

# AGENDA

## PLANNING COMMITTEE MEETING



Date: Thursday 14 October 2010  
Time: 6.00 p.m.  
Venue: Town Hall, High Street,  
Maidstone

### Membership:

Councillors Lusty (Chairman), Ash, Barned,  
Chittenden, English, Harwood, Hinder,  
Nelson-Gracie, Paine, Paterson,  
Mrs Robertson, J.A. Wilson and  
Mrs Wilson

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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 Items withdrawn from the Agenda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 - 21 October 2010

**Continued Over/:**

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**Issued on 6 October 2010**

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

*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.
10. Minutes of the meeting held on 23 September 2010 1 - 7
11. Presentation of Petitions (if any)
12. Report of the Head of Development Management - Deferred Items 8 - 9
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21. MA/10/1322 - 110 LOOSE ROAD, MAIDSTONE 148 - 156
22. MA/10/1472 - 4 YARROW COURT, MAIDSTONE 157 - 162
23. Chairman's Announcements
24. Update on Matters Referred to the Cabinet Members for Environment/Regeneration

## **PART II**

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

**Head of Schedule  
12A and Brief  
Description**

25.	Exempt Appendix to the Report of the Head of Development Management Relating to Application MA/10/0748	3 – Financial/business Affairs	163 - 164
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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.**

# Agenda Item 10

## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON 23 SEPTEMBER 2010**

**Present:** Councillor Lusty (Chairman) and Councillors Ash, Chittenden, English, Hinder, Nelson-Gracie, Paine, Mrs Robertson, Mrs Smith, J.A. Wilson and Mrs Wilson

**Also Present:** Councillors Mrs Parvin and Sherreard

142. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Harwood and Paterson.

143. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Mrs Smith was substituting for Councillor Paterson.

144. NOTIFICATION OF VISITING MEMBERS

Councillor Mrs Parvin indicated her wish to speak on the report of the Head of Development Management relating to application MA/10/0140.

Councillor Sherreard indicated his wish to speak on the reports of the Head of Development Management relating to applications MA/10/0790 and MA/10/0791.

145. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

146. 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 the applications to be considered at the meeting.

147. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Ash disclosed an interest as Cabinet Member for Leisure and Culture in the reports of the Head of Development Management relating to applications MA/10/1271 and MA/10/1291. He stated that he had pre-



determined the applications and would leave the room when they were discussed.

Councillor Ash also stated that with regard to the report of the Head of Development Management relating to application MA/10/0140, he had not been present when the application was considered by the Committee in June 2010 and had an open mind.

148. EXEMPT ITEMS

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

149. MINUTES

RESOLVED: That the Minutes of the meeting held on 2 September 2010 be approved as a correct record and signed.

150. PRESENTATION OF PETITIONS

There were no petitions.

151. 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

See Minute 153 below

- (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

The Head of Development Management advised Members that the Officers had met with the applicant on site and negotiated some enhancements to the scheme. He hoped that full details of the appropriate landscaping and ecological enhancement measures would be submitted in the near future to enable an early report back to the Committee.

- (3) MA/10/1233 - OUTLINE APPLICATION FOR THE ERECTION OF A STORAGE WAREHOUSE WITH ANCILLARY OFFICE (USE CLASS B1/B8) WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATION - 13 TONBRIDGE ROAD, MAIDSTONE

The Head of Development Management advised Members that this application had been withdrawn by the applicant.

- (4) MA/10/0649 - PLANNING APPLICATION FOR THE ERECTION OF 3-4 STOREY DEVELOPMENT TO INCLUDE 11 NO. DWELLINGS (3 STUDIO FLATS, 3 X 1-BED FLATS AND 5 X 3-BED TERRACED DWELLINGS) AND ASSOCIATED WORKS INCLUDING ACCESS AND PARKING - THE ROSE, 1 FARLEIGH HILL, TOVIL, MAIDSTONE

The Head of Development Management advised Members that the applicant had amended the scheme and reduced the number of units. He hoped to be in a position to report the application back to the next meeting of the Committee.

152. TREE PRESERVATION ORDER NO.4 OF 2010 - TREES REAR OF 11 - 15 NORTHLEIGH CLOSE, LOOSE

The Committee considered the report of the Director of Change, Planning and the Environment concerning Tree Preservation Order No. 4 of 2010 which was made under Section 201 of the Town and Country Planning Act 1990 to protect one Sycamore and two Sweet Chestnut trees on land at the rear of 11-15 Northleigh Close, Loose. It was noted that one objection to the Order had been received within the statutory 28 day period from its making.

RESOLVED: That Tree Preservation Order No. 4 of 2010 be confirmed without modification.

Voting: 10 – For 0 – Against 0 – Abstentions

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

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

Voting: 10 – For 0 – Against 0 – Abstentions

154. MA/09/1821 - CHANGE OF USE OF LAND TO USE AS A RESIDENTIAL CARAVAN SITE FOR ONE GYPSY FAMILY WITH 1 NO. CARAVAN - LONG LANE, LENHAM ROAD, HEADCORN

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 and informatives set out in the report and the following additional condition:-

No commercial activities shall take place on the land, including the storage of materials.

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

Voting: 7 – For 1 – Against 3 – Abstentions

Note: Councillor Nelson-Gracie entered the meeting during consideration of this application, but did not participate in the voting.

155. MA/10/1271 - PROPOSED WORKS INCLUDE NEW DDA COMPLIANT FOOTPATH, STEPS AND VIEWING POINT ADJACENT TO CAFE AREA, NEW ENCLOSED MAINTENANCE YARD AREA ADJACENT TO THE EXISTING WC/MAINTENANCE BUILDING, ENLARGEMENT AND FORMATION OF NEW CAR PARK FACILITY TO MOTE AVENUE CAR PARK, NEW HARDSTANDING AND REPOSITIONED MODEL BOAT PLATFORM TO THE HISTORIC BOATHOUSE LAKE EDGE, NEW INNER AND OUTER CIRCUIT FOOTPATH, PERMITTING WHEELCHAIR ACCESS AROUND THE PARK, FORMATION OF NEW CAR PARK FACILITY AT BURNING GROUND, REPAIR OF LAKE CROSSING CAUSEWAY AND NEW BRIDGE CONSTRUCTION – MOTE PARK MAIDSTONE, WILLOW WAY, MAIDSTONE

Having disclosed an interest, Councillor Ash left the meeting whilst this application was discussed.

All Members except the Chairman and Councillors Mrs Smith and J A Wilson stated that they had been lobbied.

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

Mr Taylor, for the applicant, addressed the meeting on this application and application MA/10/1291.

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

Voting: 10 – For 0 – Against 0 – Abstentions

156. MA/10/1291 - AN APPLICATION FOR LISTED BUILDING CONSENT FOR THE INSTALLATION OF OAK PANEL DOORS - VOLUNTEERS PAVILION, MOTE PARK, MAIDSTONE

Having disclosed an interest, Councillor Ash left the meeting when this application was discussed.

All Members except the Chairman and Councillors Mrs Smith and J A Wilson stated that they had been lobbied.

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

Mr Taylor, for the applicant, had already addressed the meeting.

RESOLVED: That subject to it being checked that there are no records held at the Centre for Kentish Studies relating to the design of the original doors and regard being had to that design if records are found, the Head of Development Management be given delegated powers to refer the application to the Secretary of State with a recommendation that listed building consent be granted subject to the conditions set out in the report.

Voting:        10 – For        0 – Against        0 – Abstentions

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

All Members stated that they had been lobbied.

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

Ms Duncan, an objector, Councillor Waite of Thurnham Parish Council (against), Mr Blythin, for the applicant, and Councillor Mrs Parvin, on behalf of Councillor Horne, addressed the meeting.

RESOLVED: That permission be granted subject to the S106 unilateral undertaking which has been completed to secure workplace training and to the conditions and informatives set out in the report, as amended by the urgent update report, and the additional condition set out in the urgent update report.

Voting:        8 – For        1 – Against        2 – Abstentions

158. MA/10/0790 - PLANNING APPLICATION FOR ERECTION OF SINGLE STOREY REAR EXTENSION (RE-SUBMISSION OF MA/09/0727) - 3 RANDALLS ROW, HIGH BANKS, LOOSE, MAIDSTONE

The Chairman and Councillors English, Mrs Smith 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.

Ms George, an objector, Mrs Bradley, the applicant, and Councillor Sherreard addressed the meeting.

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

Notwithstanding the details submitted in section 14 of the application form received on 10 May 2010, the roof covering of the extension hereby permitted shall be constructed of lead and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To preserve the setting, character and appearance of the Grade II listed building and the Conservation Area, in accordance with PPS5.

Voting: 6 – For 3 – Against 2 – Abstentions

159. MA/10/0791 - AN APPLICATION FOR LISTED BUILDING CONSENT FOR ERECTION OF SINGLE STOREY REAR EXTENSION (RE-SUBMISSION OF MA/09/0726) - 3 RANDALLS ROW, HIGH BANKS, LOOSE, MAIDSTONE

The Chairman and Councillors English, Mrs Smith 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.

Ms George, an objector, Mrs Bradley, the applicant, and Councillor Sherreard had already addressed the meeting.

RESOLVED: That consideration of this application be deferred to enable the Conservation Officer to submit detailed comments in writing and to be present when the application is discussed.

Voting: 11 – For 0 – Against 0 – Abstentions

160. MA/10/0963 - ERECTION OF A TWO STOREY SIDE AND REAR EXTENSION - BRAMBLE COTTAGE, GOUDHURST ROAD, MARDEN

The Chairman and Councillors Nelson-Gracie 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.

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

Voting: 9 – For 1 – Against 0 – Abstentions

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

161. APPEAL DECISIONS

The Committee considered the report of the Head of Development Management setting out details of appeal decisions received since the last meeting.

RESOLVED: That the report be noted.

162. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that:-

- He had attended the Planning Summer School together with Councillors Ash and Mrs Wilson. The sessions had been very interesting and feedback would be prepared.
- A Members' training session on sustainable construction would be held at 6.30 p.m. on Wednesday 6 October 2010. The training sessions to date had been excellent.

Arising from the Chairman's announcements, the Head of Development Management advised the Committee that Natural England intended to cease providing ecological advice on planning applications. This would have implications for Members in terms of training.

163. UPDATE ON MATTERS REFERRED TO THE LEADER OF THE COUNCIL/CABINET MEMBERS

The representative of the Head of Democratic Services advised the Committee that the Cabinet Member for Regeneration had discussed its reference relating to the development of a policy on local needs gypsy sites with Officers and hoped to be in a position to report back to the next meeting. The Cabinet Member would also be writing to the Secretary of State for Communities and Local Government requesting the Government to reconsider the facility for retrospective planning applications. It was suggested that the Cabinet Member should seek the support of the local Members of Parliament and the Local Government Association when making these representations.

164. DURATION OF MEETING

6.00 p.m. to 8.10 p.m.

## MAIDSTONE BOROUGH COUNCIL

### PLANNING COMMITTEE

14 OCTOBER 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. <u>Description of Application</u>	<u>Date Deferred</u>
(1) <u>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</u>	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

(2) <u>MA/10/0649 - PLANNING APPLICATION FOR THE ERECTION OF 3-4 STOREY DEVELOPMENT TO INCLUDE 11 NO. DWELLINGS (3 STUDIO FLATS, 3 X 1-BED FLATS AND 5 X 3-BED TERRACED DWELLINGS) AND ASSOCIATED WORKS INCLUDING ACCESS AND PARKING - THE ROSE, 1 FARLEIGH HILL, TOVIL, MAIDSTONE</u>	2 September 2010
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Deferred for further negotiations to seek amendments to the layout to secure more parking if possible for public safety reasons.

- (3) MA/10/0791 - AN APPLICATION FOR LISTED BUILDING CONSENT FOR ERECTION OF SINGLE STOREY REAR EXTENSION (RE-SUBMISSION OF MA/09/0726) - 3 RANDALLS ROW, HIGH BANKS, LOOSE, MAIDSTONE

23 September  
2010

Deferred to enable the Conservation Officer to submit detailed comments in writing and to be present when the application is discussed.



## **THE MAIDSTONE BOROUGH COUNCIL** **PLANNING COMMITTEE – 14<sup>th</sup> October 2010**

### **APPEAL DECISIONS:**

- 1. – MA/09/2331**      **Replacement of existing single glazed, white painted timber windows with double glazed white painted timber windows as shown on drawing numbers 4024/01 & 4024/02 received on 24/12/09 & 3982/04 received on 04/01/10 and described in the Design and Access Statement received on 05/01/10.**

**APPEAL: (appeal decision)**

**APPEAL: Allowed with Conditions**

WALNUT COTTAGE, CHURCH WALK, HEADCORN,  
ASHFORD, KENT, TN27 9NR

**(Delegated Powers)**

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- 2. – MA/09/1335**      **Change of use from A1 (retail) to single dwelling**

**APPEAL: Dismissed**

16, NORTH STREET, SUTTON VALENCE, MAIDSTONE,  
KENT, ME17 3AP

**(Delegated Powers)**

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- 3. – MA/10/0037**      **Planning application for erection of single storey extension to garage with glazed link to main dwelling to provide additional living accommodation and insertion of window to front elevation (re-submission of MA/09/1614) as shown on drawing number(s) 549.TP1/A to TP5/A and supported by a Planning Statement received on 12 January 2010.**

**APPEAL: Dismissed**

THE BARN, LITTLE WADD FARM, GRANDSHORE LANE,  
FRITTENDEN, CRANBROOK, KENT, TN17 2BZ

**(Planning Committee)**

**Item 13 Page 10**

Item 2 on the report on appeal decisions should read as follows:

2. **MA/09/1335**

**Demolition of existing barn and the erection of 1 No. dwelling and detached garage**

**APPEAL: Dismissed**

WIERTON HALL FARM, EAST HALL HILL, BOUGHTON MONCHELSEA,  
MAIDSTONE, KENT, ME17 4JU

**(Delegated Powers)**

# 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 a 3-storey development to provide 11no. dwellings (5 x 2-bed terraced houses and 3 x2-bed flats) and associated works including access and parking as shown on drawing nos. 5002/TP/300/B and 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 nos. 5002/TP/304/J, 305/H, 306/H, 307/K received 15/09/2010.

AGENDA DATE: 14th October 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. BACKGROUND**

- 1.1 The application was reported to the Planning Committee on 2 September 2010 and was deferred. A copy of the previous report and urgent update report are attached at Appendix One.
- 1.2 Members deferred consideration of the application for 'further negotiations to seek amendments to the layout to secure more parking if possible for public safety reasons.'
- 1.3 The applicants submitted revised plans on the 15 September 2010 and have amended the scheme by reducing the total number of proposed residential units from 14 to 11. The number of parking spaces has also increased by 2 spaces from 8 to 10, therefore providing 10 parking spaces for the 11 units. The changes are detailed later in the report.

## **2. POLICIES**

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

## **3. HISTORY**

3.1 The Public House ('The Rose'), which formerly stood on the site has now been demolished. The previous ragstone boundary walls are all that remain.

3.2 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.

## **4. CONSULTATIONS**

4.1 **Tovil Parish Council:** Tovil Parish Council previously objected to the development for the reasons set out in the appended report. Any further views will be reported to Members at the meeting.

4.2 **KCC (Mouchel):** Have advised that they are now seeking contributions for Library facilities (£2,497), Adult Education facilities (£1,980) towards additional

capacity and the new library and adult education centre at James Whatman Way and Youth and Community facilities (£2,789.06) in the form of monies towards a youth worker for the area.

4.3 **West Kent PCT:** Seek a revised contribution of £7,920 following the reduction in the number of units. They have again confirmed that they would wish the contribution to be spent at Vine Surgery, St Luke's and Marsham Street.

4.4 **Kent Highway Services:** Have no objections to the amended details shown on Drawing Number 304 Rev J.

'The amendments include the provision of additional parking spaces for the 11 dwellings. The total number of spaces proposed is 10 which is acceptable and in line with the Kent Design Guide - Interim Guidance Note 3 which recommends a maximum of 1 space per unit in urban edge locations.'

A number of conditions and informatives are recommended relating primarily to parking and access arrangements.

4.5 **MBC Leisure and Parks:** Are seeking a contribution of £17,325. They have again advised that within 1 mile of this development there are a number of green and open spaces, these include:

Woodbridge Drive Play Area  
Bridge Mill Way Open Space  
St Stevens Church Yard  
Hudsons Quarry  
Millers Wharf  
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, with priority given to Woodbridge Drive and Bridge Mill Way.

## **5. REPRESENTATIONS**

5.1 Representations previously received are summarised in the appended previous report. Any further views received will be reported to the Members at the meeting.

## **6. CONSIDERATIONS**

### **6.1 Site Description**

6.1.1 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.

- 6.1.2 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.
- 6.1.3 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.
- 6.1.4 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.
- 6.1.5 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.

## **6.2 Proposal**

- 6.2.1 As Members will note from paragraph 1.3 above, the proposed scheme was amended on 15 September 2010 from that originally submitted.
- 6.2.2 The scheme has now been amended as follows;
- A total of 11 units would now be built on the site comprising eight two-bedroom houses and three two-bedroom flats. Previously the overall scheme for the site scheme comprised 3 studio flats, 3 one-bedroom flats and a total of 8 terraced houses.
  - The design and scale of the houses fronting Straw Mill Hill and Farleigh Hill have not been changed
  - The internal layout of the building housing the flats which is located at the junction of Straw Mill Hill and Farleigh Hill has been changed and reconfigured to provide only three 2-bedroom flats. This has resulted in

the previously proposed small element of accommodation at third floor facing Farleigh Hill being deleted and the footprint of the building reduced.

- A total of 10 car parking spaces are now shown to be provided serving the proposed 11 units within the site compared to the 8 previously identified that would have served 14 units.
- The roof of the building housing the flats has been redesigned to be entirely conical.
- A deeper ragstone plinth up to ground floor window-cill level has been added to the building housing the flats.
- The following previously made changes have also been retained;
  - The first 6m section of the site access has been reduced to 4.8m in width and the access beyond the gate section to 3.1m in width
  - The external amenity decks to units 1, 2 and 9 and 10 have been increased to 3.5m in width
  - Planters have been introduced along the southern site boundary, under the decking to units 9 and 10 and between parking bays 5 and 6 to the rear of unit 3
  - Planting areas to include a frame for climbing plants to the south flank elevation of unit 10 are now shown
  - The first floor elevations of the houses fronting Straw Mill Hill will be weather-boarded

6.2.3 The principal changes are the deletion of three units and the increase in the number of parking spaces to 10.

### **6.3 Principle of Development**

6.3.1 The acceptability in principle of the development for the reasons set out in the earlier report have not changed as a result of the most recent amendments.

### **6.4 Highways**

6.4.1 Members deferred consideration of the application at the Planning Committee meeting on 2 September 2010 solely for further negotiations to seek amendments to the layout to secure more parking if possible for public safety reasons. Kent Highway Services continue to be in support of the applications.

6.4.2 The scheme has been amended in two principal ways to achieve this, firstly through a reduction in the number of units from 14 to 11 and secondly, by providing two additional parking spaces on the site resulting in a total of 10 car parking spaces a ratio of 0.9spaces/unit. There is no further space within the site to provide an additional space to ensure a 1:1 parking ratio.



6.4.3 Clearly the resultant provision on the site would not be 1 parking space per unit. However, I still consider the site to be located in a sustainable location close to local amenities and on/close to a public transport 'bus route.

6.4.4 I would again 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;"

(Officer comment: For Members' information I would advise that currently on the east side of Tovil Hill and a section of Woodbridge Drive there are 'No waiting at any time' restrictions. On the west side of Tovil Hill and Farleigh Hill including the bellmouth of the junction of Albert Reed Gardens, restrictions are in place from 08:00am to 6:30pm Monday to Saturday.)

6.4.5 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.

6.4.6 Kent Highway Services agree with this 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. I would remind Members that no objections were raised by Kent Highway Services to the previous level of provision proposed (8 parking spaces for the 14 units).

6.4.7 On balance therefore I consider that the applicants have satisfactorily addressed Members concerns. Therefore I raise no objections to the development in terms of the parking provision proposed.

## **6.5 Design**

6.5.1 The design of the development remains acceptable and in my view the recent amendments have improved the appearance of the building housing the flats by providing a better proportioned conical roof. The enlarged external deck areas have also increased the available external amenity space. The elevational treatments of the houses and apartment building are also acceptable subject to appropriate detailing and materials, which can be conditioned. The provision of the planters and the frame fro plants to the southern flank wall of unit 10 will also serve to 'soften' the appearance of the development.

## **6.6 Residential Amenity**

6.6.1 There impact on the amenities of residents within and adjoining the site will not change as a result of the amendments and remains acceptable for the reasons set out and described in the appended report.

## **6.7 Other issues**

6.7.1 The issues of noise, contamination and flood risk as they relate to the site remain as previously assessed and discussed in the appended previous report. The recent amendments to the scheme do not change these considerations which can be addressed by means of appropriate conditions.

## **6.8 S106 obligations**

6.8.1 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.

6.8.2 Contributions for Parks and Open Space: This would be a contribution of **£17,325**. They have again advised that within 1 mile of this development there are a number of green and open spaces, these include:

Woodbridge Drive Play Area  
Bridge Mill Way Open Space  
St Stevens Church Yard  
Hudsons Quarry  
Millers Wharf  
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, with priority given to Woodbridge Drive and Bridge Mill Way. This would address the need generated by this proposal and would be in accordance with the Councils adopted DPD;

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

£227/dwelling for Library facilities (**£2,497**)

£180 for Adult Education facilities (**£1,980**)

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 **£2,789.06** for the eight houses and three flats on the site.

6.8.4 Contributions for Healthcare (PCT): These would be contributions of **£7,920** 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.

6.8.5 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, 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).

## **7 CONCLUSION**

7.1 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 has now been reduced to 11 and comprises 8 houses and 3 flats.

7.2 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 (application MA/07/2416) has been deleted from the scheme. However, on balance, I consider the currently proposed external amenity provision to the houses to be acceptable.

