 metres from the edge of the footpath of Tonbridge Road.

Reason: To ensure conformity with the existing form and character of development in the surrounding area in accordance with PPS1 and to ensure a good level of landscaping provision in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan 2000.

17. The details submitted pursuant to Condition 1 shall show inter alia a building or buildings that are articulated so as to reflect the pattern and grain of the development within the locality.

Reason: To ensure conformity with the existing form and character of development in the surrounding area in accordance with PPS1 and to ensure a good level of landscaping provision in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan 2000.

Informatives set out below

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

No burning shall take place on site.

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.

Adequate and suitable provision in the form of water sprays should be used to reduce dust from demolition work.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside of the normal working hours is advisable.

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

Should any future development of the site include the erection of a front boundary wall, this wall should be constructed of Kentish Ragstone.

The applicant is reminded of the sustainable location of the application site, and the need to balance the provision of parking in accordance with sustainable objectives, and highway safety. I therefore recommend that prior to the submission of any reserved matters planning application, discussions are held with the Borough Council Planning Officers, and Kent County Council Highway Services to fully address this matter.

The applicants, or successors in title are advised to seek to improve biodiversity within the application site. It is suggested that any development incorporate the use of bat boxes, swift bricks, and if appropriate the provision of cordwood.

Any buildings proposed within the site should be well articulated, and should respect the pattern of the development within the locality.

The applicant is advised to consider the provision of a green/living roof on any of the flat roof elements of the proposal.

The applicant is advised to consider the provision of a living wall on the most exposed elevations of the building, in order to soften the appearance of the development.

The areas designated for vehicular movements and parking should be kept to a minimum.

The applicant is requested to consider the use of bat boxes and swift bricks within the development hereby permitted.

The applicant is advised that whilst a minimum of level 3 of the Code for Sustainable Homes has been imposed by condition, they should seek to achieve a level 4 rating across the whole site if possible.

The applicant is advised that a bench should be provided to the front of the application site.

The proposal shall be designed in such a way as to minimise the impact upon the residential amenity of the neighbouring occupiers.

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 there are no overriding material considerations to indicate a refusal of planning consent.

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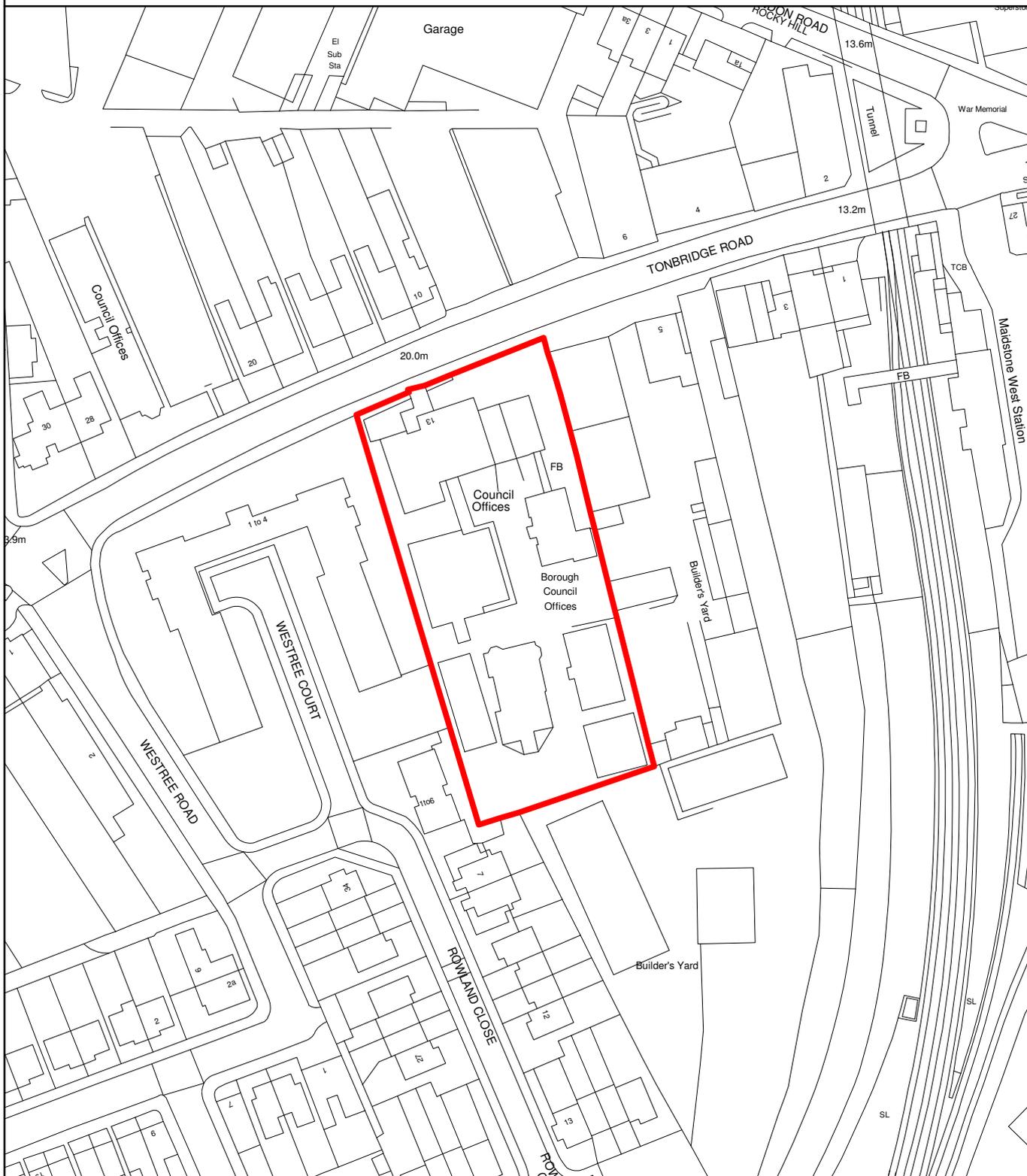


THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/10/1233

GRID REF: TQ7555

13 TONBRIDGE ROAD,
MAIDSTONE.



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Rob Jarman
Head of Development Management

APPLICATION: MA/10/1233 Date: 14 July 2010 Received: 14 July 2010

APPLICANT: Maidstone Borough Council

LOCATION: 13, TONBRIDGE ROAD, MAIDSTONE, MAIDSTONE, KENT, ME16 8HG

PARISH: Maidstone

PROPOSAL: Outline application for the erection of a storage warehouse with ancillary office (Use Class B1/B8) with all matters reserved for future consideration in accordance with illustrative plans, design and access statement, marketing report and planning statement submitted on 14 July 2010, and additional supporting information submitted on 5 August 2010 and 24 August 2010.

AGENDA DATE: 2nd September 2010

CASE OFFICER: Chris Hawkins

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

- The proposal is a departure from the Development Plan
- The Council is the applicant

1.0 POLICIES

Maidstone Borough-Wide Local Plan 2000: ED2 (xxiii), ED8, ENV6, T13, CF2
Village Design Statement: N/A
Government Policy: PPS1, PPS3, PPS4, PPS5, PPS9, PPG13, PPS23, PPG24

2.0 HISTORY

MA/05/2276 13 Tonbridge Road, Maidstone. Outline application for residential development with all matters reserved for future consideration. Withdrawn.

There is significant planning history to this application site. However, the above application is the only relevant planning history to this application.

3.0 CONSULTATIONS

3.1 KCC Archaeology were consulted (on 21 July 2010) and raise no objection to the proposal subject to the imposition of a suitable condition requiring the

applicants, or successors in title, to undertake a watching brief. This is on the basis that the site is close to (or found on) a Roman cemetery in the mid 19th Century.

- 3.2 KCC Highway Services** were consulted (on 21 July 2010) and they raise no objections to the proposal, subject to the imposition of suitable safeguarding conditions and informatives upon any planning permission.
- 3.3 Southern Water Services** were consulted (on 21 July 2010) and raised no objections to this proposal.
- 3.6 Maidstone Borough Council Environmental Health Officer** was consulted (on 21 July 2010) and has raised no objections to this proposal.
- 3.7 Maidstone Borough Council Economic Development Officer** was consulted (on 21 July 2010) and made no comment on this application.
- 3.8 Maidstone Borough Council Property Services** were consulted (on 21 July 2010) and made no comment on this application.

***Officer Comment:** - Whilst no comment has been formally received from the Property Services Section, they have submitted the planning applications, and as such raise no objections to these proposals. The applications are submitted in order to put these applications forward for sale at auction, should permission be granted.

4.0 REPRESENTATIONS

- 4.1 Neighbouring properties** were notified and no letters of objection have been received.
- 4.2 CPRE Maidstone** have made comments upon this application. The points raised are summarised below: -
- The heights of the buildings should not exceed three storeys from ground level;
 - There should be an exploration of the possibility of underground car parking;
 - The employment possibilities should be taken into account;
 - CPRE Maidstone is against this application as it will not enhance the site in terms of buildings, layout or function;
 - The proposal would result in a significant level of traffic movement, and in particular lorries that would impede the free flow of traffic;
 - The use of the size for this purpose is not compatible with the town centre.