- 7.3 The previously expressed concerns of the Parish Council regarding car parking are noted. The revised scheme provides a ratio of 0.9 spaces /unit which albeit lower than a 1space/unit ratio is still considered acceptable given the site's sustainable location. 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. I consider that the changes have addressed Members' reasons for deferring consideration of the application at the meeting on 2 September 2010.
- 7.4 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.

## **8 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 (£2,497), Adult Education facilities (£1,980) towards additional capacity and the new library and adult education centre at James Whatman Way and Youth and Community facilities (£2,789.06) in the form of monies towards a youth worker for the area.
- Contributions for the West Kent Primary Care Trust. This would consist of a contribution of £7,920 which would be spent at the identified surgeries within the proximity of the site.
- Contributions for MBC Parks and Leisure. This would consist of a contribution of £17,325 towards the provision or improvement of Open and Green Spaces within Tovil Parish/South Ward with priority to Bridge Mill Way and Woodbridge Drive.

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. 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 10.

(ii) The provision of a frame and climbing plants on the south flank wall of unit 10.

(iii) The provision of integral planters to each balcony area.

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
- (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.

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 and the plinth of the apartment building 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 and plinth have been completed.

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

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.

16. Any entrance gates erected shall be hung to open away from the highway only and shall be set back a minimum distance of 5.5m from the carriageway edge.

Reason: In the interests of highway safety pursuant to the advice in PPG13

### **Informatives set out below**

During construction provision shall be made on the site, to the satisfaction of the Local Planning Authority, to accommodate operatives' and construction vehicles loading, off-loading or turning on the site. In addition, on-site parking for site personnel / operatives / visitors shall be provided and retained throughout the construction of the development.

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, cannot be too 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, SO23 9EH.

During construction provision shall be made on the site, to the satisfaction of the Local Planning Authority, to accommodate operatives' and construction vehicles loading, off-loading or turning on the site and in addition, parking for site personnel / operatives / visitors shall also be provided on the site and retained throughout the construction of the development.

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.

# **APPENDIX ONE**

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

Voting: 9 – For 0 – Against 4 – Abstentions

133. 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,

All Members except Councillors Burton, Butler, Nelson-Gracie, Paine and Ross stated that they had been lobbied.

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

Councillor Williams of Boughton Monchelsea Parish Council (against) and Mr Perrin, for the applicant, addressed the meeting.

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report with the amendment of condition 6 as follows:-

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 is 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. The approved fencing shall remain in the agreed position for the duration of the approved use.

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.

Voting: 13 – For 0 – Against 0 – Abstentions

134. MA/10/0649 - PLANNING APPLICATION FOR THE ERECTION OF 3-4 STOREY DEVELOPMENT TO INCLUDE 11 NO. DWELLINGS (3 STUDIO FLATS, 3 X 1-BED FLATS AND 5 X 3-BED TERRACED DWELLINGS) AND ASSOCIATED WORKS INCLUDING ACCESS AND PARKING - THE ROSE, 1 FARLEIGH HILL, TOVIL, MAIDSTONE

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

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

Councillor Charlton of Tovil Parish Council (against), Mr Coomber, for the applicant, and Councillor J Wilson addressed the meeting.

RESOLVED: That consideration of this application be deferred for further negotiations to seek amendments to the layout to secure more parking if possible for public safety reasons.

Voting: 7 – For 2 – Against 4 – Abstentions

135. 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.

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

RESOLVED:

1. That permission be granted subject to the conditions and informatives set out in the report with the amendment of condition 5 as follows:-

Notwithstanding the details submitted before development commences a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. This should include an island of landscaping to enhance bio-diversity and to soften the visual impact of the approved building and trees as shown on drawing no. WM/328/500 that 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", that 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.

2. That the details to be submitted pursuant to condition 5 must be agreed in consultation with Councillor Harwood, Ward Members and the Parish Council.

Voting: 13 – For 0 – Against 0 – Abstentions

**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.

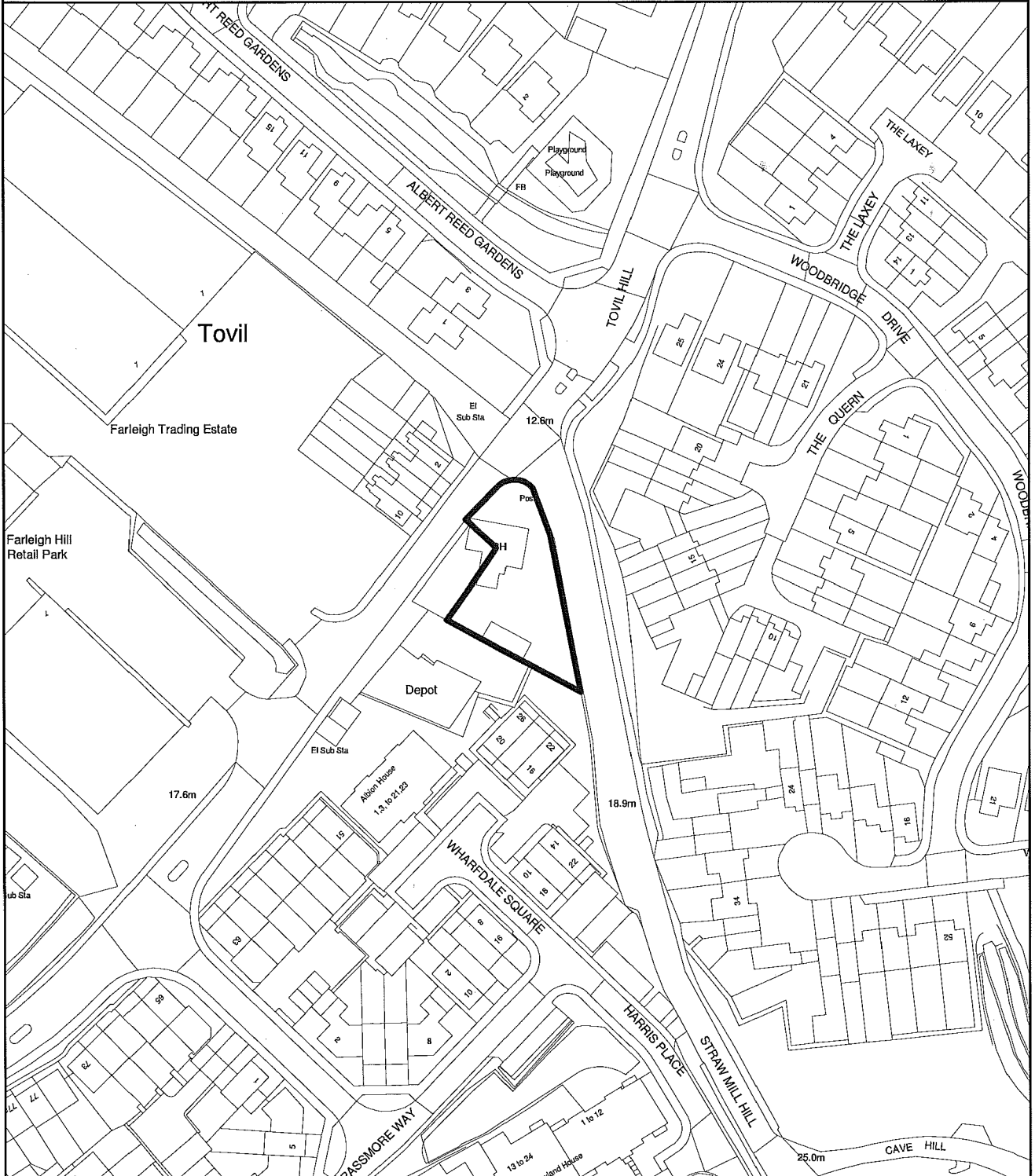
Reason: In the interests of biodiversity and ecology pursuant to the advice in PPS9.

# 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 Wharfedale 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.

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.

**Item 14, Page 11**

**Address**  
**The Rose 1 Farleigh Hill TOVIL**

**MA/10/0649:**

**Consultations**

**Tovil Parish Council** have considered the amended details and have noted

'that parking on The Rose site is still inadequate but as a parking policy from MBC is still awaited, it was **agreed** not to raise formal objections to these amended details. It was also noted that parking is a major issue in Tovil, and that this site is the worst of the worst possible places to force residents to park in nearby roads.'

**Officer comment**

For Members' information, the correct breakdown of the development is;

11 residential units comprising 8 x 2-bedroom houses and 3 x 2-bedroom flats

Not as stated in the description of the proposal set out on page 14. I would apologise for this error.

**Amendments to recommendation**

None

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RPM  
INSTALLATIONS (KENT)

25.08.2010

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25.08.2010

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10 GARAGE DOORS LTD  
Tel: 01622683200



25.08.2010





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GARAGE DOORS LTD  
Tel: 01622683280

← 01622 48741

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GARAGE DOOR  
Tel: 01622483

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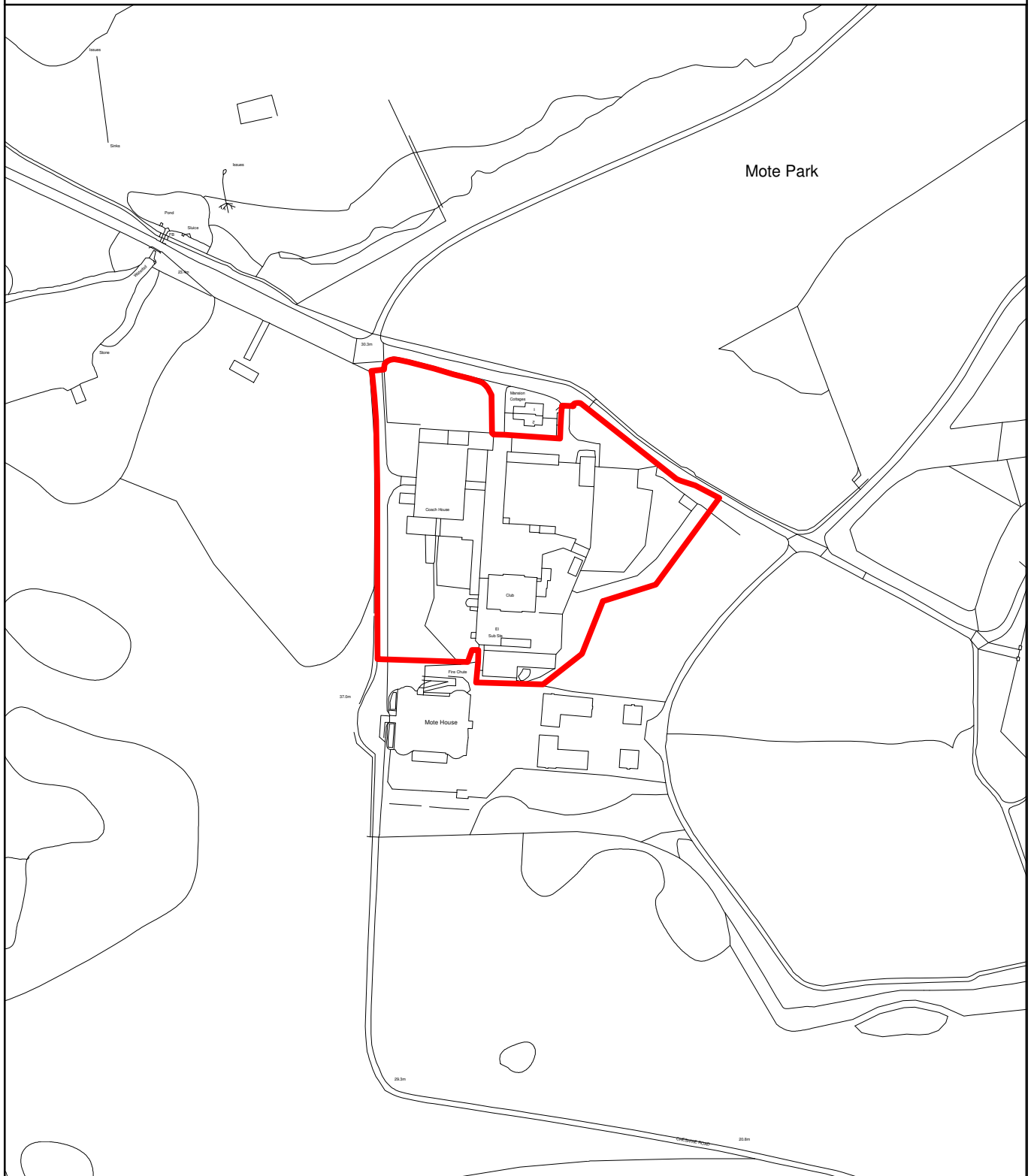
# Agenda Item 15

## THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/10/0747

GRID REF: TQ7855

MAIDSTONE CARE AT HOME SERVICE,  
MOTE HOUSE, MOTE PARK, MAIDSTONE.



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**Rob Jarman**  
**Head of Development Management**

APPLICATION: MA/10/0747 Date: 27 April 2010 Received: 4 May 2010

APPLICANT: Mr N Sanderson, Audley More Ltd

LOCATION: MAIDSTONE CARE AT HOME SERVICE, MOTE HOUSE, MOTE PARK, MAIDSTONE, ME158NQ

PARISH: Maidstone

PROPOSAL: Amendments to listed building consent MA/06/0081 (an application for Listed Building consent for the conversion of Mote House to an assisted living care home (Class C2) with associated accommodation (15 no. units) and facilities. Conversion of existing stables, laundry/brewhouse and kitchens to form 14 no. residential units; conversion of existing potting sheds to 1 no. new dwelling; demolition of modern annexe and other modern buildings and associated works) **being phase three class C2 ancillary accommodation variations including the conversion and extension of existing stables, laundry/brewhouse, dairy and old kitchens to form 15 no. accommodation units. Demolition of existing shed and ancillary buildings and replacement of new buildings to provide 21 no. accommodation units. Construction of 14 new accommodation units along the eastern boundary of site and rebuilding of carpenters shed to form 1 no. accommodation unit. Construction of 1 no. new detached accommodation unit adjacent to the carpenters shed. This representing an additional 14 units over and above the existing scheme as shown** on drawing nos. 09043/EX(P3)/01, 02, 04-06, 10-16, 09043/LA/(P3)01revA, 09043/GA/P3/01-11, 09043/GA/(A1)/01/, 02, 03, 05, 06, 09043/GA/(A2)/01, 02, 04, 05, 06, 09043/GA/(A3)/01, 02, 04, 09043/GA/A4/01, 02, 04, 05, 09043/GA/A5/01, 02, 04, 05, T/09/776/SK2/P1, SK03/P1, SK04/P1, SK05/P1, SK06/P1 and Design and Access Statement and Tree survey received 05/05/2010 and as amended by drawing nos. 09043/GA(A2)01, 09043/GA(P3)11 and T/09/T16/ SK02 received 13/08/2010.

AGENDA DATE: 14th October 2010

CASE OFFICER: Steve Clarke

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

- The Council has a land ownership interest

## **1. POLICIES**

Government Policy: PPS5

## **2. HISTORY**

2.1 Mote House has an extensive planning history. Prior to the current refurbishment and redevelopment proposals it was used as Leonard Cheshire Home for many years. Planning permission and listed building consent for the current conversion, refurbishment and new-build works were granted in 2006 under the following applications.

- MA/06/0082: Conversion of Mote House to an assisted living care home (Class C2) with associated accommodation (15 no. units) and facilities; conversion of existing stables, laundry/brewhouse and kitchens to form 14 no. residential units. Demolition of modern annexe and other modern buildings and replacement with new buildings to provide 24 no. residential units; conversion of existing potting sheds to 1 no. residential unit. Construction of a new gatehouse building to provide 10 no. residential units; construction of 23 no. new residential units within the walled garden; associated landscaping works to all of these and formation of a new kitchen garden within the walled garden: APPROVED 10/08/2006
- MA/06/0081: An application for Listed Building consent for the conversion of Mote House to an assisted living care home (Class C2) with associated accommodation (15 no. units) and facilities. Conversion of existing stables, laundry/brewhouse and kitchens to form 14 no. residential units; conversion of existing potting sheds to 1 no. new dwelling; demolition of modern annexe and other modern buildings and associated works: APPROVED 11/09/2006

2.2 This application is accompanied by a planning application for the revised development proposals and which is reported on this current agenda:

- MA/10/0748: Amendments to planning permission MA/06/0082 (an application for planning permission for the conversion of Mote House to an assisted living care home (Class C2) with associated accommodation (15 no. units) and facilities. Conversion of existing stables, laundry/brewhouse and kitchens to form 14 no. residential units; conversion of existing potting sheds to 1 no. new dwelling; demolition of modern annexe and other modern buildings and associated works) being phase three class C2 ancillary accommodation variations including the conversion and extension of existing stables, laundry/brewhouse, dairy and old kitchens to form 15 no. accommodation units. Demolition of existing shed and ancillary buildings and replacement of new buildings to

provide 21 no. accommodation units. Construction of 14 new accommodation units along the eastern boundary of site and rebuilding of carpenters shed to form 1 no. accommodation unit. Construction of 1 no. new detached accommodation unit adjacent to the carpenters shed. This representing an additional 14 units over and above the existing scheme: UNDETERMINED ON THE PAPERS

### **3. CONSULTATIONS**

3.1 **Bearsted Parish Council:** (Adjoining parish) No objections

3.2 **English Heritage:** Has commented as follows:-

'This application proposes amendments to a scheme previously approved (MA/06/0081) for the conversion to assisted living residential units of the complex of predominantly early nineteenth-century service buildings to the north of the grade II\* listed Mote House. The L-shaped stable range at the heart of this group is listed in its own right at grade II, but the complex as a whole should be treated as listed by virtue of being located within the curtilage of the main house.

Along with numerous more minor changes to the approved scheme, the amendments propose an additional fourteen residential units. As the original scheme was not considered to depart from the development plan or national planning policies, it was not treated as enabling development. Your Council will need to determine whether this amended scheme remains in accordance with these planning policies and, if not, it may be necessary to apply the policies on enabling development in PPS5 (HE11). I would be happy to provide further advice on these policies, if required.

Any additional harm to the setting of designated and undesignated heritage assets resulting from the supplementary units is in our view less than substantial because the extra units do not extend beyond the confines of the historic service complex. Policy HE9.4 of PPS5 is therefore applicable if this application is not to be treated as enabling development. English Heritage considers that the effect of the new scheme on the historic environment is still justified under the terms of HE9.4 on the basis of the public benefit of securing the optimum viable use of these heritage assets in the interests of their long-term conservation. We would therefore not object to listed building consent and planning permission being granted, subject to an additional condition being imposed requiring a method statement for the repair of the two internal gauged brick columns in the former dairy to be submitted to and approved in writing by the Local Planning Authority before any work on the dairy commences.

#### **Recommendation**

We urge you to address the above issues, and recommend that this application be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice. It is not necessary for us to be consulted again. Please re-consult us if there are material changes to the proposals beyond those necessary to address the issues we have raised. We will then consider whether such changes might lead us to object. If they do, and if your authority is minded to grant consent, you should notify the Secretary of State of this application in accordance with Circular 08/2009.'

**3.3 MBC Conservation Officer:** Has commented as follows:-

'Whilst the level of new development previously permitted would be preferable in terms of the impact on the setting of the listed buildings, the current proposals have been the result of extensive pre-application consultation and have been amended in line with recommendations made by officers. If the additional accommodation is necessary in terms of the viability of the scheme as a whole I consider that this additional impact is justified. The minor changes to details of the conversion works are all acceptable in their latest form and the design of new build units is of an appropriate standard. Care has been taken to ensure that the developed area does not extend into the open surroundings and remains within the previously-developed farmyard limits.

Recommendation

It is, therefore, recommended that on heritage grounds NO OBJECTION IS RAISED subject to the following conditions.

Conditions to cover the following matters will be appropriate:-

- Programme of archaeological works to be agreed
- Samples of materials
- Sample panels of brickwork, stonework and re-pointing to be prepared and approved.
- Joinery details.
- Metal window details.
- Metal balcony details.
- Submission and approval of a Schedule of Repairs for all existing structures to be retained.
- Details of materials/ colours for all hardstandings, courtyards, pathways and driveways.
- No dwelling units within the New Barn to be occupied prior to the completion of restoration works to the Stables.
- No dwelling units within the blocks containing new apartments 13 -32 to be occupied prior to the completion of restoration works to the Old Kitchens, Old Dairy and Old Brewhouse.'

**4. REPRESENTATIONS**

4.1 None received

**5. CONSIDERATIONS**

**5.1 Site Description**

5.1.1 The application comprises the range of adjoining buildings to the north of Mote House comprising the Stables, the Old Kitchen, the Old Dairy, the Old Brewhouse and Laundry and former racquets court and potting sheds. Mote House and the ear immediately to the east and the Walled Garden some 350m to the east of the main house and an area of existing woodland in between, known as the Pleasure Grounds also form part leased and managed and under development by the applicants.



- 5.1.2 Mote Park, within which the development site sits, is on the Register of Historic Parks and Gardens of England and listed as Grade II. The site sits in a landscaped setting with woodland and parkland trees and Mote House looks out over a large-man-made lake.
- 5.1.3 Mote House and the land and buildings subject to this application are located towards the eastern side of the Park away from Maidstone Town Centre.
- 5.1.4 Vehicular access to the site is from Willington Street located to the east of the site.
- 5.1.5 Mote House is a Grade II\* Listed building and was built for the Earl of Romney between 1793 and 1801, the architect was Daniel Asher Alexander who also designed Maidstone and Dartmoor Prisons as well as a number of Lighthouses for Trinity House and London Docks. Alexander was a pupil of Sir John Soanes, the architect of the Bank of England who was a proto-modernist and gave rise to a school of architecture known as 'Soansian', a key feature being the design of spaces.
- 5.1.6 In addition to Mote House, the Stables (Grade II) and The Old Brewhouse (Grade II) are also individually listed. The Brewhouse actually pre-dates Mote House, being erected in the 15th or 16th Centuries and is an example of a Wealden Hall House. The other buildings pre-dating 1948 within the site are also listed by virtue of being within the curtilage of the listed building.
- 5.1.7 Mote Park and the application site are located within the defined Urban Area of Maidstone as defined in the Maidstone Borough-wide Local Plan 2000.