5.0 CONSIDERATIONS

5.1 Site Description

- 5.1.1 The application site is the former Council offices on the south side of the A26, Tonbridge Road. The 2-3 storey buildings previously at the site were recently demolished and the site has been cleared, with boards erected to the road frontage. The site has a road frontage width of 44m and depth of some 95m with an existing access off Tonbridge Road roughly in the centre of the frontage. Tonbridge Road is a two lane, one way road in a westward direction at this point past the site. The site slopes gradually to the south from Tonbridge Road. Internally, the site is relatively flat (although there was a 'dip' in the land as the access road run under the offices to the front of the site).
- 5.1.2 This area has a mix of residential, retail and business uses. The site itself is surrounded by buildings with nos. 5-9 Tonbridge Road to the east being single and two storey retail units. The Corbens Business Centre is to the rear of these properties and extends from the east edge of the site around the south. This centre has a mix of single and two storey buildings with a range of uses including a building plant hire and repair company and warehousing. To the southwest of the site are terraced houses at Rowland Close and to the west fronting Tonbridge Road is the large 3 storey Westree Court building which provides student accommodation. Opposite the site are two storey semi-detached houses and a car parking area.
- 5.1.3 The site and land to the south and east extending to the railway line is designated under policy ED2 of the Local Plan for economic use for class B1 (office and light industry) uses. Land opposite on the north side of Tonbridge Road is also designated for such use.

5.2 Proposal

- 5.2.1 This application is for outline planning permission for the erection of storage and distribution warehouse with ancillary offices and a retail counter (Use Class B8).
- 5.2.2 At this stage, all matters are reserved for future consideration, and as such, in determining this application, one has to assess whether the principle of developing the site for warehousing purposes is acceptable.
- 5.2.3 At present, the design of the development is not for consideration; however, the Design & Access Statement indicates that the building would be in the order of 6.5m to eaves and 9m to ridge.
- 5.2.4 Illustrative plans have been submitted showing a building towards the front of the site on the east side with the access running along the west side of the site. To the side and rear of the building are shown a service/delivery yard and

turning area and staff/customer parking for 19 cars, two of which would be disabled parking bays.

5.2.5 Space for landscaping is shown along the west and south edges of the site with tree planting across part of the frontage.

5.2.6 The Design & Access Statement indicates that the building would provide around 1380sq. metres of floorspace, with just less than three quarters being storage space and the remainder ancillary retail/offices and staff areas. A viability assessment has also been submitted that sets out the office provision within the town centre, and the likely demand for office use at the application site.

5.3 Principle of Development

5.3.1 The application site is within an area designated for employment purposes (B1) under Policy ED2 of the Maidstone Borough Wide Local Plan (2000). This is a saved policy. The Policy states: -

'Planning permission will not be granted to redevelop or use vacant business, industrial, storage or distributions sites or premises for non-employment purposes unless the retention of the site or premises for employment use has been explored fully without success.'

Due to this designation, the applicant has been asked to demonstrate that the retention of the site for employment purposes has been fully examined, without success.

5.3.2 The applicant has therefore submitted supporting information which demonstrates that the land was marketed through a combination of the property press and the Kent Messenger over a five week period in June 2007. This included advertising within the 'Estates Gazette' (national) and within a local newspaper. Two further advertisements were placed within 'Property Week' (national) following this initial marketing. In addition to this, the applicant mailed the particulars of the site to parties that had previously shown an interest in the application site.

5.3.3 Of the bids submitted, none were for solely B1 use on the site (nor on 26 Tonbridge Road), but rather for a mix of B1/B8 storage on the site. At the time of the offer, advice was given to the applicant that the proposal would need to incorporate a suitable proportion of B1 use. However, no planning application was forthcoming, and the bid was then withdrawn. There have been no further bids for this plot of land.

5.3.4 Following the withdrawal of this offer, and no further bids on the land, the applicant decided to withdraw the site from the market, and submit planning

applications in order that they be taken to auction and sold with outline planning consent. The applicant has subsequently placed applications in with the Local Planning Authority for a care home (Use Class C2), a B8 storage use, and a pure residential use (Use Class C3) for determination. Since the submission of these planning applications, an unconditional offer was placed with the Council by a care home operator. However, this operator was unable to raise sufficient funds to purchase this land, and as such, withdrew their offer. The application submitted for the provision of a care home is unconnected to this offer. Whilst there are applications for alternative employment purposes submitted alongside this application, I do not consider that this demonstrates that these are viable, (indeed the recent problems by a care home operator in obtaining funds is an indication of this) rather that the applicant is seeking to maximise their opportunity to sell the land.

- 5.3.5 Clearly, the proposal to erect a storage building would be a departure from the Development Plan – being a B8 use. However, since the formulation (and adoption) of the Local Plan, it is acknowledged that there has been a significant shift in the requirements for office accommodation within the town centre of Maidstone. Evidence suggests that there is an over-provision of office space within the town centre, with most being of a relatively poor quality.
- 5.3.6 As Policy ED2 was formulated prior to the adoption of the Local Plan in 2000, it is clear that it was evidenced and drafted in excess of 10 years ago, and as a result central government guidance and advice has changed in this intervening period. Also, the way in which businesses operate is also likely to have changed within this period. As such, in determining this application, I consider it appropriate to give weight to the more recent central government guidance, and assess whether this would result in the overriding of the existing local policy. The question therefore needs to be asked; does this land still need to be retained for B1 employment provision?
- 5.3.7 As part of this planning application, and in order to overcome the Policy objection to a B8 use within this designated employment site, a viability assessment has been submitted that includes a survey of office space currently available within the Maidstone Area. This research confirms that there are a number of suites or buildings currently available on the market and extending to a provision of over 200,000sq ft.
- 5.3.8 This survey identifies that it is clear that the supply of offices in Maidstone is very fragmented in terms of the quality of space available and through factors of location, accessibility and amenities. This then identifies that the majority of available accommodation falls within the tertiary market, with relatively low yields. Many of these spaces have remained vacant for a number of years.

- 5.3.9 Notwithstanding the difficult market conditions, agents have reported that they have been receiving occasional enquiries from national companies considering Maidstone as an option for location, and who have expressed interest only in prime units such as County Gate or Eclipse Park (although they note that demand has fallen within the past two years). These sites having been identified by virtue of their high spec buildings, excellent parking provision, notwithstanding their lack of profile. Similarly, Turkey Mill continues to have a good level of demand (and Members are aware of the recent planning application to provide an additional 1632metres² of new office space that has been granted), due to the high quality of most of the refurbished units, and again, because of the level of parking provision, and its attractive setting.
- 5.3.10 In addition to the existing supply of accommodation, there are a number of outstanding planning permissions that would expand the provision within the town. One of these, at Springfield, has the potential for three purpose built blocks totalling some 13,090metres². This plan has been mothballed due to the economic conditions, but the renovated Mansion remains in the market.
- 5.3.11 I consider that this information demonstrates that there is a clear over-supply of poor quality accommodation, and that those interested in re-located to/expanding within the town are seeking the more high spec office space.
- 5.3.12 The report then refers to the suitability of Tonbridge Road for future office development. From the experience of the author, and from the enquiries that they have made, that land to the west of the River Medway is not favoured for offices, by virtue of its poor accessibility, lack of local staff amenities, the mixed use environment and the lack of parking provision. Because of this there has been a trend in recent years for the move away from offices toward residential in the area. An indication of this is the granting of part of Bower Terrace (itself designated as B1 employment under policy ED2) for student and housing accommodation under planning permission MA/05/1251 despite the employment designation.
- 5.3.13 Furthermore, it is identified that the adjacent and nearby retail showrooms, modern industrial buildings, and older Victorian buildings detract from the attractiveness of the locality as an office destination, as does the constant noise from the adjacent Tonbridge Road. It is considered that these factors have a negative factor on the suitability of 13 Tonbridge Road as an office location, such that the author does not consider that it would be consequently viewed as a suitable located by developers. The Author concludes that *'we do not consider that 13 Tonbridge Road presents a suitable site for office development, particularly given the fact that good quality secondary space within the town centre at Kestrel House and Link House has not been found suitable despite lengthy marketing campaigns.'* They then state that due to the nature of the economic climate, and the over-provision of supply *'any employment provision*

must meet market expectations in order to find suitable occupiers and to this extent the issues of environment, accessibility and parking will be paramount. In our submission these attributes cannot be achieved in Tonbridge Road and hence the site at 13 Tonbridge Road would not be suitable for office accommodation.'

5.3.14 It is therefore clear from this viability assessment that the site is no longer considered suitable for office accommodation, and as such, I consider that the requirement of Policy ENV28 of ensuring that this use be fully explored without success, has been satisfied.

5.3.15 As Policy ED2 was formulated prior to the adoption of the Local Plan in 2000, it is in excess of 10 years since the evidence was gained, and policy drafted, and as a result central government guidance and advice has changed in this intervening period. Also, the way in which businesses operate is also likely to have changed in this period. As such, in determining this application, one has to look at the existing central government guidance, and assess whether this would result in the overriding of the existing local policy.

5.3.16 Of particular relevance to this application is Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4), which was released in 2009. This sets out the governments objectives for sustainable growth within the UK. Within this document, 'economic development' is recognised as achieving one of the following objectives: -

- Providing employment opportunities;
- Generates wealth; or
- Produces or generates an economic output or product.

I am satisfied that the provision of a storage use would generate employment opportunities, and as such is identified as a form of economic development.

5.3.17 Policy EC1 of PPS4 requires for Local Planning Authorities to use evidence to plan positively. At present Maidstone Borough Council (MBC) have not adopted their core strategy, although background research has been undertaken to ascertain the level of employment land needed within the Borough, both now, and in the future. This complies with the requirement of this policy, in that it assesses the overall need for land or floor space for economic development. This will inform the policy which is then forthcoming. Work carried out to date, by GVA Grimley on behalf of the Council (September 2009) provides an assessment of the existing employment stock. I therefore consider that this study is a material consideration in the determination of this planning application.