## **5.2 Proposal**

- 5.2.1 This is an application for Listed Building Consent relating to the conversion of the existing Grade II listed stables, the Grade II listed Brewhouse and the conversion and rebuilding of the former Kitchens and Dairy (curtilage listed due to their age and location relative to Mote House) to form 15 residential units and would also allow the conversion of the former carpenters' shed to provide a further single residential unit.
- 5.2.2 Listed building consent is also sought for the demolition of a number of former potting sheds and ancillary buildings located within the stable yard area which are not considered to be worthy of retention and conversion. Their demolition would facilitate their replacement with new buildings to provide further new-build residential units.

- 5.2.3 The proposals represent Phase 3 of the previously approved development at and adjoining Mote House, with phases 1 and 2 underway and substantially completed. The new-build residential units in the walled garden are complete as is Gatehouse Lodge to the east of Mote House. External works have been undertaken to Mote House and work is shortly due to commence on the interior conversion works. The development is intended to provide residential accommodation for persons over the age of 55 with elements of care as required, a number of facilities for use by residents are also proposed in the scheme.
- 5.2.4 In respect of the Stables and Brewhouse, the proposals include the retention of the existing stone buildings in the stable-yard as they are both buildings of quality, indeed they are separately listed. They are to be converted into apartments for the elderly with a similar approach as used in the main house that aims to retain as much of the original fabric as possible. The original stalls within the stables which are remarkably intact will be refurbished and used for storage by the residents.
- 5.2.5 The extensive works involved will, for example, include the replacement of windows and doors, restoration and repair of stonework and existing walls and repairs to the Stable clock.
- 5.2.6 With regard to The Old Kitchens/Dairy, this building is currently an empty shell in an advanced state of collapse and has no roof. It is proposed to rebuild the old kitchen/dairy in its original form including a shorter version of the original chimney. The internal structure is also of significance. This is characterised by a large hearth which will be retained in the proposed reception area to the health suite which would be accommodated at basement level. The ground floor accommodation is now to be converted to apartments.
- 5.2.7 The opening-up and investigative works undertaken by the applicants have unearthed two previously unknown vaults below the old kitchens. One an ice house is located below the dairy, and a second for hanging carcasses, below the old kitchens. The discovery of these vaults was instrumental in bringing about some of the Phase 3 design changes and has also lead to the previously proposed swimming pool which was to have been located under the Old Kitchen/Dairy being relocated to a site just north of Mote House to enable the vaults to be retained. This revised swimming pool was permitted earlier in 2010.

### **5.3 Impact on the Listed Buildings**

- 5.3.1 Listed Building Consent was granted in 2006 for the conversion of the Stables Brewhouse and Old Kitchens/Dairy and for the demolition of the buildings in the stable yard. No further demolition works are proposed to those previously approved.

- 5.3.2 Given the constraints of the stable block building particularly in the area of the entrance archway that have been identified during investigative works undertaken since the 2006 consent, only five units are now proposed enabling the retention of a greater proportion of the original character of the building. Similarly, in respect of the Old Kitchens and Dairy, the discovery of the underground vaults has necessitated a re-consideration of the uses and configuration of this building that has facilitated the retention of the vaults and the existing hearth.
- 5.3.3 The previously proposed extension to the carpenters/potting shed which would have involved the moving of part of its western flank wall outwards to enlarge the accommodation has now been deleted from the current scheme. I consider this to be an improvement.
- 5.3.4 English Heritage and the Conservation Officer consider that the proposals would cause less than substantial harm to the setting of designated and undesignated heritage assets because the extra units do not extend beyond the confines of the historic service complex.
- 5.3.5 Policy HE9.4 of PPS5 is applicable as the development is not considered to be enabling development because the site is previously developed land within a defined urban area and its development is not contrary to national or local plan policy. Policy HE9.4 of PPS5 states:-
- 'HE9.4 Where a proposal has a harmful impact on the significance of a designated heritage asset which is less than substantial harm, in all cases local planning authorities should:
- (i) weigh the public benefit of the proposal (for example, that it helps to secure the optimum viable use of the heritage asset in the interests of its long-term conservation) against the harm; and
  - (ii) recognise that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss.'
- 5.3.6 Mote House and the associated service complex of buildings are an important heritage asset. The proposed additional development and works now proposed will secure the optimum viable use of these buildings and ensure their long-term conservation.
- 5.3.7 Subject to appropriate safeguarding conditions no objections are raised to the proposals.

## **6 CONCLUSION**

- 6.1 I consider the proposed alterations to the Listed Buildings to be acceptable, subject to appropriate safeguarding conditions as recommended by English Heritage and the Conservation Officer. The proposed works to convert and refurbish the buildings and bring them into a beneficial use will ensure the long term retention of these heritage assets preserving the setting of Mote House and also the Historic Park beyond.

## **7 RECOMMENDATION**

GRANT LISTED BUILDING CONSENT subject to the following conditions:

1. The works to which this consent relates must be begun before the expiration of three years from the date of this consent;

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. 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 internal joinery in the form of large scale drawings.
  - b) New external joinery in the form of large scale drawings.
  - c) Details of metal windows in the form of large scale drawings.
  - d) Details of metal balconies 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 buildings are maintained pursuant to the advice in PPS5.

3. The development shall not commence until the applicant has secured and had implemented a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority;

Reason: To enable the recording of any items of historical or archaeological interest pursuant to the advice in PPS5.

4. The development shall not commence until, a schedule of repairs for all existing structures to be retained has been submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the approved schedule unless otherwise agreed in writing by the local planning

authority.

Reason: To ensure the appearance and character of the listed buildings is preserved pursuant to the advice in PPS5.

5. 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 PPS5.

6. The details of materials submitted pursuant to condition 5 above shall include details of the surface treatment, materials and colours of all hardstandings, courtyards, pathways driveways and access ways within the site. The development shall thereafter be undertaken in accordance with the subsequently approved details except as agreed in writing by the local planning authority.

Reason; To ensure the appearance and character of the buildings is maintained pursuant to the advice in PPS5.

7. No dwelling units within the New Barn permitted under application MA/10/0748 shall be occupied until such time as the restoration works to the Stables have been completed to the satisfaction of the local planning authority and that such approval has been given in writing by the local planning authority.

Reason: To ensure the appearance and character of the listed buildings is preserved pursuant to the advice in PPS5.

8. No dwelling units within the blocks containing new apartments 13-32 permitted under application MA/10/0748 shall be occupied until such time as the restoration works to the Old Kitchens, the Old Dairy and the Old Brewhouse and laundry have been completed to the satisfaction of the local planning authority and that such approval has been given in writing by the local planning authority.

Reason: To ensure the appearance and character of the listed buildings is preserved pursuant to the advice in PPS5.

9. The development shall not commence until sample panels of brickwork, stonework and re-pointing have been provided on site and approved by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details and the approved panels shall be retained on site as a reference until such time as works are completed.

Reason: To ensure the appearance and character of the listed buildings is preserved pursuant to the advice in PPS5.

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

09043/EX(P3)/01, 02, 04-06, 10-16, 09043/LA/(P3)01revA, 09043/GA/P3/01-11, 09043/GA/(A1)/01/, 02, 03, 05, 06, 09043/GA/(A2)/01, 02, 04, 05, 06, 09043/GA/(A3)/01, 02, 04, 09043/GA/A4/01, 02, 04, 05, 09043/GA/A5/01, 02, 04, 05, T/09/776/SK2/P1, SK03/P1, SK04/P1, SK05/P1, SK06/P1, 09043/GA(A2)01, 09043/GA(P3)11 and T/09/T16/ SK02;

Reason: To ensure the quality of the development is maintained and to preserve the character and appearance of the listed buildings pursuant to the advice in PPS5.

The reasons for granting this consent are that proposed works are considered to preserve the building/setting of the building and its special the building and its special architectural and historic features.



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A photograph of a construction site. In the foreground, there is a cleared area with gravel and sparse, dry vegetation. In the middle ground, several large stacks of concrete blocks are visible, each wrapped in blue plastic. The blocks are arranged in a somewhat irregular pattern. In the background, there is a dense line of green trees under a cloudy sky. The number '91' is overlaid on the left side of the image.

92



93

A photograph of a garden area. In the foreground, there is a path or bed of soil with various green and yellow plants, including what appears to be a large green leafy plant on the left. A low stone wall runs across the middle ground, with a red door or gate partially visible on the right side. Behind the wall, there are dense green bushes and trees. The background is filled with more trees under a cloudy sky. The number '93' is overlaid on the left side of the image.

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A long, single-story stone building with a tiled roof. On the left, there is a large arched entrance. The wall is made of rough-hewn stone. There are several smaller arched openings, each with a corrugated metal cover. The number '96' is written vertically on the wall. The building is situated in a courtyard with a cracked concrete floor. The sky is overcast.

97





A photograph of a stone archway in a building. The arch is made of grey stone blocks. A metal gate with vertical bars is partially open, revealing a brick wall and some greenery behind it. The number '98' is printed in black on the left side of the arch. The scene is outdoors with sunlight and shadows.

98

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A photograph of a rural landscape. In the foreground, there is a dense field of green, leafy plants. A dirt path leads from the bottom center towards a large pile of brush and debris in the middle ground. Several tall, thin trees stand around the brush pile. In the background, a simple building with a grey roof is visible through the trees. The sky is overcast and grey.

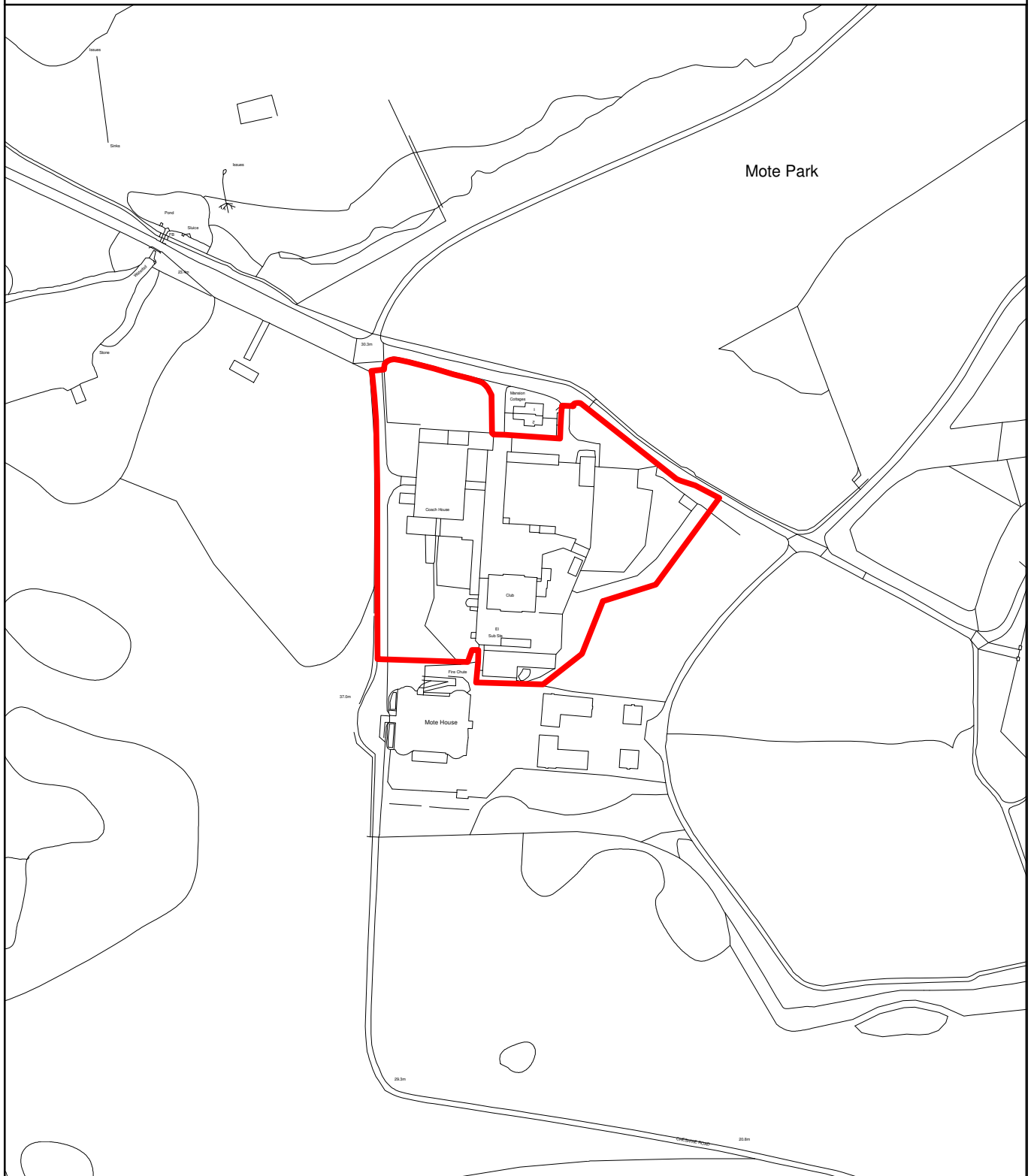
# Agenda Item 16

## THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/10/0748

GRID REF: TQ7855

MAIDSTONE CARE AT HOME SERVICE,  
MOTE HOUSE, MOTE PARK, MAIDSTONE.



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**Rob Jarman**  
**Head of Development Management**

APPLICATION: MA/10/0748 Date: 5 May 2010 Received: 5 May 2010

APPLICANT: Mr N Sanderson, Audley Mote Ltd

LOCATION: MAIDSTONE CARE AT HOME SERVICE, MOTE HOUSE, MOTE PARK,  
PARISH: MAIDSTONE, ME158NQ

PROPOSAL: Amendments to planning permission MA/06/0082 (Conversion of Mote House to an assisted living care home (Class C2) with associated accommodation (15 no. units) and facilities; conversion of existing stables, laundry/brewhouse and kitchens to form 14 no. residential units. Demolition of modern annexe and other modern buildings and replacement with new buildings to provide 24 no. residential units; conversion of existing potting sheds to 1 no. residential unit. Construction of a new gatehouse building to provide 10 no. residential units; construction of 23 no. new residential units within the walled garden; associated landscaping works to all of these and formation of a new kitchen garden within the walled garden) **being phase three class C2 ancillary accommodation variations including the conversion and extension of existing stables, laundry/brewhouse, dairy and old kitchens to form 15 no. accommodation units. Demolition of existing shed and ancillary buildings and replacement of new buildings to provide 21 no. accommodation units. Construction of 14 new accommodation units along the eastern boundary of site and rebuilding of carpenters shed to form 1 no. accommodation unit. Construction of 1 no. new detached accommodation unit adjacent to the carpenters shed. This representing an additional 14 units over and above the existing scheme** as shown on drawing nos. 09043/EX(P3)/01, 02, 04-06, 10-16, 09043/LA/(P3)01revA, 09043/GA/P3/01-11, 09043/GA/(A1)/01/, 02, 03, 05, 06, 09043/GA/(A2)/01, 02, 04, 05, 06, 09043/GA/(A3)/01, 02, 04, 09043/GA/A4/01, 02, 04, 05, 09043/GA/A5/01, 02, 04, 05, T/09/776/SK02/P1, SK03/P1, SK04/P1, SK05/P1, SK06/P1 and Design and Access Statement and Tree survey received 05/05/2010 and as amended by drawing nos. 09043/GA(A2)01, 09043/GA(P3)11 and T/09/T16/ SK02 received 13/08/2010 and confidential financial information received 20/09/2010.

AGENDA DATE: 14th October 2010

CASE OFFICER: Steve Clarke

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

- The Council has a land ownership interest

### **POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV6, T13, CF1  
Government Policy: PPS1, PPS3, PPS5, PPS9, PPS23, PPS25, PPG13

### **1. HISTORY**

1.1 Mote House has an extensive planning history. Prior to the current refurbishment and redevelopment proposals it was used as Leonard Cheshire Home for many years. Planning permission and listed building consent for the current conversion, refurbishment and new-build works were granted in 2006 under the following applications.

- MA/06/0082: Conversion of Mote House to an assisted living care home (Class C2) with associated accommodation (15 no. units) and facilities; conversion of existing stables, laundry/brewhouse and kitchens to form 14 no. residential units. Demolition of modern annexe and other modern buildings and replacement with new buildings to provide 24 no. residential units; conversion of existing potting sheds to 1 no. residential unit. Construction of a new gatehouse building to provide 10 no. residential units; construction of 23 no. new residential units within the walled garden; associated landscaping works to all of these and formation of a new kitchen garden within the walled garden: APPROVED 10/08/2006
- MA/06/0081: An application for Listed Building consent for the conversion of Mote House to an assisted living care home (Class C2) with associated accommodation (15 no. units) and facilities. Conversion of existing stables, laundry/brewhouse and kitchens to form 14 no. residential units; conversion of existing potting sheds to 1 no. new dwelling; demolition of modern annexe and other modern buildings and associated works: APPROVED 11/09/2006

This application is accompanied by an application for Listed Building Consent which is also reported on this agenda.

MA/10/0747: Amendments to listed building consent MA/06/0081 (an application for Listed Building consent for the conversion of Mote House to an assisted living care home (Class C2) with associated accommodation (15 no. units) and facilities. Conversion of existing stables, laundry/brewhouse and kitchens to form 14 no. residential units; conversion of existing potting sheds to 1 no. new dwelling: demolition of modern annexe and other modern buildings and associated works) being phase three class C2 ancillary accommodation variations including the conversion and extension of existing stables, laundry/brewhouse, dairy and old kitchens to form 15 no. accommodation units. Demolition of existing shed and ancillary buildings and replacement of new buildings to provide 21 no. accommodation units. Construction of 14 new accommodation units along the eastern boundary of site and rebuilding of carpenters shed to form 1 no. accommodation unit. Construction of 1 no. new detached accommodation unit adjacent to the carpenters shed. This representing an additional 14 units over and above the existing scheme: UNDETERMINED ON THE PAPERS.

## **2. CONSULTATIONS**

2.1 **Bearsted Parish Council:** (An adjoining Parish): No objections

2.2 **English Heritage:** Has commented as follows:-

`This application proposes amendments to a scheme previously approved (MA/06/0081) for the conversion to assisted living residential units of the complex of predominantly early nineteenth-century service buildings to the north of the grade II\* listed Mote House. The L-shaped stable range at the heart of this group is listed in its own right at grade II, but the complex as a whole should be treated as listed by virtue of being located within the curtilage of the main house.

Along with numerous more minor changes to the approved scheme, the amendments propose an additional fourteen residential units. As the original scheme was not considered to depart from the development plan or national planning policies, it was not treated as enabling development. Your Council will need to determine whether this amended scheme remains in accordance with these planning policies and, if not, it may be necessary to apply the policies on enabling development in PPS5 (HE11). I would be happy to provide further advice on these policies, if required.

Any additional harm to the setting of designated and undesignated heritage assets resulting from the supplementary units is in our view less than substantial because the extra units do not extend beyond the confines of the historic service complex. Policy HE9.4 of PPS5 is therefore applicable if this application is not to be treated as enabling development. English Heritage considers that the effect of the new scheme on the historic environment is still justified under the terms of HE9.4 on the basis of the public benefit of securing the optimum viable use of these heritage assets in the interests of their long-term conservation. We would therefore not object to listed building consent

and planning permission being granted, subject to an additional condition being imposed requiring a method statement for the repair of the two internal gauged brick columns in the former dairy to be submitted to and approved in writing by the Local Planning Authority before any work on the dairy commences.

**Recommendation**

We urge you to address the above issues, and recommend that this application be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice. It is not necessary for us to be consulted again. Please re-consult us if there are material changes to the proposals beyond those necessary to address the issues we have raised. We will then consider whether such changes might lead us to object. If they do, and if your authority is minded to grant consent, you should notify the Secretary of State of this application in accordance with Circular 08/2009.'

- 2.3 **Natural England:** Have advised that they have no comments to make, but have stated that the application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The Council should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.
- 2.4 **Environment Agency:** No objections, but have requested that a condition requiring surface water drainage details to be submitted to alleviate potential flood risk from surface water run-off is imposed.
- 2.5 **Southern Water:** Have confirmed that there is inadequate capacity to provide foul sewage drainage for the development and have advised that additional sewers are required. They have requested that conditions requiring details of foul and surface water drainage are imposed on any permission and that the applicant should be advised to contact them to make a formal application for connection to the public sewer.
- 2.6 **Kent Highway Services:** No objections
- 2.7 **West Kent PCT:** Have requested a contribution of £7,056 towards the provision of primary health care facilities. They have agreed with the applicants that the assumed occupancy rate is 1.4 persons per unit and have applied a requirement of £120/person for a three year period (£360) for the 14 additional units within the application. They have confirmed that the contribution would contribute towards a premises upgrade/development to support Shepway Practice, Maidstone.
- 2.8 **EDF Energy:** No objections
- 2.9 **Southern Gas Networks:** Have advised that there are existing low and medium-pressure gas mains in the vicinity of the site



2.10 **MBC Conservation Officer:** Has commented as follows:-

'Whilst the level of new development previously permitted would be preferable in terms of the impact on the setting of the listed buildings, the current proposals have been the result of extensive pre-application consultation and have been amended in line with recommendations made by officers. If the additional accommodation is necessary in terms of the viability of the scheme as a whole I consider that this additional impact is justified. The minor changes to details of the conversion works are all acceptable in their latest form and the design of new build units is of an appropriate standard. Care has been taken to ensure that the developed area does not extend into the open surroundings and remains within the previously-developed farmyard limits.

Recommendation

It is, therefore, recommended that on heritage grounds NO OBJECTION IS RAISED subject to the following conditions.