5.3.18 Policy EC10 of PPS4 requires Local Planning Authorities (LPA) to adopt a positive approach towards planning applications for economic development, and to treat favourably planning applications that secure sustainable economic growth.

5.3.19 Of most relevance to this application is policy EC11 of PPS4, which relates to the determination of planning applications for economic development not in accordance with an up to date Development Plan. This policy states that when determining such a planning application, LPA's should: -

- Weigh market and other economic information alongside environmental and social information;
- Take full account of any longer term benefits, as well as the costs, of any development, such as job creation or improved productivity including any wider benefits to national, regional or local economies; and
- Consider whether those proposals help to meet the wider objectives of the Development Plan.

5.3.20 As such, this proposal should be assessed in accordance with these requirements. In terms of the first point, I consider that there is an evidence base that suggests that there is an over-provision of office accommodation within the town centre – this is identified within the GVA Grimley Employment Land Review. Furthermore, the Council's Economic Development Strategy (EDS) sets an overall target for 10,000 new jobs within the Borough by 2026 (within the B and non B classes), and also for the existing office stock within the town centre to be improved. It states that this should be done on a sequential basis, with offices located within the town centre to be provided or upgraded first, and then any new provision to be located on edge of town centre sites, with good access.

5.3.21 In addition to this report, what can be seen from the Employment Land Review is that there was (in Sept 2009) in excess of 50,000m² unoccupied office space within the Borough of Maidstone, 3,268m² of which was within the London Road area. In total 23 units, comprising of 14,283m² were vacant within the town centre, and in accordance with the EDS is considered more suitable for upgrading.

5.3.22 The information given above, is a clear indication that there is an over-provision of office accommodation within the Borough, and whilst much of this is brought about by virtue of its quality, there is a large proportion of town centre sites that are more suitable for upgrading prior to the application site. I am therefore satisfied that there is up-to-date economic information which would support an alternative use on this site.

5.3.23 The second point within Policy EC11 (b) requires the LPA to assess the longer term benefits of the proposal, and in particular look at job creation. As no

interest has been shown in the recently (back to 2008) in using the site for office accommodation, there is little indication that this form of economic growth will be forthcoming. I therefore consider it appropriate to assess the potential viability for the development to provide employment within other sectors.

5.3.24 The provision of B8 storage within this site would give rise to employment opportunities, both for skilled – i.e. managerial, less skilled, and manual jobs. I am therefore satisfied that this proposal meets with this requirement of the policy.

5.3.25 Finally, one has to assess whether the proposal would meet with the wider objectives of the Development Plan. The Development Plan does provide support for employment opportunities, in particular within town centre sites. I am therefore satisfied that the proposal would meet with the wider objectives of the Development Plan.

5.3.26 In addition to the above, Policy ED9 of the Maidstone Borough Wide Local Plan (2000) states that B8 storage and distribution uses will be restricted to sites designated for B2 uses under policies ED1 and ED2 provided that the B8 use proposed supports existing manufacturing or commercial operations and is well related to the primary road network. As set out above, significant discussions took place between the applicant and a B8 operator in 2007/2008, with the applicant providing evidence that they would need to operate within a more central location. This applicant also proposes office and retail elements that would also lend to a more central and sustainable location than somewhere such as Parkwood or Aylesford. It should also be noted that PPS4 does not provide any distinctions between a B1 or B8 use. Retail development is restricted in the allocated industrial parks, due to the requirement for them to be in more sustainable locations, and I consider that it is therefore acceptable to depart from this policy within the Local Plan in this instance.

5.3.27 It should be noted that Policy CF2 of the Maidstone Borough Wide Local Plan (2000) refers to the loss of 'publicly owned land.' As this site is owned by the Council, I consider it appropriate to apply this Policy. However, the policy states that the Local Planning Authority needs to be satisfied that 'an identified need for community facilities that could be met on this site does not exist.' I am satisfied that there is no need on this site for such a facility, and as such, the proposal does comply with this Policy.

5.3.28 To conclude, PPS4 allows for greater flexibility in the determination of planning applications for economic development within town centres, subject to certain criteria being met. These are set out within Policy EC11. I am therefore of the opinion that this proposal would comply with the requirements of Policy EC11 of PPS4, and the information being collated by the LPA at present, that will guide future local policy, indicates that alternative uses are acceptable on this

allocated site. Material to the consideration is also the fact that the Council has already departed from the Development Plan on this site, by granting permission for a hotel. I am therefore satisfied that it is appropriate in this instance to depart from the existing Development Plan once more, and give greater weight to the more recent guidance provided by Central Government.