Conditions to cover the following matters will be appropriate:-

- Programme of archaeological works to be agreed
- Samples of materials
- Sample panels of brickwork, stonework and re-pointing to be prepared and approved.
- Joinery details.
- Metal window details.
- Metal balcony details.
- Submission and approval of a Schedule of Repairs for all existing structures to be retained.
- Details of materials/ colours for all hardstandings, courtyards, pathways and driveways.
- No dwelling units within the New Barn to be occupied prior to the completion of restoration works to the Stables.
- No dwelling units within the blocks containing new apartments 13 -32 to be occupied prior to the completion of restoration works to the Old Kitchens, Old Dairy and Old Brewhouse.
- Landscaping details.
- Removal of PD Rights.'

2.11 **MBC Environmental Health:** Have no objections to the proposals but have recommended that as a closure report is still awaited, the contaminated land condition previously imposed should remain and not be discharged.

**3. REPRESENTATIONS**

3.1 None received

**4. CONSIDERATIONS**

**4.1 Site Description**

4.1.1 The application site comprises the range of buildings to the north of Mote House including the Stables, the Old Kitchen/ Dairy, the Brewhouse and Laundry and

former racquets court and potting sheds. Mote House and the area immediately to the east and the Walled Garden some 350m to the east of the main house and an area of existing woodland in between, known as the Pleasure Grounds also form part of the site leased from the Council and managed and under development by the applicants.

- 4.1.2 Mote Park, within which the development site sits, is on the Register of Historic Parks and Gardens of England and listed as Grade II. The site sits in a landscaped setting with woodland and parkland trees and Mote House looks out over a large-man-made lake.
- 4.1.3 Mote House and the land and buildings subject to this application are located towards the eastern side of the Park away from Maidstone Town Centre.
- 4.1.4 Vehicular access to the site is from Willington Street located to the east of the site.
- 4.1.5 Mote House is a Grade II\* Listed building and was built for the Earl of Romney between 1793 and 1801, the architect was Daniel Asher Alexander who also designed Maidstone and Dartmoor Prisons as well as a number of Lighthouses for Trinity House and London Docks. Alexander was a pupil of Sir John Soanes, the architect of the Bank of England who was a proto-modernist and gave rise to a school of architecture known as 'Soansian', a key feature being the design of spaces.
- 4.1.6 In addition to Mote House, the Stables (Grade II) and The Old Brewhouse (Grade II) are also individually listed. The Brewhouse actually pre-dates Mote House, being erected in the 15th or 16th Centuries and is an example of a Wealden Hall House. The other buildings pre-dating 1948 within the site are also listed by virtue of being within the curtilage of the listed building.
- 4.1.7 Mote Park and the application site are located within the Urban Area of Maidstone as defined in the Maidstone Borough-wide Local Plan 2000.

## **4.2 Proposal**

- 4.2.1 The proposals include the conversion and/or rebuilding of the existing stables, Brewhouse and Old kitchens/dairy to form a total of 15 apartments, the demolition of existing sheds and ancillary buildings and their replacement with new buildings to provide 21 no. accommodation units, the construction of 14 new accommodation units along the eastern boundary of site, together with the rebuilding of the carpenters shed to form 1 no. accommodation unit and the construction of 1 no. new detached accommodation unit adjacent to the

carpenters shed. This represents an additional 14 units over and above the existing approved scheme. The application relates to Phase 3 of the previously approved development at and adjoining Mote House, with phases 1 and 2 underway and substantially completed. The scheme was discussed informally prior to its submission with both Officers and Members. The justification was stated to be that additional units were required to render the scheme more viable given the current financial climate.

4.2.2 The breakdown of accommodation in this area of the site as previously approved is as follows;

- The Stables: Conversion and refurbishment: 8 units
- The Old Brewhouse and Laundry: Conversion and refurbishment: 4 units
- The Old Dairy: Re-building and conversion: 1 unit
- The Old Kitchens: Re-building and conversion: two-storey health suite and swimming pool
- Existing Potting/Carpenters shed: Conversion 1 unit
- New Barn Building (north side of stable courtyard) 3 Units new-build on the site of existing modern barn to be demolished.
- 'Glasshouse Court': 6 single-storey units new-build on the site of existing potting sheds
- 'Racquets House': 8 apartments new-build on the site of the old racquets court
- Three pairs of two-storey units (south of Racquets House and north of The Old Dairy: 6 units new-build
- New single residential unit south of the Potting/carpenters shed

This would have resulted in the provision of 38 units.

4.2.3 The current application proposes the following changes to the previously approved schedule.

- The Stables: Conversion and refurbishment: Now 5 units
- The Old Kitchens: Re-building and conversion: Now 2 units and treatment rooms below
- Existing Potting/Carpenters shed: Conversion 1 unit: It is no longer proposed to re-site and re-build part of the western flank wall of this building to enlarge the building.
- Site of previously approved 'Glasshouse Court' and 'Racquets House': 21 units in new-build two storey blocks
- Eastern site boundary (replacing previously approved semi-detached units) 14 new-build units comprising one block of 8 units, one block of 4 units and one pair of units.

The changes result in the provision of 52 units an increase of 14.

- 4.2.4 The 3 units on the site of the modern barn would be constructed from a reconstituted rubble stone facing with the first floor in red bricks to match the stables under a natural slate roof. They will be linked to the stables by a smaller building using the same materials.
- 4.2.5 With regard to The Old Kitchens/Dairy, the applicants propose to rebuild the old kitchen in its original form including a shorter version of the original chimney. The ground floor accommodation is now to be converted to apartments. The applicants have un-earthed two previously unknown vaults below the old kitchens. One an ice house is located below the dairy, and a second for hanging carcasses, below the old kitchens. The discovery of these vaults lead to the swimming pool being relocated to a site just north of Mote House to enable the vaults to be retained.
- 4.2.6 The new apartments in the stable yard area have been designed to be complimentary to the stables and echo the feel of former farm buildings. They are designed to create a series of yard spaces, utilizing local vernacular forms and matching traditional local building materials. The new buildings will be partly built from buff brick as used on the new Gatehouse Lodge to the east of Mote House with natural slate roofs or they will have red brick plinths with black-stained weatherboarding above under plain clay tiled roofs. One section of the proposed building that faces the stables along the access road will incorporate an existing stone wall to first floor level. A further section on the west elevation of the new building on the site of the previously approved Racquets House will incorporate an existing stone wall as a plinth.
- 4.2.7 The development as now proposed will result in a series of formal courtyards, largely hard landscaped, between the buildings which will provide space for the parking provision and also allow for circulation between the buildings. Areas of greenery will be located close to the buildings and some of the units will have external patio areas facing into the courtyard areas. Trees will also be planted in the courtyard areas.
- 4.2.8 In terms of the parking proposed, 52 car parking spaces are shown to be provided at a ratio of one per unit, of which 10 will be for disabled access use. This compares with the previously approved 40 spaces. A total of 13 cycle spaces are also proposed.
- 4.2.9 The applicants have agreed Heads of Terms for a contribution to West Kent PCT towards the provision of primary health care facilities. This involves a payment of £7,056 to West Kent PCT which they have indicated would be spent towards a premises upgrade/development at the Shepway Practice located in Northumberland Road.

### **4.3 Principle of Development**

- 4.3.1 The principle of the conversion, re-building/refurbishment and erection of newly built development on this part of the site has been accepted under the previous partially implemented permission and because it is within the developed footprint of the former estate buildings and is 'brownfield.' There have been no significant changes in the material circumstances of the site since the previous planning permission and listed building consents were granted.
- 4.3.2 It is not considered that the development should be considered as enabling development as defined in Policy HE11 of PPS5. The development is taking place in a defined urban area and involves previously developed land which as set out above already has planning permission. It is not therefore a departure from the Development Plan. The original proposals were not considered to be a form of enabling development.
- 4.3.3 The applicant has however advised that this additional development is necessary to underpin the viability of the scheme as a whole. A brief financial statement has been submitted as part of the application. This is attached as an Exempt Appendix.
- 4.3.4 In principle therefore, no objections are raised to the proposed revisions to previously approved development. The development must however, be acceptable in all other respects.

#### **4.4 Design and impact on Listed Buildings**

- 4.4.1 This is the key determining issue in relation to this application. The details of the previously approved design have been retained in respect of the stable block and the other existing buildings to be converted or rebuilt/refurbished. For example, the external stonework of the stables will be repaired, the stable clock restored and the existing stalls within the stable building, which are remarkably intact, will be retained and used as storage space by the residents.
- 4.4.2 However, given the constraints of the stable block building in the vicinity of the entrance archway that were identified during investigative works that were undertaken since the original planning permission and listed building consents were granted, only five units are now proposed enabling the retention of an even greater proportion of the original character of the building.
- 4.4.3 Similarly in respect of the Old Kitchens and Dairy, the discovery of the underground vaults has necessitated a re-consideration of the uses and configuration of this building. The vaults are to be retained an existing large hearth is also to be retained as feature. The ground floor is now to be used as residential accommodation and the lower floors as reception areas. To ensure retention of the vaults the previously proposed swimming pool that was to be

located in the basement of the Old Kitchens has been relocated to an area just north of Mote House. This obtained planning permission earlier this year.

- 4.4.4 The works to the retained buildings remain appropriate in scale, design, materials and detailing, subject to precise details of such matters as external materials including e.g. the provision on site of sample panels of brickwork, stonework and re-pointing, joinery and a precise schedule of repairs being secured by condition.
- 4.4.5 The design of the new units within the stable yard adjacent to the carpenters'/potting shed and just to the north of The Old Dairy remain largely as previously approved in the original applications and remain acceptable. These reflect the style of the various lodges around the park and the detailing of the stables. They are not intended to compete with the main Mote House. They use stonework and eaves and roof detailing similar to the lodges and stables.
- 4.4.6 The greatest change relates to the proposed buildings on the northern and eastern side of the complex. These proposed buildings are now two-storey and comprise a greater footprint than those originally approved. However, they do not extend beyond the original confines of the estate service buildings.
- 4.4.7 The external envelopes of these buildings have also changed. These have now been conceived as complimentary to the stables and echo the style of former farm buildings. They are designed to create a series of yard spaces, utilizing local vernacular forms and matching traditional local building materials, primarily through the use of brick or ragstone plinths and horizontal dark-stained boarding. Their relationship continues the series of small courtyards and spaces around the buildings which is characteristic of this part of the estate service complex.
- 4.4.8 The proposed elements of new development have been carefully considered in relation to their impact on the character of the park and existing heritage assets within and adjoining the site. The new-build works are considered to be of an appropriate scale and form. The palette of materials proposed incorporates local building materials, examples of which are found as close nearby as a group of former agricultural buildings in Wellington Street located close to its junction with School Lane. Precise detailing and materials can be secured through the use of suitable conditions. It is not considered that the development would result in harm to the character and appearance of the surrounding area arising from its scale and design.
- 4.4.9 The stable yard was always screened from the main house and the rest of the park by the yew trees that are still present. These will be retained, although they will be pruned to allow some light down to the ground and improve the shape of

the trees. Elsewhere in the stable yard landscaping will be low key, emphasising the retained stone walls and existing buildings.

4.4.10 The new accommodation units will not have private gardens as the intention is to preserve the farm-yard atmosphere that is so much a part of the character of this group of buildings. Each unit maintains an intimate relationship with the courtyard/space in which it is located. The spaces around are also largely hard-surfaced to continue the theme of a converted agricultural building complex. Some landscaping and trees are however shown.

4.4.11 The indicated detailing of these new apartment buildings and the indicated use of materials is considered to be acceptable. These can be subject to appropriate safeguarding conditions. Precise details of the surface treatment of the courtyard spaces and hard surfaced areas within the site can also be subject to an appropriate condition.

4.4.12 English Heritage and the Conservation Officer consider that the proposals would cause less than substantial harm to the setting of designated and undesignated heritage assets. They are content that no harm arises as the development is restricted to and does not extend beyond the confines of the historic service complex, which is bounded by a series of boundary enclosures and walls which are shown to retained.

4.4.13 Policy HE9.4 of PPS5 is applicable as the development is not considered to be enabling development because the site is previously developed land within a defined urban area and its development is not contrary to national or local plan policy. Policy HE9.4 of PPS5 states:-

'HE9.4 Where a proposal has a harmful impact on the significance of a designated heritage asset which is less than substantial harm, in all cases local planning authorities should:

- (i) weigh the public benefit of the proposal (for example, that it helps to secure the optimum viable use of the heritage asset in the interests of its long-term conservation) against the harm; and
- (ii) recognise that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss.'

4.4.14 Mote House and the associated service complex of buildings are an important heritage asset. The proposed additional development and works now proposed will secure the optimum viable use of these buildings and ensure their long-term conservation.

4.4.15 Whilst clearly more units are to be located in this part of the site than previously proposed and approved, I do not consider that the new-build development will result in harm to the character and appearance of the historic

park or the listed buildings. The essential character of this part of the site as a complex of estate service and farm buildings subservient to the main Mote Park House is retained. Built development will not extend beyond the existing footprint of development in to the historic park beyond.

4.4.16 Subject to appropriate safeguarding conditions I consider that the impact of the development and the proposed design of the various elements on the listed buildings and the historic park as heritage assets is acceptable. This view is shared by the both the Conservation Officer and English Heritage.

#### **4.5 Residential Amenity**

4.5.1 There are two existing tied-cottages in the ownership of the Council located approximately 11m to the north of the proposed new-build two-storey apartments. I do not consider that the development will result in an unacceptable level of amenity for the occupiers of these properties. The proposed buildings come no closer to the flank boundary of the cottages than the previously approved scheme.

4.5.2 There is also an acceptable level of amenity within the proposed development. The proposed courtyard layout is intentionally open with no totally private amenity areas to maintain the feel of the converted farmstead that is sought in the design and layout.

#### **4.6 Highways**

4.6.1 There are no adverse highway implications arising from the current proposals and Kent Highway Services have raised no objections to the development.

#### **4.7 S106 Obligations**

4.7.1 West Kent Primary Care Trust have requested a contribution of £7,056 towards the provision of primary health care facilities to meet the additional demand placed on the provision of medical services by the development. They have agreed with the applicants that the assumed occupancy rate is 1.4 persons per unit and have applied a requirement of £120/person for a three year period (£360) for the 14 additional units within the application. The PCT have confirmed that the contribution would be used for a premises upgrade/development to support the Shepway Practice in Northumberland Road.

4.7.2 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.

The contribution is related to the development, and fair and reasonable in terms of the scale of the requirements to the development. I consider that the provision of the contribution would ensure that the development would provide a suitable level of funding to ensure that any additional strain placed upon the existing health care services and infrastructure within the locality, (the contribution would be used for the upgrading/development at the Shepway Practice), is addressed and is therefore necessary. I therefore consider that the proposal complies with Policy CF1 of the Maidstone Borough-wide Local Plan (2000).

## **5 CONCLUSION**

- 5.1 I consider the proposed alterations to the Listed Buildings to be acceptable, subject to appropriate safeguarding conditions. The proposed works to convert and refurbish the buildings and bring them into a beneficial use will ensure the long term retention of these heritage assets preserving the setting of Mote House and also the Historic Park beyond.
- 5.2 I also consider the increased number of units to be acceptable along with the indicated design and site planning approach to the development

## **6 RECOMMENDATION**

SUBJECT TO:

A: The prior completion of a s106 legal agreement, to secure;

- The payment of a contribution of £7,056 to the West Kent Primary Care Trust for the provision of additional primary healthcare facilities to meet the needs generated by the development to be spent on a premises upgrade/development to support the Shepway Practice at Northumberland Road.

The HEAD of DEVELOPMENT MANAGEMENT BE GIVEN DELEGATED POWER TO GRANT PLANNING PERMISSION subject to the following conditions:

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

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

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

Reason: To ensure a satisfactory appearance to the development pursuant to the advice in PPS1 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 internal joinery in the form of large scale drawings.
  - b) New external joinery in the form of large scale drawings.
  - c) Details of metal windows in the form of large scale drawings.
  - d) Details of metal balconies 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 buildings are maintained pursuant to the advice in PPS5.

4. 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 buildings or land;

Reason: To ensure a satisfactory appearance to the development pursuant to the advice in PPS1 and PPS5

5. 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 and to ensure a satisfactory visual appearance pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000.

6. 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.

7. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction- Recommendations'. The tree protection measures and fencing shown in the Quaife Woodlands Report received 05/05/2010 shall be erected prior to any equipment, machinery or materials being brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

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

8. 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.

9. 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, G & H and Part 2 Class A to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character, appearance and functioning of the surrounding area and the listed buildings pursuant to the advice in PPS1 and PPS5.

10. The development shall not commence until the applicant has secured and had implemented a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority;

Reason: To enable the recording of any items of historical or archaeological interest pursuant to the advice in PPS5.

11. The development shall not commence until, a schedule of repairs for all existing structures to be retained has been submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the approved schedule unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the appearance and character of the listed buildings is preserved pursuant to the advice in PPS5.

12. The details of materials submitted pursuant to condition 2 above shall include details of the surface treatment, materials and colours of all hardstandings, courtyards, pathways driveways and access ways within the site. The development shall thereafter be undertaken in accordance with the subsequently approved details except as agreed in writing by the local planning authority.

Reason; To ensure the appearance and character of the buildings is maintained pursuant to the advice in PPS5.

13. No dwelling units within the New Barn permitted under application MA/10/0748 shall be occupied until such time as the restoration works to the Stables have been completed to the satisfaction of the local planning authority and that such approval has been given in writing by the local planning authority.

Reason: To ensure the appearance and character of the listed buildings is preserved pursuant to the advice in PPS5.

14. No dwelling units within the blocks containing new apartments 13-32 permitted under application MA/10/0748 shall be occupied until such time as the restoration

works to the Old Kitchens, the Old Dairy and the Old Brewhouse and laundry have been completed to the satisfaction of the local planning authority and that such approval has been given in writing by the local planning authority.

Reason: To ensure the appearance and character of the listed buildings is preserved pursuant to the advice in PPS5.

15. The development shall not commence until sample panels of brickwork, stonework and re-pointing have been provided on site and approved by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details and the approved panels shall be retained on site as a reference until such time as works are completed.

Reason: To ensure the appearance and character of the listed buildings is preserved pursuant to the advice in PPS5.

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

09043/EX(P3)/01, 02, 04-06, 10-16, 09043/LA/(P3)01revA, 09043/GA/P3/01-11, 09043/GA/(A1)/01/, 02, 03, 05, 06, 09043/GA/(A2)/01, 02, 04, 05, 06, 09043/GA/(A3)/01, 02, 04, 09043/GA/A4/01, 02, 04, 05, 09043/GA/A5/01, 02, 04, 05, T/09/776/SK2/P1, SK03/P1, SK04/P1, SK05/P1, SK06/P1, 09043/GA(A2)01, 09043/GA(P3)11 and T/09/T16/ SK02;

Reason: To ensure the quality of the development is maintained and to preserve the character and appearance of the listed buildings pursuant to the advice in PPS5.

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.



6

120



121





1222



123



1224





125

126



127

A photograph of a long, single-story brick building with a weathered, multi-colored roof. The building is surrounded by tall grass and weeds in the foreground, and a gravel area to the right. In the background, there are dense trees and a taller building with a tower. The number '127' is overlaid vertically on the left side of the image.



128



129



130

A photograph of a construction site. In the center-right, there are several stacks of concrete blocks, each wrapped in blue plastic. The blocks are arranged in a somewhat rectangular formation. The ground in the foreground is a mix of light-colored gravel and sparse, dry-looking vegetation. In the background, there is a dense line of green trees under a cloudy sky. A chain-link fence is visible behind the concrete blocks. The number '130' is printed vertically on the left side of the image.

131



132

A photograph of a rural property. In the foreground, there is a stone wall partially covered in ivy. To the right, a red door is visible. The background is filled with lush green trees and a cloudy sky. The number '132' is overlaid on the left side of the image.



133



134

135

A long, single-story stone building with a tiled roof, featuring several arched openings and windows. The building is situated in a courtyard with a paved ground. A large archway is on the left, and a blue door is on the right. The number '135' is written vertically on the wall.