5.4 Visual Impact

5.4.1 This proposal, by virtue of its end use, would see the erection of a large and relatively bulky building on the application site. Careful consideration therefore needs to be given to the impact that this proposal would have on the overall character and appearance of the locality.

5.4.2 Firstly, the question of whether the proposal would appear incongruous needs to be addressed. It is noted that the property to the east of the application site is a large commercial property, of a relatively straightforward form. This building has a narrow set back from the highway, with an area of hardstanding to the front. Likewise, opposite the application site is a retail unit that incorporates a large, pitched roof commercial element, of simple design. It is not considered therefore that the principle of erecting a building of this nature would necessarily prove to be incongruous within the locality. However, I am of the opinion that it would be inappropriate to allow a simple shed-like structure to be erected on this site, and that the proposal would need careful consideration prior to the submission of any reserved matters. As such, I am recommending that conditions be imposed to address the following matters: -

- Landscaping to the front (this is covered in more detail later in the report);
- The height of the building should not exceed ten metres to eaves;
- The building should be set back from the edge of the pedestrian footpath by at least 7metres;
- Any building should be well articulated, and should respect the pattern of the development within the locality;
- Details of materials to be submitted, and agreed in writing prior to the commencement of works on site.

I am also suggesting the following informatives: -

- The applicant is advised to consider the provision of a green/living roof on any of the flat roof elements of the proposal;
- The applicant is advised to consider the provision of a living wall on the most exposed elevations of the building, in order to soften the appearance of the development;
- The applicant should consider the use of projecting elements, both in terms of fenestration, and with the way in which the roof is designed;

- Should any front boundary wall be required, this should be constructed of ragstone;
- The proposal should incorporate a brick or ragstone plinth at its base, reflecting the materials used within the locality;
- The areas designated for vehicular movements and parking should be kept to a minimum.

5.4.3 I consider that the imposition of these conditions and informatives would guide any future developer to provide a good quality of design, at the reserved matters stage.

5.4.4 I do not consider that the plans submitted show a high quality scheme, and as such these should be given little weight. However, I do consider that they demonstrate that a large building could be accommodated within the parameters of the site, whilst also enabling a good level of soft landscaping provision, and car parking areas. As set out above, the development should be set back a suitable amount from the edge of the highway (I have suggested 7metres) with landscaping, including street trees to the front. The access should be reduced in scale from that shown, and the parking areas are excessively wide. However, I consider that this demonstrates that a suitable level of parking provision can be provided, with soft landscaping both along the boundaries and within the parking areas. I am therefore satisfied that a suitable layout could be brought forward, subject to the adherence to the conditions and informatives set out above.

5.5 Residential Amenity

5.5.1 There are residential properties to the west of the application site, and also on the opposite side of the Tonbridge Road. The neighbouring properties to the west have habitable windows facing on to the application site, and as such, overlooking from these properties does occur.

5.5.2 The proposal has been shown in such a way as to ensure that the proposed development would have the main access adjacent to the boundary with these residential properties. This would ensure that there would be no significant overshadowing of these properties, or a resultant loss of light.

5.5.3 I do not consider that the proposal would be likely to give rise to any overlooking concerns to the existing properties. Indeed, it should be noted that the previous use (Council Offices) included windows immediately adjacent to the boundary with the residential units, and as such, I consider this an improvement. The condition requiring the applicants to provide a landscaped buffer along this elevation would further assist in reducing the noise and disturbance from the site (albeit if only a small reduction).

- 5.5.4 However, noise and disturbance generated by this proposal would need to be carefully considered at the detailed design stage. A use of this nature would be likely to generate a significant amount of HGV, and other vehicle movements, and as such, I recommend that an informative be placed upon any permission, requiring the future applicants to carefully address this matter, and consider their hours of operation. I do not consider it appropriate to condition the hours of operation at this stage however, as this would be a matter for negotiation when an end user is identified.
- 5.5.5 I therefore consider that the proposal, subject to the detailed design, could be proposed in such a way as to have no detrimental impact upon the amenities of the existing neighbouring occupiers, and as such, would comply with Central Government guidance and the Development Plan.