136





137



138



139

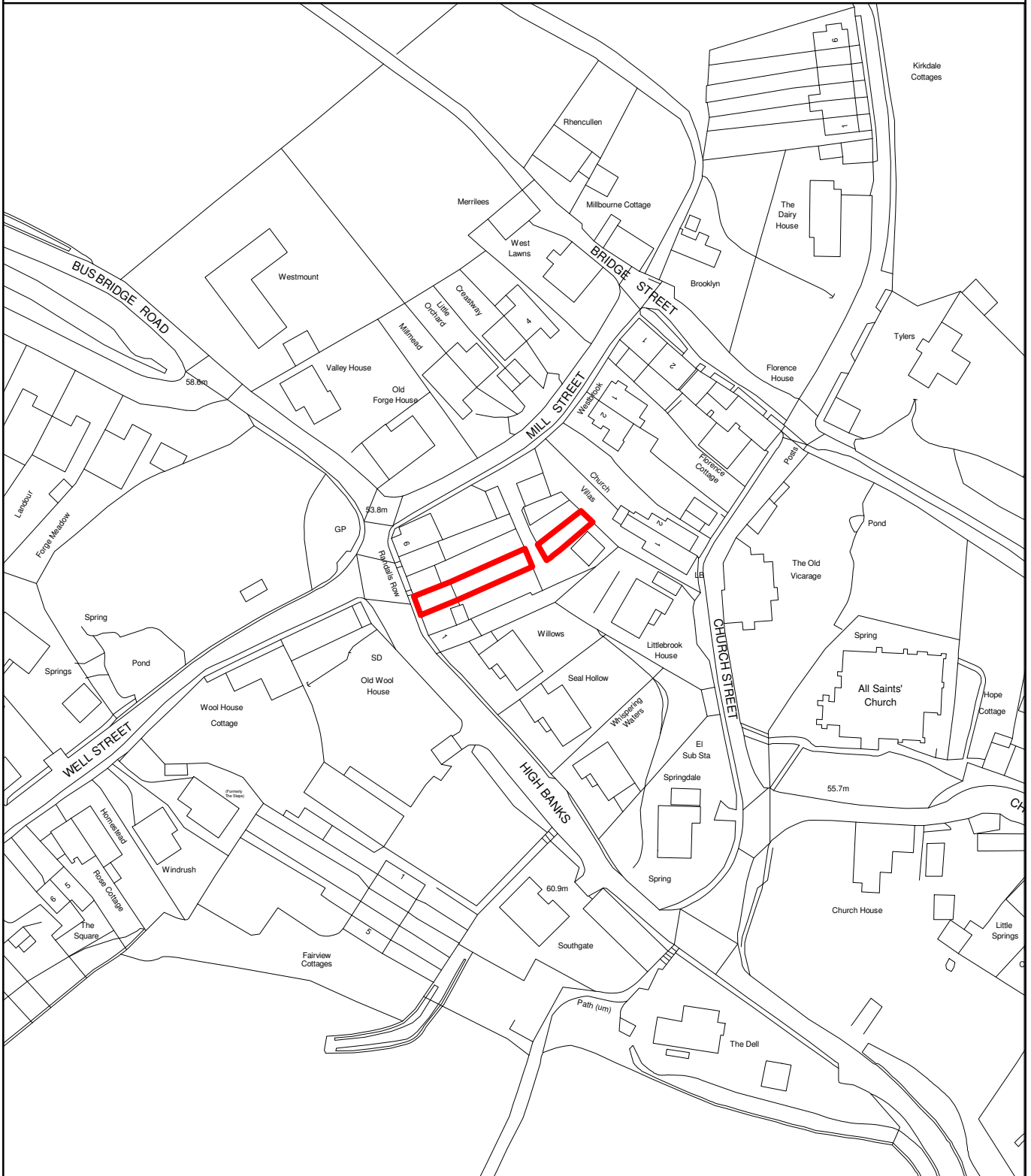


# THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/10/0791

GRID REF: TQ7552

**3 RANDALLS ROW,  
HIGH BANKS, LOOSE.**



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**Rob Jarman**  
**Head of Development Management**

APPLICATION: MA/10/0791 Date: 6 May 2010 Received: 16 August 2010

APPLICANT: Mr P Bradley

LOCATION: 3, RANDALLS ROW, HIGH BANKS, LOOSE, MAIDSTONE, KENT,  
ME15 0EG

PARISH: Loose

PROPOSAL: An application for listed building consent for erection of single storey rear extension (re-submission of MA/09/0726) as shown on drawing number(s) 05 rev A, 07 Rev A, 10 and 08 Rev A and a site location plan upon drawing no. 01 Rev A received on 10/05/10, drawing no. 09 Rev B received on 16/08/10, drawing no. 01 Rev B received on 23/07/10 and a Heritage Statement received on 21/07/10.

AGENDA DATE: 14th October 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 Sherreard has requested it be reported for the reason set out in the previous Committee report

## **POLICIES**

Government Policy: PPS5.

### **1. HISTORY**

- 1.1 See previous Committee report. Planning application MA/10/0790 for a single storey rear extension was approved by Members at Planning Committee on 23<sup>rd</sup> September 2010.

### **2 CONSULTATIONS**

- 2.1 Please see the previous Committee report and Urgent Update for details of the original comments received. At the previous Planning Committee meeting, Members sought a detailed analysis of the proposal by the Conservation Officer. The following comments have therefore been received since the previous Committee meeting:

## 2.2 Maidstone Borough Council Conservation Officer:

“3 Randall’s Row is part of a Grade II listed terrace of 5 cottages dating from the late 18<sup>th</sup> century. It lies within Loose Valley Conservation Area with a number of other listed buildings located nearby.

The extension is proposed to the rear of the property. A number of the dwellings in this terrace have had rear extensions approved in the past, most notably numbers 1 & 5 Randall’s Row, both in 1994. The current extension to 3 Randall’s Row was found to be lawful in 1981 under a Section 53 Determination (MA/81/0871). On conservation grounds, we do not object to the principle of extensions to listed buildings.

The applicants submitted plans for approval of a glazed extension of modern design in 2009 (MA/09/0727 & MA/09/0726), which we recommended for refusal on conservation grounds because we considered the design and form to be out of keeping with the character of the house. We then were involved in on-site pre-application discussions along with a planning officer. This application responds directly to the recommendations we made during those discussions by bringing down the height and depth of the extension while simplifying the details.

There is a great deal of precedent for allowing an extension of modern appearance to a listed building, provided its installation does not negatively affect the special interest of the building, such as involving the unacceptable removal of historic fabric or being of a scale which dominates the listed building. Indeed a suitable modern approach can be viewed as the more “honest” intervention in that it does not present a pastiche of the original. We have recommended approval of extensions with a modern approach even to listed buildings of a higher grade, such as at Grade II\* Blue House in East Sutton (MA/07/1944).

Paragraph 178 of the PPS5 Practice Guide states as follows:

*The main issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, use, relationship with adjacent assets, alignment and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be acceptable for new work to dominate the original asset or its setting in either scale, material or as a result of its siting.*

We considered this guidance carefully when we determined to raise no objection to the current proposal subject to conditions.

We felt that the limitations of the site would make a more traditional approach difficult, as an increase in height would be required to accommodate a traditional pitched roof, thus increasing bulk and further impacting the neighbours. Crucially in this case, the proposed glazed extension would be attached to an existing extension which is not considered to be of historic significance due to its age and character; it

therefore does not require the removal of any historic fabric of 3 Randall's Row. The historic appearance of the ground floor of the building has been entirely lost already by virtue of the existing extension. The modestly-proportioned extension proposed is of a simple, modern design which, in our view, does not compete with the existing Grade II listed building and can be easily read as a modern element. In our view, it is in line with the recommendations of PPS5.

The issue of double glazing in listed buildings is an important consideration. As described in the PPS5 Practice Guide (paragraph 152), "*Doors and windows are frequently key to the significance of a building...Secondary glazing is usually more appropriate than double-glazing where the window itself is of significance.*" As the proposed new windows to the rear of 3 Randall's Row are in a sense replacing the existing modern windows of no great significance, we do not view secondary glazing as the only suitable approach in this case.

Furthermore, the very first policy in PPS5 (HE1.1) addresses concerns over climate change, stating:

*Local planning authorities should identify opportunities to mitigate, and adapt to, the effects of climate change when devising policies and making decisions relating to heritage assets by seeking the reuse and, where appropriate, the modification of heritage assets so as to reduce carbon emissions and secure sustainable development. Opportunities to adapt heritage assets include enhancing energy efficiency, improving resilience to the effects of a changing climate, allowing greater use of renewable energy and allowing for the sustainable use of water.*

While it continues to be our practice to resist the installation of double glazing in existing parts of a listed building, suitably-designed double glazed units have been permitted in some historic buildings, most often in new extensions or conservatories with large amounts of glazing. This approach is, to some extent, an attempt to help satisfy Building Regulations on thermal performance. It is also in line with recommendations in PPS5 policy HE1.1 on improving the efficiency of historic buildings without damaging the character of the older parts.

In recent cases, we have approved the use of a modern type of double glazing often referred to by the company name "Slimlite". The thin gap (6 mm) of these units improves thermal efficiency and reduces carbon output while minimising the impact of the double reflection often considered out of keeping with the character of many heritage structures. Their reduced size also avoids the heavy timber sections usually required by more conventional double glazing.

For example, at Grade II listed East Farleigh House, such double glazing was permitted to the orangerie approved in MA/08/0725 (conditions MA/09/2105). A similar approach was taken at Pollehill Farmhouse in Detling, also Grade II listed, where an orangerie and another extension replaced modern extensions which were

not considered in keeping with the character of the building (MA/08/2194, conditions MA/09/1805).

In the current application, we view the approval of "Slimlite" double glazing – for this extension only – as being an acceptable compromise between the need to protect the special character of the building and the need respond to sustainability concerns. We have recommended a joinery condition so that we can further review the details of the windows with reference to their character and design quality.

As a result of the above, on balance we do not object on heritage grounds to the current applications for the proposed glazed extension at 3 Randall's Row".

### **3. REPRESENTATIONS**

3.1 See previous Committee report and Urgent Update.

### **4. BACKGROUND**

4.1 This application was considered by Members at the Planning Committee on 23<sup>rd</sup> September 2010. Members resolved to defer the application and sought detailed comments from the Conservation Officer and the Conservation Officer's attendance at the Planning Committee meeting.

4.2 This application also follows the refusal of application MA/09/0726, which was refused on the following grounds:

"The proposed conservatory by virtue of its design, in particular, the pitched roof and double glazing would cause significant harm to the character, appearance and form of the listed building and would detract from the traditional and historic appearance of a terrace of listed buildings, contrary to policy BE6 of the South East Plan 2009 and advice contained within PPG15: Planning and the Historic Environment".

4.3 Subsequent to the previous refusal, the applicant sought pre-application advice upon the acceptability of a revised scheme. An informal meeting was held on site on 7<sup>th</sup> December 2009, with a Planning Officer and a Conservation Officer and a detailed letter providing informal advice was written to the applicant upon 9<sup>th</sup> December 2009. This proposal is in line with the Listed Building advice contained within the said letter. A copy of the pre-application advice is attached as an Appendix. (This was submitted with the application).

## **PLANNING CONSIDERATIONS**

### **5. SITE AND SITUATION**

5.1 The application site contains an eighteenth century, Grade II Listed, mid-terraced cottage. The front elevation is constructed of red brick in Flemish Bond to the ground floor and white weatherboarding to the first floor, under a plain tiled roof. A rendered rear extension was added prior to 1981, having accommodation upon two floors. Nos. 1-5 within the row are all Grade II Listed, although the end cottage, to the north, known as Forge Cottage, is not listed. The site is located within Loose Conservation Area and the village envelope of Loose. It also falls within an Area of Local Landscape Importance.

### **6. PROPOSAL**

6.1 Listed Building Consent is sought for the erection of a single storey rear extension. The extension would have a footprint of approximately 4m x 2.5m. Its walls would be rendered and it would have a flat, felt roof with a raised rooflight.

6.2 This application follows the refusal of application MA/09/0726, which was refused upon the grounds of the impact upon the Listed Building and Listed terrace. The full reason for refusal is given above.

6.3 The main differences between the previous scheme and this scheme are that the proposal has been reduced in scale, from a maximum height of approximately 3.5m to 3m and from a maximum depth of approximately 3.8m to 2.5m. Also, the pitched roof has been replaced by a flat roof.

### **7. HISTORICAL IMPACT**

7.1 Further comments have been received from the Conservation Officer, which are included in full above. These comments clearly set out why the Conservation Officer considers that the development would not cause significant harm to the Grade II Listed Building.

7.2 As previously stated, this development would be of a small scale and would be attached to a modern extension. It would not destroy the form of the original historic building, because it would not be attached to it. It would not dominate the existing building in either scale or position and it would not result in the loss of historic fabric. PPS5 does not resist the principle of modern extensions to Listed Buildings, and, as stated by the Conservation Officer, in this case a traditional extension (with a steeply pitched roof) would not be appropriate, as this would be of a greater scale, mass and impact upon both the Grade II Listed Building and adjoining properties. The modern design is simple and due to its low height and



limited depth, the extension would not compete with the existing building, but could be read separately.

- 7.3 The height, massing and bulk of the proposal would be relatively low and, on balance, it is considered that it would not cause significant harm to the Grade II Listed Building, or the listed terrace, in these regards.
- 7.4 Conditions regarding joinery and materials (including the use of lead for the roof) would ensure a good quality of development and appropriate finish. This would ensure that the quality and appearance of the building and the terrace are preserved.
- 7.5 The design, including the flat roof, use of render and use of double glazing is all in accordance with pre-application advice, which was sought by the applicant after the previous refusal.

## **8. CONCLUSION**

- 8.1 Taking all of the above into account, and also the comments within the previous Committee report and Urgent Update, it is concluded, on balance, that the previous reason for refusal has been addressed and that the proposal would not result in significant harm to the character, appearance or setting of the Grade II Listed Building or to the historic environment and Conservation Area.
- 8.2 Approval is therefore recommended.

## **RECOMMENDATION**

GRANT LISTED BUILDING CONSENT subject to the following conditions:

1. The works to which this consent relates must be begun before the expiration of three years from the date of this consent;

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall not commence until full details of new external and internal joinery, in the form of large scale drawings, 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.

Reason: To preserve the setting, character and appearance of the Grade II Listed building and the Conservation Area, in accordance with PPS5.

3. The development shall not commence until full details of the render mix and colour of the finish of the extension 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.

Reason: To preserve the setting, character and appearance of the Grade II Listed building and the Conservation Area, in accordance with PPS5.

4. Notwithstanding the details submitted in section 14 of the application form received on 10th May 2010, the roof of the extension hereby permitted shall be constructed of lead and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To preserve the setting, character and appearance of the Grade II Listed building and the Conservation Area, in accordance with PPS5.

#### **Informatives set out below**

Joinery details should show flush casements, with no more than 6mm double glazing.

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.

MA / 10 / 0791

Appendix 1



Mr & Mrs P Bradley  
3 Randall Row  
Loose  
Maidstone  
Kent ME15 0EG

David Petford  
Chief Executive  
David Edwards  
Director of Change &  
Environmental Services  
Alison Broom  
Director of Prosperity  
& Regeneration  
Zena Cooke  
Director of Resources  
& Partnerships

Date: 09 December 2009  
My ref 420/124 (Randalls Row)  
Your ref: N/A

Maidstone House  
King Street  
Maidstone ME15 6JQ  
t 01622 602000  
w [www.digitalmaidstone.co.uk](http://www.digitalmaidstone.co.uk)  
Minicom 01622 602224

Dear Mr & Mrs Bradley,

**TOWN AND COUNTRY PLANNING ACT 1990**  
**LOCATION: 3 Randalls Row, Loose, Maidstone**  
**PROPOSAL: Erection of a rear conservatory**

I write to you following the meeting held at your property on 07 December 2009 with yourself, the Council's Conservation Officer Michelle Sadlier and Planning Officer Laura Gregory.

As you are aware, planning permission for the erection for a conservatory on your property was refused under MA/07/0727 for the following two reasons: -

*1) The proposed conservatory by virtue of its design, in particular, the pitched roof and double glazing would cause significant harm to the character, appearance and form of the listed building and would detract from the traditional and historic appearance of a terrace of listed buildings, contrary to policy BE6 of the South East Plan 2009 and advice contained within PPG15: Planning and the Historic Environment.*

*2) The proposed conservatory by virtue of its depth and height, attached to an existing extension would cause an unacceptable overbearing impact on both of the adjoining neighbour's private area of garden, much to the detriment of the residential amenity of the neighbouring properties, contrary to policy CC6 of the South east Plan and advice contained within Supplementary Planning Document: Residential Extensions adopted May 2009.*

Following our site visit and having examined the amended proposal I have the following comments to make.

The proposed design is appropriate and acceptable. The reduced amount of glazing and proposed flat roof with roof light above is more sympathetic to the character and form of the dwelling and the traditional and historic appearance of the terrace would be conserved and protected.

On the subject of glazing, as discussed on site, the use of double glazing in listed buildings and Conservation Areas is generally considered unacceptable because of the visual harm it has on the historic appearance of the property. However, on further consideration, given that the extent of glazing proposed has been reduced, and the modern design of the extension clearly distinguishes it from the rest of the listed building I consider that that double glazing or similar products would now be acceptable although I would advise that the two window panes should be very close together, to ensure that the glazing appears in keeping with the main building.

In terms of the of materials finish, I would be happy with either feather-edged weatherboarding or rendering. Although the weatherboarding located along boundaries may have some building control issues which you may wish to investigate further. The Building Control team can be contacted on 01622 60701.

To help the design harmonise a bit more effectively with the historic environment, I have the following recommendations:

- 1) Bring the door glazing to the full length of the door rather than inserting a solid panel at the bottom;
- 2) To line up all of the elements of all of the rear windows, use a dummy casement in the centre;
- 3) To ensure that the details along the roof and wall junction complement the character of the listed building, be sure to provide large scale, detailed drawings with the application.

Provided that these recommendation are taken heed of, I do not raise any objection to the proposal.

On the issue of the impact upon the residential amenity of the adjoining properties, I note that whilst it is now proposed to build the conservatory 700mm from the boundary with No 4 Randalls Row and that the overlooking windows have been removed, the combined depth of the proposed extension and the extension is still unacceptable. I am happy to accept a garden room extension on your property but in view on the impact upon the adjoining dwellings I strongly advise that the combined depth of the rear extensions on your property does not exceed 5m in depth. At this depth and with the proposal to step extension 400mm below the existing floor level, I consider that the overbearing impact on the two adjoining properties would be satisfactorily overcome.

I trust that this letter provides a fair summary of what was discussed. I would stress that the views expressed by the officer at the meeting were informal and do not bind the Members of the Council to any particular course of action or decision.

This letter relates to planning matters only and you are reminded of the need to ensure that you have all other necessary consents before proceeding with any development. In particular you are advised to ensure that your proposals conform to the Building Regulations. Advice can be obtained from the Environmental Health & Building Surveying Manager at the above address. If the

works you propose affect the public highway you are likely to require consent under the Highways Act. Advice can be obtained from the Highways Manager at Kent Highways Services, Doubleday House, St. Michael's Close, Aylesford, Kent ME20 7BU.

If you require further assistance please write again or contact the officer detailed below.

Yours Sincerely,



for Director of Prosperity and Regeneration

**Contact:** Laura Gregory

**t** 01622 602490 **f** 01622 602972

**e** [lauragregory@maidstone.gov.uk](mailto:lauragregory@maidstone.gov.uk)

APPLICATION: MA/10/0791 Date: 6 May 2010 Received: 16 August 2010

APPLICANT: Mr P Bradley

LOCATION: 3, RANDALLS ROW, HIGH BANKS, LOOSE, MAIDSTONE, KENT,  
ME15 0EG

PARISH: Loose

PROPOSAL: An application for listed building consent for erection of single storey rear extension (re-submission of MA/09/0726) as shown on drawing number(s) 05 rev A, 07 Rev A, 10 and 08 Rev A and a site location plan upon drawing no. 01 Rev A received on 10/05/10, drawing no. 09 Rev B received on 16/08/10, drawing no. 01 Rev B received on 23/07/10 and a Heritage Statement received on 21/07/10.

AGENDA DATE: 23rd 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 Sherreard has requested it be reported for the reason set out in the report

## **POLICIES**

Government Policy: PPS5.

### **1.0 HISTORY**

- 1.1 09/0727 and 09/0726 Erection of a single storey rear conservatory (planning and listed building consent applications) – Refused.
- 1.2 These applications were refused for the following reasons:
1. The proposed conservatory by virtue of its design, in particular, the pitched roof and double glazing would cause significant harm to the character, appearance and form of the listed building and would detract from the traditional and historic appearance of a terrace of listed buildings, contrary to policy BE6 of the South East Plan 2009 and advice contained within PPG15:Planning and the Historic Environment.
  2. The proposed conservatory by virtue of its depth and height, attached to an existing extension would cause an unacceptable overbearing impact on both of

the adjoining neighbour's private area of garden, much to the detriment of the residential amenity of the neighbouring properties, contrary to policy CC6 of the South east Plan and advice contained within Supplementary Planning Document: Residential Extensions adopted May 2009. (planning application only).

- 1.3 The policies of the South East Plan and PPG15 referred to in the reasons for refusal are no longer in existence, however, the issues referred to are still covered in the policies listed above and are discussed below.
- 1.4 07/0967 Erection of shed/workshop – Approved
- 1.5 01/0386 and 01/0388 Creation of hardstanding for car and base for summerhouse (planning and Listed Building Consent applications) – Approved
- 1.6 81/0871 Conservatory – Approved

## **2.0 CONSULTATIONS**

**2.1 Loose Parish Council:** wishes to see the application refused. The Parish Council agreed that they see no reason to change their stance from last time (applications MA/09/0726 and MA/09/0727). The unsympathetic nature of the proposed plans to a Listed Building, and within the beautiful Conservation Area of Loose, was considered to be unacceptable, as was the overshadowing factor to the neighbouring properties. Strongly urge consideration of the overwhelming effect this added extension will have on the quaint row of historical cottages in Loose.

- These applications are felt to be unsympathetic and unacceptable to a listed historical building, which is situated within the Conservation area of Loose.( contrary to PPG15 section 3.3, 3.13, 3.14)
- The property is being robbed of its current aesthetic character. (PPG15).
- There are major concerns for the overshadowing effect this extension will have on neighbouring properties. (see PPS1 document points 34 & 38 in particular).
- It is felt this extension will have an overwhelming effect to the quaint row of historical cottages.
- This development neither preserves nor enhances the special character of the area.

The Parish Council would also like to point out that items 5&6 on the supplementary statement supplied in relation to heritage asset, clearly fails.

"5. By not affecting the sensitive elements of the heritage asset or its setting"- It is felt that this application clearly does affect the sensitive elements, as this property is listed, within a conservation area, and is situated within an area as designated 'article four'.

"6. By having an appropriate scale and detailing"- It is felt that the scale and style is out of keeping with the size and historical significance of the existing building.

Please consider carefully the effect this development will have; to the building itself which has historical significance within the Conservation Area of Loose, and to local residents.

(Officer comments: PPG15 has now been replaced by PPS5. The proposal is discussed in relation to PPS5 below).

**2.2 Maidstone Borough Council Conservation Officer:** Wishes to see the application approved, subject to conditions regarding joinery and render mix and colour.

### **3.0 REPRESENTATIONS**

#### **3.1 Councillor Sherreard:**

"I have a few deep concerns regarding the impact that the proposed development will have on the neighbouring properties especially considering that all buildings concerned are listed.

Due to the previous development history on this site I feel that any further changes would have a dire effect on privacy and sunlight for the neighbours properties contrary to CC6 of the South East Plan.

I also do not feel that the new application satisfies the reasons for the previous refusal and in fact still runs contrary to BE6 of the South East Plan and PPG 15 – the character of listed buildings.

I know that you have already been made aware that there are also inaccuracies within the application drawings.

Therefore I respectfully ask that you consider refusing this application, however if you are minded to approve it may I request that this is sent to the planning committee".

(Officer comments: The South East Plan and PPG15 have now ceased to be in effect. However, the impact in respect of the now relevant policies in relation to these issues is discussed below. The issue regarding the inaccuracy of the block plan has now been addressed, through the submission of an amended block plan).

**3.2 Neighbours:** Objections have been received from three neighbouring properties. These raise a number of objections, namely:

- Impact upon the historic environment, including impact upon the Grade II Listed Building, the Listed terrace and the Conservation Area
- Impact upon the Area of Local Landscape Importance
- Residential amenity, including loss of light, overshadowing, overbearing, loss of privacy, outlook and light pollution



- Impact on drains
- Design
- Scale

## **PLANNING CONSIDERATIONS**

### **4.0 SITE AND SITUATION**

4.1 The application site contains an eighteenth century, Grade II Listed, mid-terraced cottage. The front elevation is constructed of red brick in Flemish Bond to the ground floor and white weatherboarding to the first floor, under a plain tiled roof. A rendered rear extension was added prior to 1981, having accommodation upon two floors. Nos. 1-5 within the row are all Grade II Listed, although the end cottage, to the north, known as Forge Cottage, is not listed. The site is located within Loose Conservation Area and the village envelope of Loose. It also falls within an Area of Local Landscape Importance.

### **5.0 PROPOSAL**

5.1 Listed Building Consent is sought for the erection of a single storey rear extension. The extension would have a footprint of approximately 4m x 2.5m. Its walls would be rendered and it would have a flat, felt roof with a raised rooflight.

5.2 This application follows the refusal of application MA/09/0726, which was refused upon the grounds of the impact upon the Listed Building and Listed terrace. The full reason for refusal is given above.

5.3 The main differences between the previous scheme and this scheme are that the proposal has been reduced in scale, from a maximum height of approximately 3.5m to 3m and from a maximum depth of approximately 3.8m to 2.5m. Also, the pitched roof has been replaced by a flat roof.

## **CONSIDERATIONS**

The key issue relating to this proposal is the impact upon the character and appearance of the Grade II Listed Building and the historic environment.

### **6.0 Historical Impact**

6.1 PPS5 seeks the conservation of heritage assets in a manner appropriate to their significance.

6.2 The building is a designated heritage asset, because it is Grade II Listed and also part of a Conservation Area.

- 6.3 The applicant submits that the key elements of the sensitivity of the building are the principal (front) elevation to High Banks, the main roof form to all elevations, (including dormers and materials) and the setting and sense of place to High Banks. I agree with this assessment. The front elevation of the terrace maintains much of its historical character and the appearance of its frontage and its situation within the narrow High Banks gives it a good sense of place.
- 6.4 To the rear elevation, to my mind, a lot of the original character of this building has already been lost due to the existing, unsympathetic extension. The scale of this particular building has already been substantially altered by the said extension. (The small scale of the cottages may be said to be a key feature of some of the other cottages).
- 6.5 The proposed extension is of a simple design and I consider that the following may be said in its support: -
- It would be of a small scale. Its footprint would be only approximately 4m wide x 2.5m deep and its maximum height approximately 3m. Whilst I accept that the cottage itself is relatively small, I nevertheless consider it to be a subservient addition to the existing house.
  - It would have no direct intervention with the original historic structure. It would simply be attached to a modern, and, in my opinion, unsympathetic extension.
  - It would maintain the existing main roof form to the terrace as a whole, which is a positive feature of the terrace in general.
  - It would generally not be visible in the public realm. It would not be visible from High Banks, as it would be to the rear and to Mill Street (to the north west), there is an existing wall and close-boarded fence, which prevents views of the ground floor of the rear of the building. An existing garage to the south-east of Mill Street also prevents clear views.
- 6.6 Importantly, it is also noted that the Conservation Officer raises no objection to the proposal.
- 6.7 As stated, the proposal is of no particular aesthetic merit. However, it is of a simple design, and small scale and although it would be modern in appearance, it would not be attached to the original historic structure. Whilst double glazing is not to be encouraged in listed buildings, the new windows would be to an extension which is clearly modern in appearance and not within the original building. A joinery condition can be attached to ensure high quality joinery details. As stated, given the scale, the extent to which it would be visible in the public realm and the Conservation Officer's comments, the design is, on balance, considered acceptable. The use of render is in keeping with the existing rear extension.

6.8 The previously refused proposal was for a different design and included a pitched roof. Given the points above and the changes proposed to the design, it is considered that the previous reason for refusal has been addressed and that the use of double glazing in this extension of the proposed design would not, on its own justify a refusal which would be sustainable at appeal.

6.9 Taking all of the above into account, it is concluded, on balance, that the impact upon the heritage environment (including the impact upon the Grade II Listed Building, its setting, the Listed terrace as a whole and the Conservation Area) is acceptable.

#### 7.0 Other Issues

7.1 Drainage/the position of mains drains is an issue which is dealt with under the Building Regulations.

7.2 Concerns have been expressed as to the precedent this would cause. As Members will be aware, each case must be assessed upon its own merits. I have assessed this application upon its own merits.

7.3 The impact upon residential amenity and the Area of Local Landscape Importance are not Listed Building issues (they are planning issues).

#### 8.0 CONCLUSION

8.1 Taking all of the above into account, it is concluded, on balance, that the previous reason for refusal has been addressed and that the proposal would not result in significant harm to the character, appearance or setting of the Grade II Listed Building or to the historic environment and Conservation Area.

8.2 Approval is therefore recommended.

#### **RECOMMENDATION**

GRANT LISTED BUILDING CONSENT subject to the following conditions:

1. The works to which this consent relates must be begun before the expiration of three years from the date of this consent;

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall not commence until full details of new external and internal joinery, in the form of large scale drawings, 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.

Reason: To preserve the setting, character and appearance of the Grade II Listed building and the Conservation Area, in accordance with PPS5.

3. The development shall not commence until full details of the render mix and colour of the finish of the extension 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.

Reason: To preserve the setting, character and appearance of the Grade II Listed building and the Conservation Area, in accordance with PPS5.

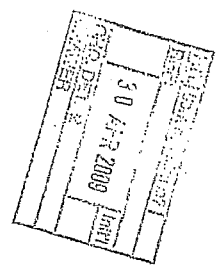
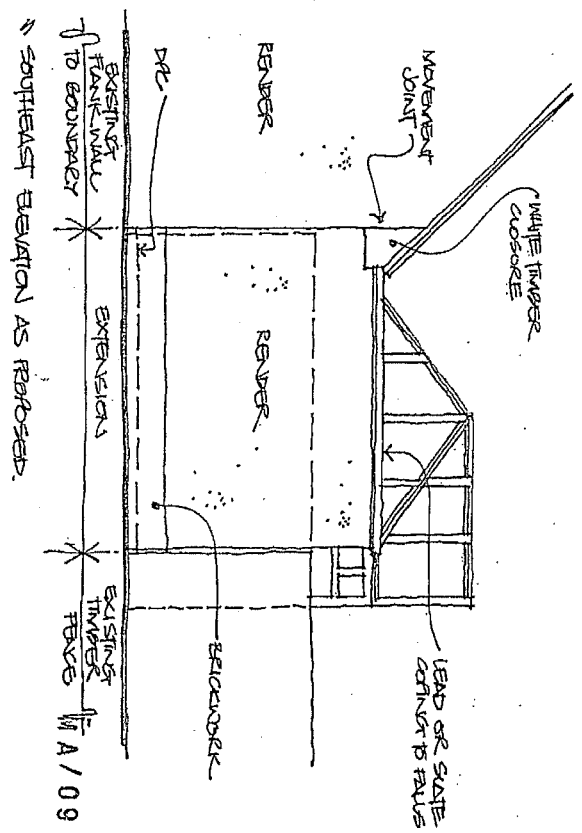
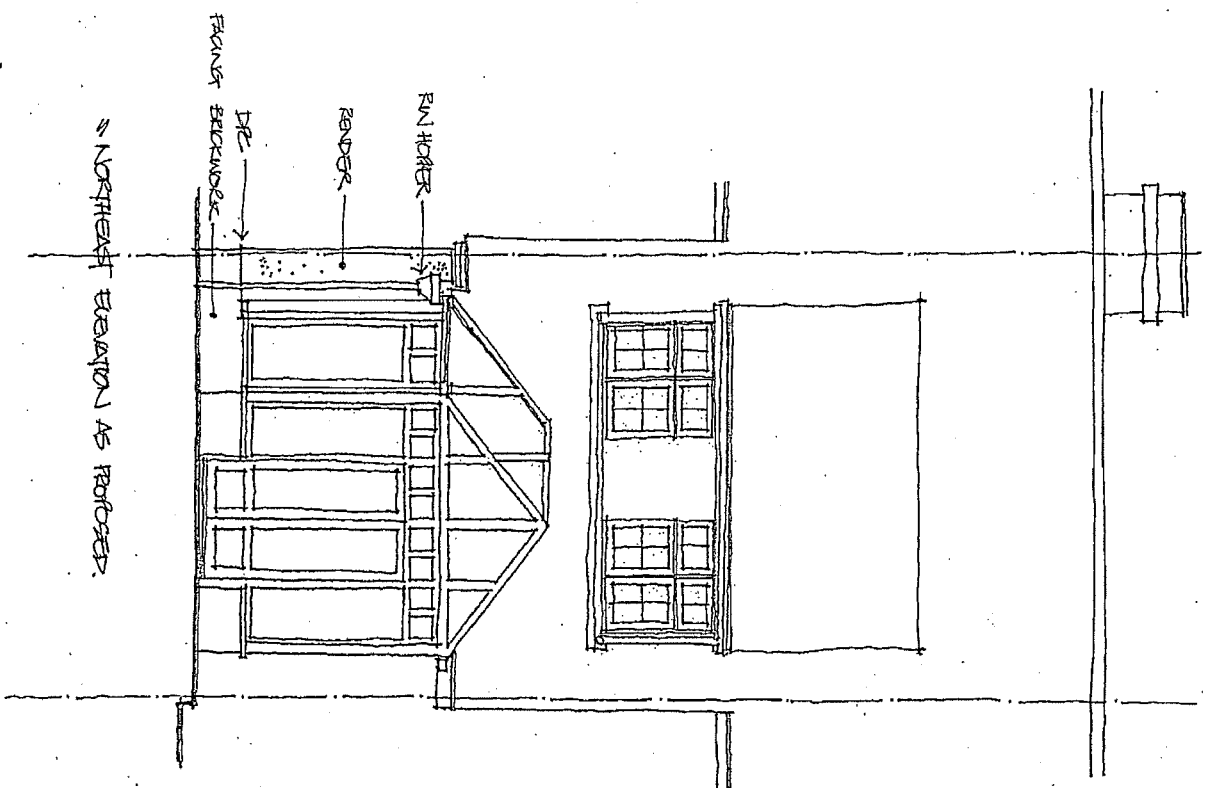
#### **Informatives set out below**

Joinery details should show flush casements, with no more than 6mm double glazing.

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.

MA/10/0791

APPENDIX 1 - PREVIOUS SHEETS

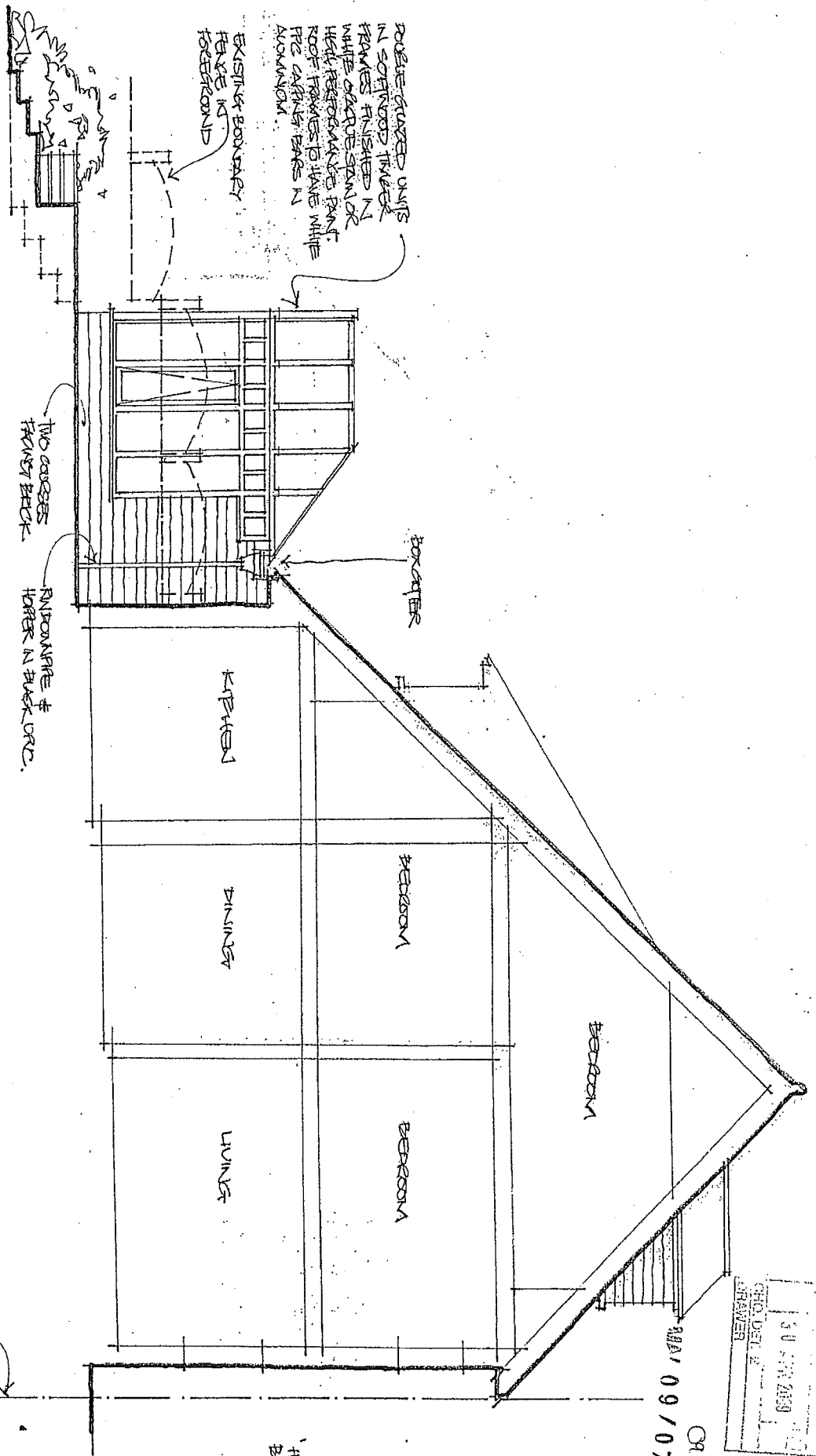


ADDRESS	3, RANDALLS ROAD, HIGHT BANKS, LOOSEB	SCALE	DATE	REV.
PROJECT	WINDON REARRANGEMENT & CONSERVATION	1:50	09	
TITLE	ELEVATIONS AS PROPOSED: SHEET 1 OF 2			

MA/09/0726

MA/10/0791

APPENDIX 1 - PREVIOUS SCHEME

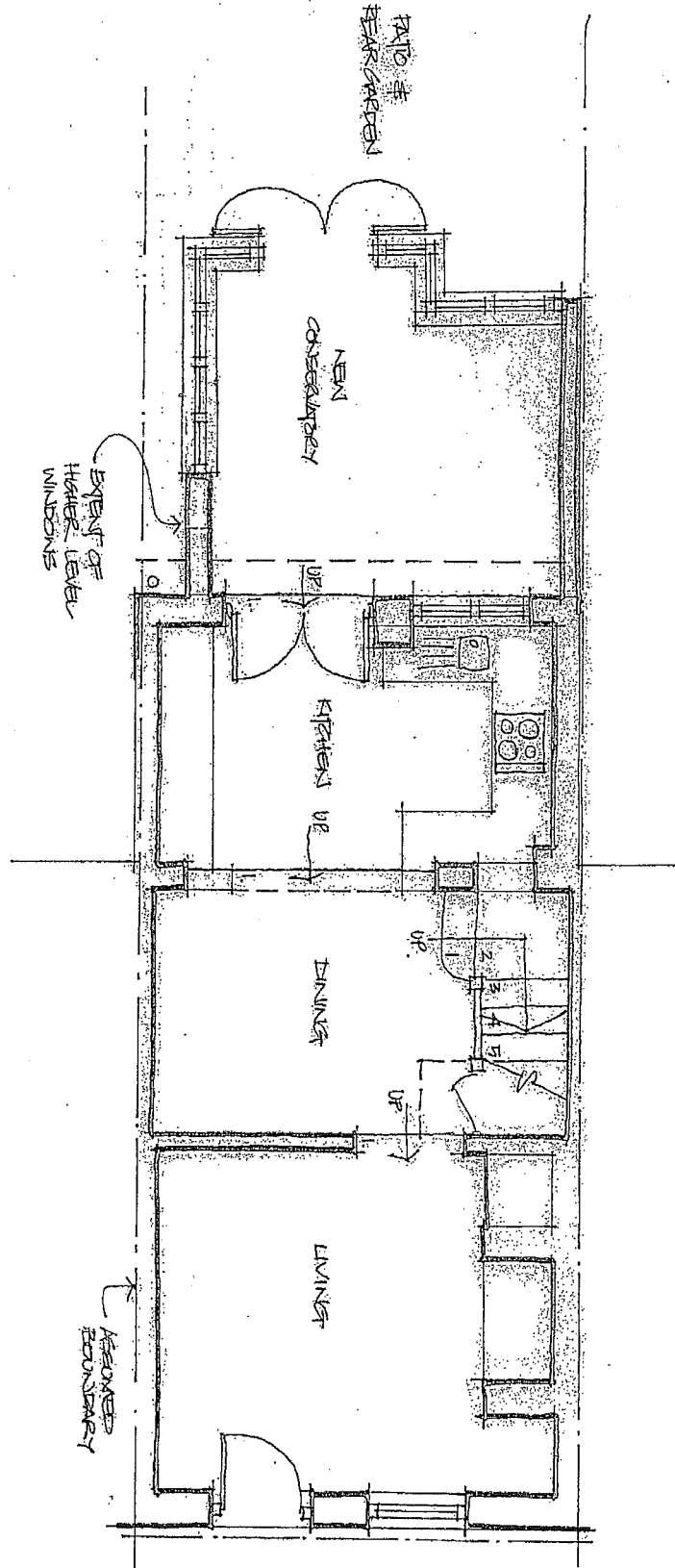


NO. WEST SECTIONAL ELEVATION IS PROPOSED.

ADDRESS	3 RANDALLS BORN, HIGHT BARKS, LODGE	SCALE	DWG. NO.	REV.
PROJECT	WINDOW REPLACEMENT & CONSERVATION		170	07
TITLE	NO. WEST SECTIONAL ELEVATION AS PROPOSED			

MA/10/0791

APPENDIX 1 - PREVIOUS SCHEME



PROPOSED GROUND FLOOR PLAN.