5.6 Highways

- 5.6.1 Kent Highway Services raise no objection to this proposal. However, as the access and parking is not yet for determination, this assessment is made as to whether there would be any facts that would preclude an appropriate access, that allows vehicles to enter and leave in a forward gear, and parking provision being provided.
- 5.6.2 The site is within a relatively sustainable location, well served by both public transport, and amenities. The Maidstone East and Maidstone West train stations are within a short walk of the site, and there is a well-served bus stop to the east. In my opinion, Tonbridge Road is a main thoroughfare that is able to cope with additional traffic of all types – including HGV's.
- 5.6.3 Whilst I do not consider that the illustrative layout represents a high quality layout, it does demonstrate that a suitably sized road, and parking area can be provided. I am of the opinion that any detailed scheme brought forward should significantly reduce the amount of hardstanding proposed, but irrespective of this, the applicants would have a sufficient space to ensure that there would be no overspill onto the busy Tonbridge Road, to the detriment of highway safety. In addition, I am satisfied that vehicles entering and leaving the site could do so in a forward gear, and as such, they would not be required to reverse out on to the Tonbridge Road.
- 5.6.4 I am conscious however, that as this is in outline form the numbers of spaces provided at the reserved matters stage may well vary. As such, I recommend that an informative be placed upon any permission granted, requiring the applicant to be mindful of the sustainable location of the site, and the need to keep parking numbers to a minimum whilst ensuring that the provision does not have a detrimental impact upon highway safety.

5.6.5 I am satisfied therefore that a detailed proposal could be provided that would not impact upon highway safety, and as such would comply with PPG13.

5.7 Landscaping

5.7.1 Landscaping is a reserved matter with no details submitted. I am however, of the view that a good level of soft landscaping could be provided within the application site, with the illustrative plans showing that a soft landscape buffer between the front of the building and the highway.

5.7.2 I am of the view that this is an opportunity to enhance the character and appearance of the locality, with at present, many of the existing properties erected close to the footpath, with little or no landscaping. The illustrative plans show the building set back approximately 5metres from the highway, and I consider it appropriate to suggest a condition that requires the building to be set back to a greater degree (7metres) to ensure that soft landscaping can be provided. I also suggest a condition requiring a good level of planting to be provided along the building frontage, which shall include the following: -

- The provision of at least three street trees – *tillia cordata* for example;
- The provision of an area of low level planting of at least 3metres in depth along the frontage of the site (excluding the area immediately abutting the access – to ensure that visibility is maintained);
- The provision of a landscape buffer along the western boundary of the application site – this should be at least 2metres in depth and should include trees as well as low level planting.
- The provision of a landscape buffer along the rear (southern) elevation of the application site – this should be at least 2metres in depth and should include trees as well as low level planting.

5.7.3 Whilst I do not consider that this is *all* the planting that should be provided at the reserved matter stage, I do not consider it appropriate to be more prescriptive at present for the remainder of the site, as the siting and design of any building should influence the further landscaping provision within the internal layout.

5.7.4 I consider therefore that the proposal demonstrates that there would be scope to provide a good level of soft landscaping within the development, which would have a positive impact upon the character and appearance of the locality, and as such, I consider that the proposal would comply with policy ENV6 of the Maidstone Borough Wide Local Plan (2000) and PPS1.

5.8 Other Matters

5.8.1 No details have been submitted as to how energy efficient the proposed dwellings would be. However, PPS1 requires that any development be well designed, and I consider an important element of 'good design' to be sustainable construction. As such, I consider it appropriate to recommend a condition that the proposed building be constructed to be rated at least the 'very good' rating of the BREEAM standard.

5.8.2 I do not consider that the site is likely to house any significant biodiversity, due to the nature of its use, and the fact that the buildings have now been removed. As such, no ecological reports have been completed. However, I do consider it appropriate to suggest an informative that the applicants consider the use of swift bricks, or bat boxes, as well as the placement of cordwood within the site, to enhance biodiversity, in accordance with PPS9. I have also suggested an informative that the applicant, or their successors in title should consider the provision of a green/living roof on any flat roof areas, and living/green walls on the elevations, in order that the development enhance biodiversity, and also be treated in a manner that introduces softer, more natural features to this urban environment.

6.0 CONCLUSION

6.0.1 Whilst the application is technically a departure from the Development Plan, in that it would not provide B1 employment accommodation within the application site, it would, nonetheless provide employment which is suited to a town centre use. I am satisfied that the proposal would comply with the requirements of Policy EC11 of PPS4, and as such, is an acceptable use within this site allocated for employment purposes. Whilst no detailed plans have been submitted, I am of the opinion that the parameters suggested are broadly acceptable, and with the imposition of suitable conditions, I am satisfied that the site can accommodate a well designed development that would respond to the character and appearance of the area. I therefore recommend that Members give this application favourable consideration, and grant planning permission subject to the imposition of the conditions set out below.

7.0 RECOMMENDATION

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. Access e. Landscaping

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

permission.

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

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

2. The 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.

3. The details submitted pursuant to Condition 1 shall show inter alia a building or buildings whose height shall not exceed 10metres from normal ground level to eaves level;

Reason: To ensure conformity with the existing form and character of development in the surrounding area in accordance with PPS1.

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

Reason: In order to secure a satisfactory form of development having regard to the topography of the site in accordance with PPS1.

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

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

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

Reason: No such details have been submitted and in the interest of visual and residential amenity, in accordance with PPS1.