MA/09/0726

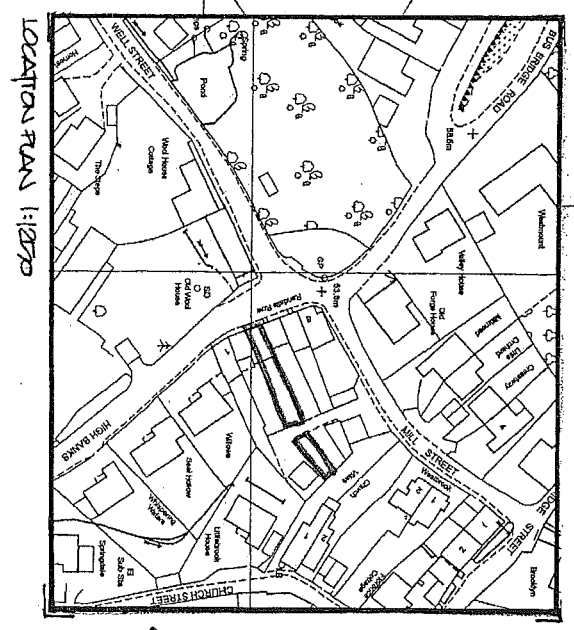
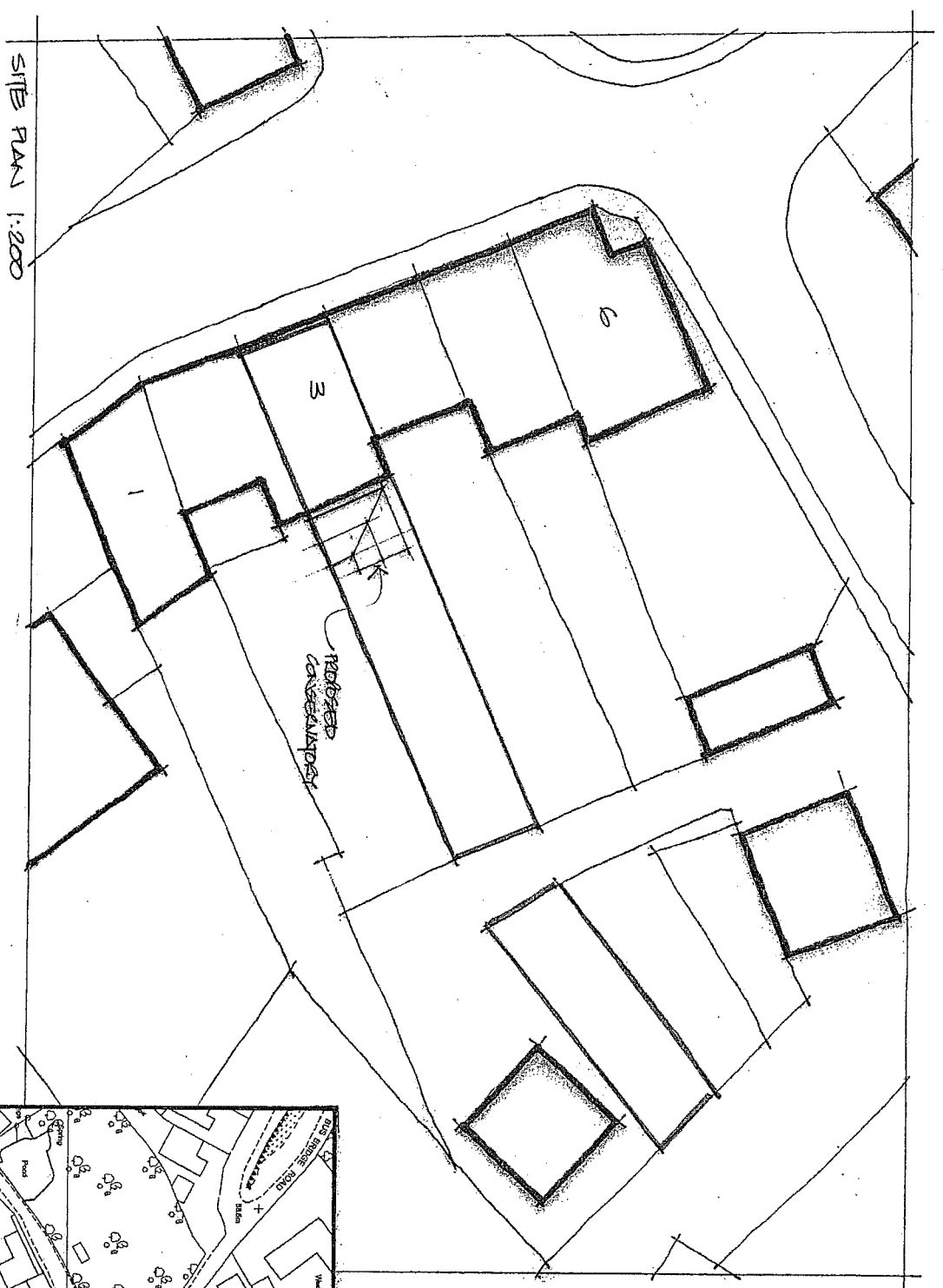
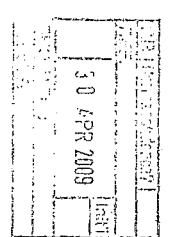
PERMITTED  
 30 APR 2010  
 CHD DISTRICT  
 PLANNING

ADDRESS	3 RANDALLS ROAD, HIGHT BANKS, LOOSE	SCALE	DWG. NO.	REV.
PROJECT	WINDOWN REPLACEMENT & CONSERVATORY	1:70	05	
TITLE	GROUND FLOOR PLAN AS PROPOSED			

MA/10/0791 -

APPENDIX 1 -  
PREVIOUS SCHEME

MA/09/0726



ADDRESS	3 RANDALLS ERM, HETH BANKS, LODES	SCALE	1:200	DATE	01
PROJECT	WINDON RENOVATION & CONSERVATION	REV.			
TITLE	SITE PLAN & LOCATION PLAN		1:1250		

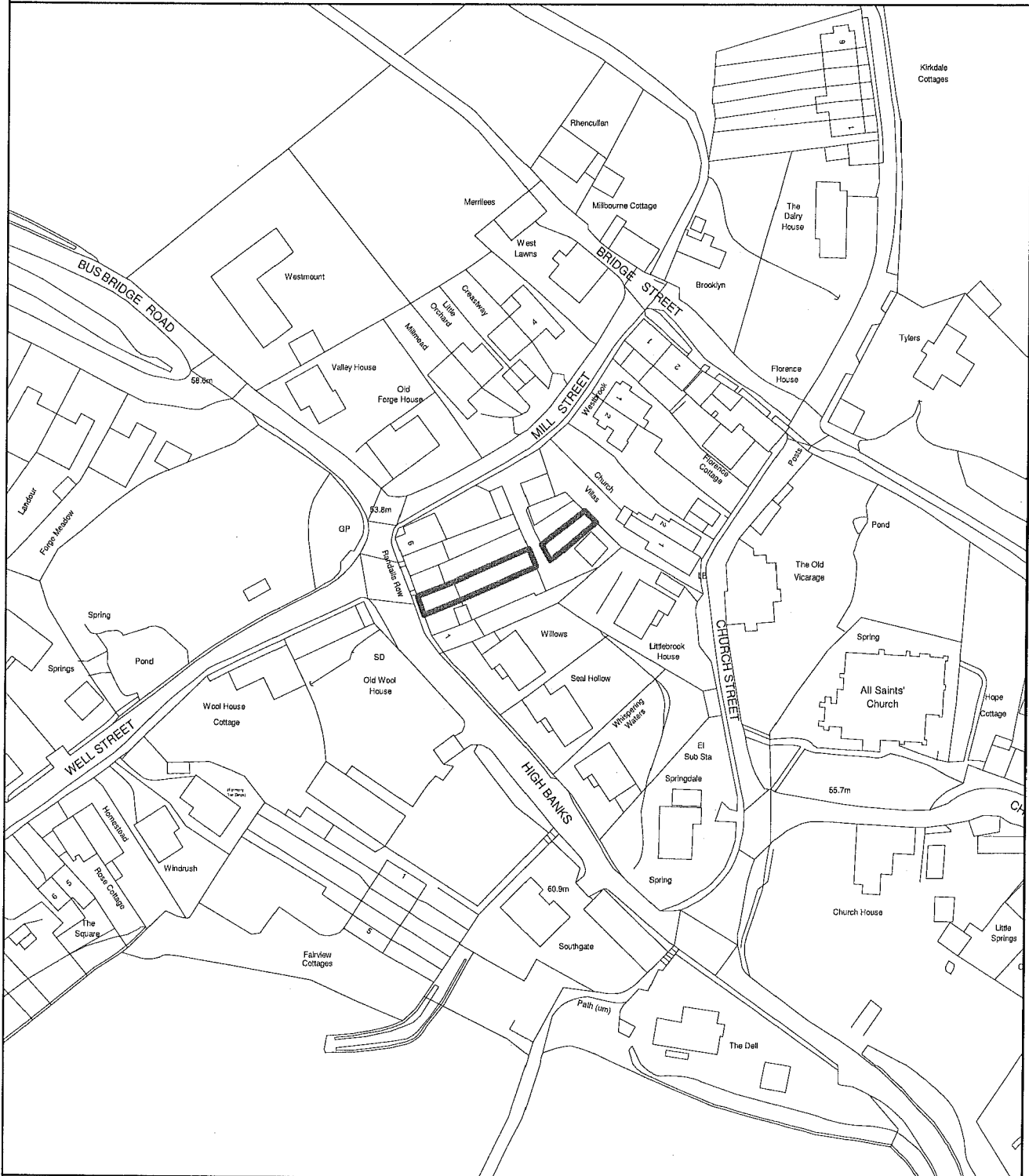


# THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/10/0791

GRID REF: TQ7552

3 RANDALLS ROW,  
HIGH BANKS, LOOSE.



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**Rob Jarman**  
Head of Development Management

MA/10/0791

Representation

Loose Parish Council have written to advise that regrettably they will not be represented at Planning Committee due to prior commitments. They send their apologies and state that they wish their objections to be fully considered.

Officer comments

The objections of Loose Parish Council are fully considered within the Committee report.

The applicant has verbally agreed that he is happy to install timber, flush casements, with no greater than 6mm double glazing within the proposed extension. This is in agreement with the details suggested by way of an informative.

I would also like to point out that the number of neighbouring properties which have objected to the proposal is four. (This is incorrectly shown as three in the Committee report). However, the objections are as listed in the report. These were:

- Impact upon the historic environment, including impact upon the Grade II Listed Building, the Listed terrace and the Conservation Area
- Impact upon the Area of Local Landscape Importance
- Residential amenity, including loss of light, overshadowing, overbearing, loss of privacy, outlook and light pollution
- Impact on drains
- Design
- Scale

The relevant objections to this listed building consent application are fully considered within the Committee report.

Recommendation

The recommendation remains unchanged.



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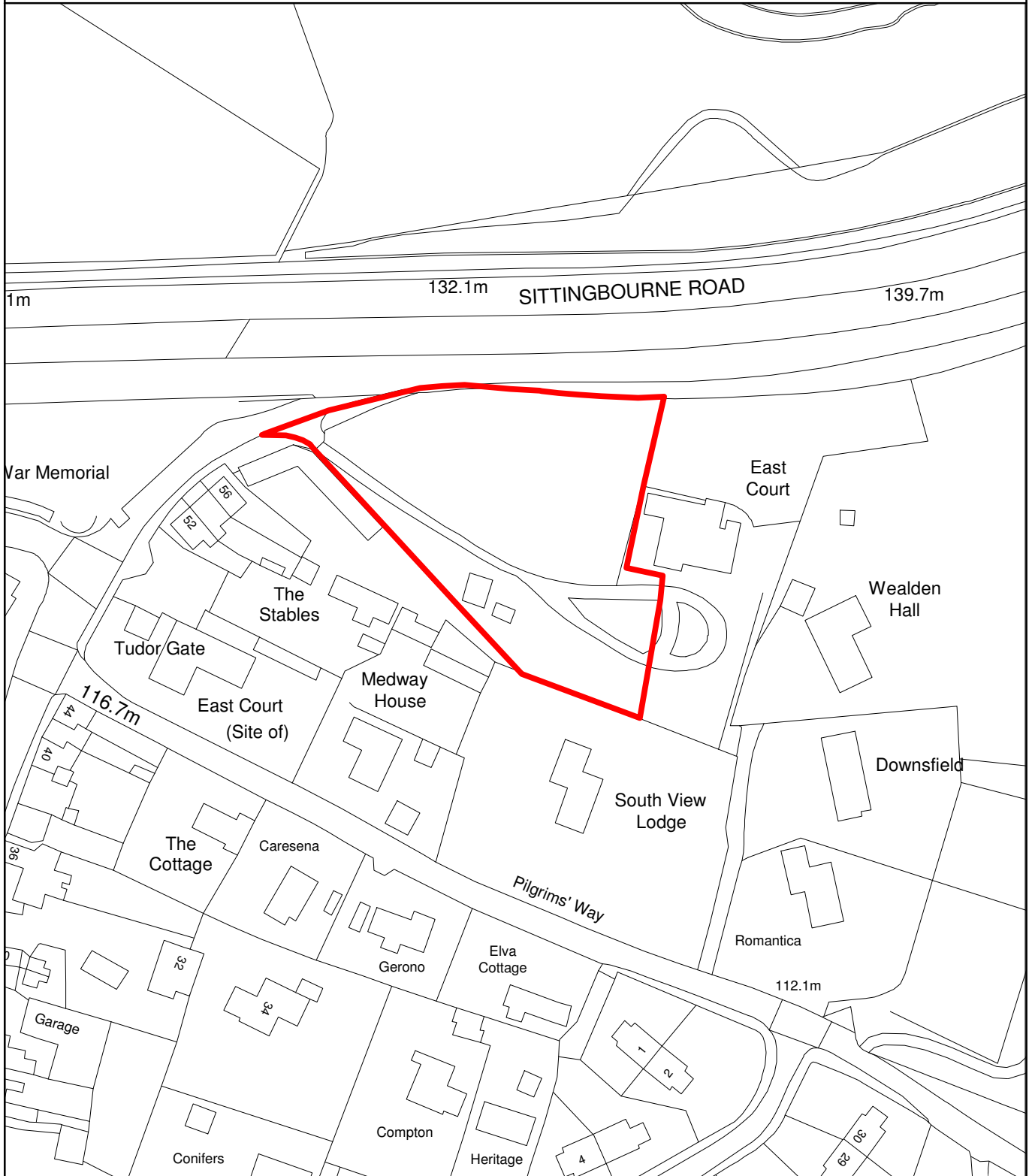


# THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/10/0943

GRID REF: TQ7958

**EAST COURT,  
THE STREET, DETLING.**



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**Rob Jarman**  
**Head of Development Management**

APPLICATION: MA/10/0943 Date: 28 May 2010 Received: 28 May 2010

APPLICANT: Mr T Chapman

LOCATION: EAST COURT, THE STREET, DETLING, MAIDSTONE, KENT, ME14 3JX

PARISH: Detling

PROPOSAL: Demolition of pre-fabricated garages and erection of three dwellings (one semi-detached pair and one detached) with associated garages, parking, landscaping, new entrance and access as shown on drawing numbers 09/534/01B, 09/534/03A, 09.534/04, 09/534/05, 09/534/06, 09/534/07, 09/534/08, 09/534/09, 09/534/10 and noise survey and assessment, Code for Sustainable Homes calculation and design and access statement received on 28/5/10.

AGENDA DATE: 14th October 2010

CASE OFFICER: Peter Hockney

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

- it is contrary to views expressed by Detling Parish Council
- Councillor Horne has requested it be reported for the reason set out in the report

## **1. POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV31, ENV33, ENV34, H27, T13  
Government Policy: PPS1, PPS3, PPS5, PPS7, PPS9, PPG24

## **2. HISTORY**

- MA/08/0083: Erection of three dwellings with associated garaging, new access and on site access road, landscaping, noise barrier and other associated works: REFUSED 19/03/2008: APPEAL DISMISSED 27/01/2009.
- MA/07/1932: Sub division of property to form four apartments: APPROVED 13/12/2007
- MA/07/1231: Erection of three residential properties: WITHDRAWN 07/08/2007
- MA/06/2242: Erection of three detached properties: REFUSED 01/02/2007
- MA/89/1262: Change of use to residential home: APPROVED 16/10/1989

- MA/88/2230: Sub-division of dwelling to form two semi-detached dwellings: APPROVED 04/05/1989
- MA/88/2229: Outline application for one detached dwelling: REFUSED 04/05/1989
- MA/88/2228: Outline application for one detached dwelling: REFUSED 04/05/1989
- MA/88/2227: Outline application for one detached dwelling: REFUSED 04/05/1989
- MA/88/1775: One detached house: Appeal against non-determination: Dismissed 02/05/1989
- MA/88/1774: One detached house: Appeal against non-determination: Dismissed 02/05/1989
- MA/88/1773: One detached house: Appeal against non-determination: Dismissed 02/05/1989
- MA/88/1772: Sub-division of existing dwelling to form two semi-detached houses: Appeal against non-determination: ALLOWED 02/05/1989

### **History considerations**

Members will have noted that the appeal in relation to planning application reference MA/08/0083 was dismissed on 27 January 2009. (A copy is attached at Appendix One).

The Inspector considered there were two main issues in the appeal.

1: The effect on the character and appearance of the locality including the Detling Conservation Area, The Kent Downs AONB and the North Downs SLA and the setting of East Court

2: The effect on the living conditions of occupants of The Stables through potential dominance, overlooking and loss of daylight and sunlight and on the living conditions of future occupants of the proposed dwellings through potential noise.

The Inspector dismissed the appeal on the basis that modern form, design and appearance of the proposed detached dwellings would not relate well to the more traditional form and appearance of dwellings in proximity to the site and the main part of the village.

He did not find that the development would harm the AONB, SLA, the Conservation Area or the setting of East Court.

On the second issue the Inspector find that Plot1 would dominate The Stables due to the height difference between the two buildings and also result in unacceptable overlooking. He concluded that there would be no unacceptable loss of daylight or sunlight.

He did not consider that the occupiers of the proposed dwellings would be unacceptably harmed by traffic noise.

This decision and the conclusions of the Inspector are a strong material consideration in relation to the consideration of this application.

### **3. CONSULTATIONS**

**Detling Parish Council** wishes to see the application REFUSED on the following grounds:-

- "The area falls within the Kent Downs AONB and Special Landscape Area, in addition, the Detling Conservation Area Management Plan recommends that this site is included within the Conservation Area.
- These proposals are contrary to the recent changes in government planning policy, Planning Policy Statement 3 (PPS3) guidance relating to 'garden grabbing'.
- East Court is a prominent feature within the Parish of Detling and as such we feel that this site should be preserved and protected from further development.
- The Parish Council is aware of the opposition to this planning application from local residents and it shares their concerns and reasons for objecting to the proposals."

**Natural England** raises no objections to the application stating:-

"We can confirm that the application site lies close to habitats which form part of the Wouldham to Detling Escarpment Site of Special Scientific Interest (SSSI). This SSSI is part of the North Downs Woodland Special Area of Conservation (SAC).

Natural England has no objection to the proposed development. It is our view that, either alone or in combination with other plans or projects, this proposal would not be likely to have a significant effect on the above site(s) and the permission may be granted (subject to other planning considerations) under the terms of the Conservation of Habitats and Species Regulations."

An informative with regard to bats is recommended.

**English Heritage** have no comments to make on the application.

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

**MBC Conservation Officer** wishes to see the application REFUSED on the following ground:-

"The site currently forms an open and attractive landscaped area and setting for the existing dwelling East Court (a non-designated heritage asset identified in the approved Detling Conservation Area Management Plan) as well as the adjacent Detling Conservation Area (a designated heritage asset); the site is

identified in the Detling Conservation Area Management Plan as open land making a positive contribution to character, and development in the manner proposed would result in the unacceptable further erosion and loss of this open land and visual intrusion into the setting of both the Detling Conservation Area and of East Court, causing unjustified harm to the significance of both of these heritage assets contrary to advice given by PPS5 Planning for the Historic Environment.”

**MBC Landscape Officer** raises no objections to the application stating:-

“The trees within the curtilage of East Court are subject to TPO No 10 of 1975. However I note the comments from appeal decision (App/u2235/A/08/2085803/WF) for the previous application, MA/08/0083 in which it was agreed that the majority of the trees were felled either during the 1987 or more recently in the case of five Horse Chestnuts were felled due to their dangerous condition.

It was agreed that no other trees which were protected by the TPO would be affected by the development.”

The Landscape Officer requires conditions requiring a tree survey, tree constraints plan, tree protection plan and arboricultural method statement in accordance with BS 5837: ‘Trees in Relation to Construction’ and a landscape scheme to be submitted are recommended.

**MBC Environmental Health Manager** raises no objections subject to the imposition of a condition with regard to traffic noise mitigation.

#### **4. REPRESENTATIONS**

**Cllr John Horne** wishes to see the application REFUSED on the following summarised grounds:-

- The impact on the character and appearance of the adjacent Conservation Area and its potential extension.
- The impact on the local buildings, landscape and the heights of the dwellings in relation to East Court.

**9 letters of objection** have been received from residents on the following grounds:-

- The development is contrary to the revised PPS3 with regard to development on garden land.
- The impact on the character and appearance of the Conservation Area and that the site is to be incorporated into the Conservation Area.
- Erosion of and loss of open and landscaped area.
- Visual impact from long distance views.
- Impact on residential amenity of adjacent occupiers with regard to privacy, outlook and loss of light.

- Inadequate access for the increase in car movements when combined with the conversion of the house to apartments and would be a safety risk to existing residents at peak times.
- Inadequate remaining amenity for residents of East Court.
- Impact on the AONB and SLA.
- Light pollution from houses and vehicles.
- The development is not infilling.
- Loss of trees and the impact on wildlife.
- The development is out of keeping with the area and would be visible from long distance views.
- The site is close to an ancient ruin.
- Impact on listed buildings.
- Surface water run off.

**A petition** signed by 121 people has been submitted against the development on the following grounds:-

- The development is contrary to the revised PPS3 with regard to development on garden land.
- The impact on the character and appearance of the Conservation Area and that the site is to be incorporated into the Conservation Area.
- Loss of trees and the impact on wildlife.
- Impact on residential amenity of adjacent occupiers with regard to privacy, outlook and loss of light.
- The development is out of keeping with the area and would be visible from long distance views.
- The previous appeal was dismissed.
- There has already been sufficient development in Detling.

**CPRE** raises objections to the application stating that the dwellings would impact on the AONB and SLA and the nearby Conservation Area and the environment of Detling in general. There would be an adverse impact on the quality of life of the nearby residents.

## **5. CONSIDERATIONS**

### **5.1 Site Description**

5.1.1 The application site lies on the northern side of the main part of Detling village immediately to the south of the A249 Detling Hill. The site forms part of the existing curtilage of East Court, which is an unlisted detached property. East Court is located within the defined settlement boundary of Detling as indicated on the Maidstone Borough-Wide Local Plan Proposals Map (2000). The property is located on the east side of The Street, approximately 90m north of its junction with the Pilgrims Way. It is a large Victorian House dating from around 1850 and is a replacement for one of the manor houses of Detling. The house is set

approximately 75m east of the access point from The Street. All of Detling is in the Kent Downs Area of Outstanding Natural Beauty.

- 5.1.2 The site itself amounts to approximately 0.19ha in area and is roughly triangular in shape. Between the access point and The Street, there is an open, grassed and steeply sloping bank which forms part of the scarp slope of the North Downs escarpment over which the driveway to the existing house has been formed (on the southern side). The drop in level from north to south ranges from approximately 2m to approximately 10m and from east to west diagonally through the site in the order of 2.5m to 3m.
- 5.1.3 There are dwellings to the south of the site, some of which have been formed from conversions of buildings that were linked to the manor house that East Court replaced. To the north, the A249 Detling Hill bounds the site. The site is well contained with limited viewpoints from outside the site itself.
- 5.1.4 The section of the site adjacent to the access point lies within the Detling Conservation Area. The site is also subject to Tree Preservation order no. 10 of 1975. This is predominantly a Woodland Order protecting Beech, Pine, Ash and Lime trees.
- 5.1.5 In addition, the North Downs Special Landscape Area and the Maidstone/Medway Strategic Gap.