7. The development shall not commence until, details of the parking spaces and/or garages and sufficient turning area to enable vehicles to enter and leave the site in forward gear have been submitted to and approved in writing by the Local Planning Authority;

Reason: Development without adequate parking/garage provision is likely to lead to parking inconvenient to other road users and in the interests of road safety, in accordance with PPG13.

8. The development shall not commence until, details of the means of vehicular access to the site, including the road width, kerb radii, visibility splays and details of finishing materials, have been submitted to and approved in writing by the Local Planning Authority;

Reason: No such details have been submitted and in the interests of highway safety, in accordance with PPG13.

9. A scheme of landscaping using indigenous species as required under Condition 1 above shall include indications of all existing trees and hedgerows on the land, and details of any to be retained. The development shall also include:-

- i) The provision of a minimum of three street trees along the Tonbridge Road frontage (to be of a suitable species);
- ii) The provision of an area of low planting of at least 3metres in depth along the Tonbridge Road frontage;
- iii) The provision of a landscaped buffer along the western boundary of the application site, which shall be at least 2metres in depth, and should include trees as well as low planting;
- iv) The provision of a landscaped buffer along the rear (southern) boundary of the application site, which shall be at least 2metres in depth, and should include trees as well as low planting.

Details of the measures for their protection in the course of development, together with and a programme for the scheme's implementation and long term management shall also be submitted. 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 in the interests of visual amenity in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan (2000) and PPS1.

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

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

11. The developer shall arrange for a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. No works shall start on site until a written programme and specification for the work has been submitted to and approved by the Local Planning Authority;

Reason: To enable the recording of any items of historical or archaeological interest in accordance with PPS5.

12. The details submitted pursuant to Condition 1 shall show inter alia a building or buildings that is set back a minimum of 7 metres from the edge of the footpath of Tonbridge Road.

Reason: To ensure conformity with the existing form and character of development in the surrounding area in accordance with PPS1 and to ensure a good level of landscaping provision in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan 2000.

13. No development shall take place until details of bicycle storage provision have been submitted to, and approved in writing by the Local Planning Authority.

Reason: To ensure the development meets the Council's objective for sustainable economic development in accordance with PPS4 and PPG13.

14. The buildings shall achieve a 'very good' BREEAM rating. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that a very good rating has been achieved.

Reason: to ensure a sustainable and energy efficient form of development in accordance with Kent Design 2000 and PPS1.

15. The details submitted pursuant to Condition 1 shall show inter alia a building or buildings that are articulated so as to reflect the pattern and grain of the

development within the locality.

Reason: To ensure conformity with the existing form and character of development in the surrounding area in accordance with PPS1 and to ensure a good level of landscaping provision in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan 2000.

Informatives set out below

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

No burning shall take place on site.

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.

Adequate and suitable provision in the form of water sprays should be used to reduce dust from demolition work.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside of the normal working hours is advisable.

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

Should any future development of the site include the erection of a front boundary wall, this wall should be constructed of Kentish Ragstone.

Any building proposed within the site should be well articulated, and should respect the pattern of the development within the locality.

The applicant is advised to consider the provision of a green/living roof on any of the flat roof elements of the proposal.

The applicant is advised to consider the provision of a living wall on the most exposed elevations of the building, in order to soften the appearance of the development.

The applicant should consider the use of projecting and recessed elements, both in terms of fenestration, and with the way in which the roof is designed.

The areas designated for vehicular movements and parking should be kept to a minimum.

The applicants, or successors in title should carefully consider both the orientation of the building, and their hours of operation so as to reduce the impact of the proposal upon the residential amenity of the existing residential occupiers within the locality.

The applicant is reminded of the sustainable location of the application site, and the need to balance the provision of parking in accordance with sustainable objectives, and highway safety. I therefore recommend that prior to the submission of any reserved matters planning application, discussions are held with the Borough Council Planning Officers, and Kent County Council Highway Services to fully address this matter.

The applicant is advised that a bench should be provided to the front of the application site.

The proposal shall be designed and operated in such a way as to minimise the impact upon the residential amenity of the neighbouring occupiers.

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 there are no overriding material considerations to indicate a refusal of planning consent.

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Agenda Item 22

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 02-09-10**

APPEAL DECISIONS:

1. MA/09/0848 -

Proposal for a replacement dwelling, the demolition and removal of existing farm building and a tidy up of the site as shown on drawing number 07/82/SK15 received on 19/5/09; and site location plan and drawing numbers 07/82/SK01B, 07/82/SK14A and 07/82/SK16 received on 18/6/09.

APPEAL: ALLOWED WITH CONDITIONS BUT PARTIAL COSTS AWARDED TO THE COUNCIL

APPSMOOR FARM, SOUTH STREET ROAD, STOCKBURY,
SITTINGBOURNE, KENT, ME9 7QS

(Planning Committee)