## **5.2 Proposal**

- 5.2.1 The application is for the erection of three detached dwellings in the area between the access point and East Court itself. There would be a new/relocated access road to the north to allow the development of the southern part of the site.
- 5.2.2 The dwellings would be four bedroom two storey properties laid out as a pair of semi detached properties and a detached house. The dwellings would face north with the private rear gardens to the south. There would be two garage buildings proposed, a single garage towards the western end of the site to serve plot 1 (the detached property) and a double garage in the south east corner adjacent to the drive to East Court to serve plots 2 and 3 (the semi detached properties).
- 5.2.3 The ridge height of the proposed pair of semis would be approximately 8.2 metres with the eaves height approximately 4 metres. The detached property would have a ridge height of approximately 8.2 metres and the highest point of the eaves of 4.5 metres.
- 5.2.4 The materials proposed would be reproduction 'Kent peg' tiles for the roof, with plain tile hanging and facing brickwork for the walls.
- 5.2.5 A total of two parking spaces per dwelling are proposed in the form of one garage space and one open parking space per unit.

- 5.2.6 A pre-assessment estimator has been submitted with the application that demonstrates that the scheme is capable of achieving Level 3 within the Code for Sustainable Homes.
- 5.2.7 The proposal is a resubmission of MA/08/0083, which was for three substantial detached dwellings. This application was refused and the appeal was dismissed in January 2009. As stated earlier, the Inspector's decision, which is appended to this report, is an important material consideration in the determination of this application.

### **5.3 Principle of Development**

- 5.3.1 The application site is within the village of Detling and is subject to saved (September 2007) policy H27 of the Maidstone Borough-Wide Local Plan (2000). This policy allows for the principle of new minor residential development. Whilst the pre-ambule to the policy states that minor development includes infill development it is not restricted to infill development. The pre-ambule also indicates that each case will be considered in the context of the settlement concerned.
- 5.3.2 It is my view that 3 new houses in the context of the village of Detling does constitute minor development. Therefore the principle of the proposal accords with policy H27.
- 5.3.3 There have been a number of applications on the site, these being 08/0083 (Refused/dismissed at appeal), 07/1231(Withdrawn), 06/2242 (Refused). Of these applications, none of them were refused on the principle of the development being unacceptable.
- 5.3.4 Since the appeal decision there have been changes in Government policy, in particular *PPS3: Housing* where residential garden land has been removed from the definition of previously developed land. Whilst the site is now greenfield land it is clear that neither PPS3 or indeed the Council's own policy H27 preclude residential development on existing gardens. What is clear is from these policies is that the impact of the development on the character and appearance of the area and the amenity of neighbouring residents needs to be examined.
- 5.3.5 The Council refused the recent applications (refs. MA/06/2242 & MA/08/0083) on the impact of the development on the character and appearance of the area and the impact on the residential amenity of adjacent occupiers. I consider that these matters remain the determining factors in this application.

### **5.4 Visual Impact on the Character and Appearance of the Area**

- 5.4.1 The site lies predominantly outside the confines of Detling Conservation Area with the western end of the site, including the access onto The Street within the Conservation Area. The Conservation Officer has referred to the Conservation Area Management Plan and the proposal that the Conservation Area be extended



eastwards to include East Court. He states that the consideration of the designation of this extension would take place this financial year. However, this consideration has not been undertaken and the extension of the Conservation Area has not taken place and as such I give the possible future extension to the Conservation Area limited weight in the determination of this application.

- 5.4.2 The site is within the nationally designated Kent Downs Area of Outstanding Natural Beauty and the locally designated North Downs Special Landscape Area. In these areas particular consideration should be given to the character and appearance of the landscape and its protection.
- 5.4.3 The previous scheme proposed three substantial detached dwellings with a ridge height of approximately 9.1 metres and a single eaves height of approximately 5 metres. They were large modern houses which appeared like many new estate houses.
- 5.4.4 Following the dismissal of the appeal and prior to the submission of this application the scheme has been redesigned and has resulted in dwellings of a reduced scale with a more traditional form.
- 5.4.5 The architect has designed the dwellings following examination of the Conservation Area Appraisal with plot 1 being designed as an interpretation of a Victorian gate lodge and plots 2 and 3 being based on interpretations of a Victorian estate building. The resultant development is a detached property for plot 1 with a ridge height of approximately 8.2 metres and eaves heights ranging from approximately 2.9 metres to 4.5 metres. The pair of semi detached dwellings would be approximately 8.2 metres in height to ridge and between approximately 2.4 metres to 4 metres to eaves.
- 5.4.6 It is important to refer to the Inspector's conclusions relating to the impact of the development on the AONB, SLA and the Conservation Area. He considered the impact on the character and appearance of the area extensively. It is clear from paragraph 5 (i) of the decision that the impact on the Detling Conservation Area, the Kent Downs Area of Outstanding Natural Beauty, the North Downs, Special Landscape Area and the setting of East Court were all considered as part of the impact on the character and appearance of the area. It states:-
- "(i) the effect on the character and appearance of the locality including the Detling Conservation Area (CA), part of which lies within the appeal site, the Kent Downs Area of Outstanding Natural Beauty (AONB), the North Downs Special Landscape Area (SLA) and the setting of East Court; and"*
- 5.4.7 The Inspector considered (paragraph 8) that the development of the southern part of the site would, if all other matters were acceptable, still retain an open area allowing a "soft" edge to the village. He continues by stating that the site is well contained. The Inspector also concluded that the site is not prominent in the wider landscape and concludes on this matter that the development of this area of the site would not have a harmful effect on the setting of the northern part of the village and not materially harm the natural beauty of the landscape of the

AONB or the scenic quality of the landscape. I have considered these issues and am of the view that due to the site's location and planting within and adjoining the site and the juxtaposition with adjacent development it still retains the characteristics described by the inspector. The currently proposed development remains restricted to the southern part of the site, the "soft" edge to the village is maintained and the prominence of the site has not changed significantly since the Inspector's decision in January 2009. As such I consider that the impact of the development on the setting of the northern part of the village and not materially harm the natural beauty of the landscape of the AONB or the scenic quality of the landscape.

- 5.4.8 In relation to the impact of the development on the Conservation Area and the setting of East Court, the Inspector considered this issue in paragraph 9 of his decision. He states:-

*"The minor works required to the site entrance would not have a harmful effect on the character or appearance of the part of the site within the CA. Views of the side elevation of East Court would be retained and whilst there would be a reduction in the spaciousness of this area I do not consider that would be harmful either to the setting of East Court or to views into the CA from the site."*

The spaciousness of the current scheme and the minor alterations to the access are very similar to the appeal scheme. The scheme maintains the view of the side elevation of East Court from the entrance from The Street. As such I do not consider that the development would cause harm to the Conservation Area or the setting of East Court.

- 5.4.9 I note the Conservation Officer's comments and objections to the scheme on both the impact on the Conservation Area and the impact on the setting of East Court, especially in combination with other residential development that has eroded the historic curtilage of East Court. It is also of importance that whilst the Detling Conservation Area Appraisal had been adopted at the time of the appeal the Conservation Area Management Plan has since been adopted and PPS5 has been published. PPS5 does give weight to non-designated heritage assets, such as East Court, however, it is clear that the Inspector considered the impact on the setting of East Court and found there to be no harm due to the site retaining sufficient spaciousness and view from within the Conservation Area of the side elevation of East Court. Therefore I do not consider that the introduction of PPS5 or the Conservation Area Management Plan changes the assessment to such a degree to warrant a refusal.

- 5.4.10 The Inspector previously found that the modern form, design and appearance of the proposed detached dwellings would appear as a suburban addition to the edge of village. This was found to be unacceptable and in conflict with criterion 4 of ENV33 of the Maidstone Borough-Wide Local Plan (2000) in that the buildings would not reflect the traditional character of buildings in the area. Paragraph 11 stating:-

*"The modern form, design and appearance of the proposed detached dwellings would appear as a suburban addition to the edge of the village. In my opinion the proposed dwellings would not relate well to the more traditional form and appearance of dwellings in proximity to the site and in the main part of the village in conflict with LP policy ENV33(4) in that regard which requires new buildings in the AONB to reflect the traditional character of buildings in the area. In addition I consider that there is conflict with the aims of SP policy QL1 and design advice contained in Planning Policy Statement 1: Delivering Sustainable Development (PPS1) and PPS3 which, taken together, require good design which contributes positively to making places better for people and design which should be appropriate to its context."*

- 5.4.11 The previous scheme was also criticised by the Inspector in terms of its general design in that it failed to relate well to the more traditional form and appearance of dwellings in proximity to the site.
- 5.4.12 The currently proposed dwellings have been considerably scaled down from the previous scheme and with the significant reduction in height, particularly at eaves level, the form and appearance of the dwellings would no longer appear as a suburban addition to the edge of the village. In this regard I believe the scheme has overcome the Inspector's concerns on the scheme.
- 5.4.13 The design has been developed following an examination of the Conservation Area appraisal and stemmed from an interpretation of a Victorian gate lodge and estate building. The detailing includes overhanging eaves, timber windows and doors, timber shutters to the living room doors, intricate detailing on the gables and dormer windows. All these detailed changes and the design concept of following examples from within the village and identified in the Conservation Area Appraisal has led to a design of dwellings that relates well to the more traditional form and appearance of dwellings in proximity of the site and is an example of good design which contributes positively to making places better for people and design which should be appropriate to its context, thus complying with guidance in PPS1 and PPS3.
- 5.4.14 Overall, I consider that the reduced scale of the development, the design and the materials would result in a more traditional form of development that would not cause harm to the Kent Downs Area of Outstanding Natural Beauty and would comply with criterion 4 of ENV33 which requires development to reflect the traditional character of buildings in the area. Therefore I consider that this reason that the Inspector dismissed the appeal has been overcome.

## **5.5 Residential Amenity**

- 5.5.1 The Inspector considered the matter of the impact on the residential amenity of the occupiers of the adjacent property 'The Stables', which is on lower ground than the appeal site. He concluded that the proposed dwelling at plot 1 would result in overlooking that would be intrusive and harmful to the living conditions of the occupiers of 'The Stables' and it would appear as a dominant building. It

was sited approximately 4m from the common boundary with The Stables the principle rear elevation of which was a further 15m back from the boundary. There was some concern with regard to a loss of outlook although it was stated that on its own that would not lead the Inspector to dismiss the appeal. It was concluded that there would be no material loss of sunlight or daylight. The key consideration is whether the scheme has altered sufficiently to overcome the overlooking and the intrusive nature of the building that caused the Inspector to dismiss the appeal.

- 5.5.2 The detached dwelling at plot 1 is approximately 19.5 metres from the principle rear elevation of 'The Stables' and is now located approximately 9m from the southern site boundary at the closest point. The dwelling has been designed with no south facing windows at first floor level other than a small dormer window that serves a landing. The landing window would not result in a loss of privacy as it would not be a habitable room, it would be approximately 24 metres away from 'The Stables' and views would be screened by the rear projection of plot 1. Therefore I do not consider that there would be any material overlooking of 'The Stables' and refusal would not be warranted.
- 5.5.3 The distance between the proposed dwellings and 'The Stables' would ensure that there would be no significant loss of outlook or a material loss of sunlight or daylight to the occupiers.
- 5.5.4 A noise survey and report has been submitted that indicates the proposed development could provide acceptable amenity to prospective occupiers of the dwellings. However, the report and recommendations do not relate to the proposed layout of the scheme. As such the Environmental Health Manager has recommended a condition requiring noise mitigation measures to be submitted. I agree that this approach would be appropriate.
- 5.5.5 Each of the proposed dwellings would have a private rear garden commensurate with the needs of a family dwelling in accordance with the guidance contained in PPS3. The garden for Plot 1 would vary from between 10m and 18m in depth and in excess of 22m in width, that of Plot 2 would be approximately 16m in depth and 11m wide. The garden to Plot 3 would be approximately 17m in depth and 9.5m wide.
- 5.5.6 There would be adequate space retained as garden for the residents of East Court, either as a private garden or as a shared garden for the four apartments if that permission is implemented
- 5.5.7 There have been adequate changes to the scheme to prevent the overlooking of 'The Stables' and an imposing development and as such I consider that the development has overcome the Inspectors concerns and is now acceptable with regard to impact on residential amenity.

## **5.6 Highways**

- 5.6.1 The access onto The Street would have adequate visibility onto the end of the dead end road. There would be no impact on highway safety from the use of the access.
- 5.6.2 Each plot would have a single parking space with a second in the garage. This is an appropriate level of provision for these dwellings giving a ratio of 2 spaces/dwelling.
- 5.6.3 Concern has been raised by objectors on the grounds that the increase in traffic from the site would cause highway safety issues. I consider that the additional traffic generated by these three dwellings could be accommodated on the surrounding road network without a detrimental impact on highway safety.
- 5.6.4 There have been no objections received from Kent Highway Services on highway safety grounds.

## **5.7 Landscaping**

- 5.7.1 Concern was expressed in the context of the earlier applications that trees subject to a Tree Preservation Order were removed from the site prior to the submission of that application, and the loss of trees is still a matter of concern to residents. The claims at that time, however, were examined by the Landscape Officer and the remaining trees were inspected. It is considered that in arboricultural terms the remaining trees were not suitable for protection by a further TPO. The views of our landscape officer on the current scheme are given above.
- 5.7.2 Significant proposed planting along the northern boundary to screen the acoustic fence and provide a soft edge to the site is indicated on the site layout plan but no details have been submitted. In addition, there is a need to ensure adequate landscape screening is maintained to the rear of the proposed gardens and towards the entrance onto The Street. A suitable landscaping scheme with replacement trees is recommended by condition. In addition a condition requiring a tree survey, tree constraints plan, tree protection plan and arboricultural method statement in accordance with BS 5837: Trees in Relation to Construction would be appropriate to ensure the existing trees on the site are retained.
- 5.7.3 The additional landscaping proposed will provide enhanced habitat for wildlife in the area.

## **5.8 Other Matters**

- 5.8.1 The applicants have demonstrated with the submitted pre-assessment indicator report that the dwellings would meet at least a Level 3 on the Code for

Sustainable Homes and a condition should be imposed to ensure that level is secured.

- 5.8.2 The nearest listed building is a Grade II listed Dove Cot approximately 35 metres south of the proposed dwellings and beyond the dwelling of Medway House. The development would not have a significant impact on the setting of this listed building.

## **6. CONCLUSION**

- 6.1 The proposed development is a resubmission of MA/08/0083 that was dismissed at appeal on the grounds that the design and scale of the dwellings were too suburban and inappropriate for the site's location in the Kent Downs Area of Outstanding Natural Beauty and the impact on the residential amenity of the neighbours in the adjacent property 'The Stables'.
- 6.2 The revised scheme has taken into account the Inspectors comments and overcome the reasons for dismissing the appeal. The Conservation Officer objects to the application, predominantly on the erosion of the space its impact on the Conservation Area and the setting of East Court. These matters were considered at the appeal and were not reasons for dismissing the appeal. I have considered the publication of the Conservation Area Management Plan, PPS5 and the revision to PPS3. However, the matters that they raise e.g. the fact that the site is now classified as greenfield, the setting of East Court and the loss of the open area around East Court were either considered in the previous appeal or not significant enough to warrant refusal.
- 6.3 Therefore, on balance, I recommend approval of this application.

## **7. RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:  
09/534/03A, 09.534/04, 09/534/05, 09/534/06, 09/534/07, 09/534/09 and 09/534/10;

Reason: To ensure the quality of the development is maintained and to prevent

harm to the residential amenity of neighbouring occupiers in accordance with policies ENV33, ENV34 and H27 of the Maidstone Borough-Wide Local Plan (2000) and guidance in PPS1 and PPS3.

3. No development shall take place 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 in accordance with policies ENV33, ENV34 and H27 of the Maidstone Borough-Wide Local Plan (2000) and guidance in PPS1 and PPS3.

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species, which shall include a tree survey, tree constraints plan, tree protection plan and arboricultural method statement in accordance with BS 5837: Trees in Relation to Construction with 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 Councils adopted Landscape Character Assessment and Landscape Guidelines.

Reason: No such details have been submitted and the existing trees represent an important amenity which should be substantially maintained.

5. 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.

6. The dwellings shall achieve a minimum of Level 3 of the Code for Sustainable Homes. The dwelling shall not be occupied until a final Code Certificate has been issued for it certifying that at least Code Level 3 has been achieved;

Reason: To ensure a sustainable and energy efficient form of development in accordance with PPS1: Delivering Sustainable Development and PPS3 Housing.

7. To protect residential amenity, an acoustic survey, to identify the Noise exposure category (NEC) of the site in accordance with MBC's Planning Policy Guidance Note No. 11 'Planning and Noise' and PPG24, has to be carried out. The subsequent report should identify any noise mitigation measures that are necessary to meet the following criteria:-
  1. Where habitable rooms will be exposed to noise levels that are in excess of NEC A of Maidstone Borough Council's 'Adopted Noise Exposure Categories', mitigation should include a scheme of acoustic protection sufficient to ensure internal noise levels no greater than 30 LAeq,T dB in bedrooms and living rooms with windows closed. Where the internal noise levels will exceed 35 LAeq,T dB in bedrooms (night-time) and 48 LAeq,T in living rooms (daytime) with windows open, the scheme of acoustic protection should incorporate appropriate acoustically screened mechanical ventilation.
  2. Within gardens and amenity areas the daytime 0700-23.00 hours level of noise should not exceed 55 dB LAeq free field. This excludes front gardens.
  3. A closure report will be required in order to confirm that the mitigation methods implemented are sufficiently effective.

Reason: to protect residential amenity in accordance with guidance contained within PPG24.

### **Informatives set out below**

Attention is drawn to the COPA 1974 sections 60 & 61. The Council will normally expect contractors to adhere to the Guidance Note for Contractors contained in the Associated British Standard COP BS 5228:2009 for noise control on construction sites which includes such matters as hours of noisy working, working practices and public relation with local residents. 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.

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.

Attention is drawn to Approved Document E Building Regulations 2003 'Resistance to the Passage of Sound'. It is recommended that the applicant adheres to the standards



set out in this document in order to reduce the transmission of excessive airborne and impact noise between the separate units in this development and other dwellings.

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

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

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.

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.

Provision should be made for the separate storage of recyclables from household waste. Advice on recycling can be obtained from the Environmental Services Manager.

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.

Should any bats or evidence of bats be found prior to or during works, works must stop immediately and a specialist ecological consultant or Natural England contacted for further advice before works can proceed.



## Appeal Decision

Site visit made on 5 January 2009

by **K Nield** BSc(Econ) DipTP CDipAF MRTPI

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
27 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 6372  
email: enquiries@plins.gsi.gov.uk  
Decision date:  
27 January 2009

**Appeal Ref: APP/U2235/A/08/2085803**

**East Court, The Street, Detling, Maidstone, Kent, ME14 3LX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs T Chapman against the decision of Maidstone Borough Council.
- The application Ref MA/08/0083, dated 3 January 2008, was refused by notice dated 19 March 2008.
- The development proposed is the erection of three dwellings with associated garaging, new access and on-site access road, landscaping, noise barrier and other associated works.

### Decision

1. I dismiss the appeal.

### Preliminary Matters

2. Trees within the curtilage of *East Court* are covered by a Tree Preservation Order (TPO) (No.10 of 1975). The parties agreed at my visit that trees indicated as being protected by the TPO within the appeal site were felled either during the storm of 1987 or, in the case of 5 horse chestnut trees, felled in 2007 due to their dangerous condition. The parties agreed that no trees protected by the TPO would be affected by the appeal scheme. In the light of this it is not necessary for me to consider further evidence in respect of this matter.
3. The block plan does not number the dwellings. For reference purposes in my decision I shall refer to the proposed dwelling nearest the site entrance as Plot 1 with Plots 2 and 3 further to the east.

### Main Issues

4. There is no dispute between the parties that the appeal site comprises previously developed land as defined in Annex B of Planning Policy Statement 3: *Housing* (PPS3) and that it lies within the defined village boundary for Detling shown on the Proposals Map of the adopted Maidstone Borough-Wide Local Plan (LP). LP policy H27 restricts development within the defined village boundary to minor development which, although not defined in the policy, includes infilling. It is indicated in the supporting text to the policy that each case is considered in the context of the settlement concerned.<sup>1</sup> The Council

<sup>1</sup> Paragraph 4.177: Maidstone Borough-Wide Local Plan

has not indicated that the scheme conflicts with LP policy H27 and I see no reason to differ.

5. Against that background I consider that the main issues in this appeal are:

- (i) the effect on the character and appearance of the locality including the Detling Conservation Area (CA), part of which lies within the appeal site, the Kent Downs Area of Outstanding Natural Beauty (AONB), the North Downs Special Landscape Area (SLA) and the setting of *East Court*; and
- (ii) the effect on the living conditions of occupants of *The Stables* through potential dominance, overlooking and loss of daylight and sunlight and on the living conditions of future occupants of the proposed dwellings through potential noise.

**Reasons**

*Character and appearance*

- 6. The site, which is elevated in relation to the main part of the village to the south, has an open and spacious quality at the north-eastern edge of Detling. To the north of the site is the A249 Maidstone - Sittingbourne Road at Detling Hill. Although it is clear from the evidence that several trees within the site have been felled<sup>2</sup> there remains substantial tree and shrub growth close to the site boundaries which provides screening to the site from the public domain.
- 7. The appeal site comprises garden land to the west side of *East Court*, a large detached property positioned at a more elevated position compared to the appeal site and dwellings to the south. The main aspect of *East Court* is to the south so that views of the property from the appeal site are mainly of its western, side elevation.
- 8. The site provides a spacious transitional area from the main part of the village towards its edge defined by the A429. The development of the southern part of the site would, if all other matters were acceptable, still retain an open area allowing for a "soft" edge to the village. The site is well contained and not prominent in the wider landscape. Development of the area of the site indicated for the proposed development would not have a harmful effect on the setting of the northern part of the village and not materially harm the natural beauty of the landscape of the AONB or the scenic quality of the area. In those regards I consider that there would not be material conflict with policies EN4 and EN5 of the adopted Kent and Medway Structure Plan (SP).
- 9. The proposed dwellings would be sited to the south side of a repositioned site access and drive. The minor works required to the site entrance would not have a harmful effect on the character or appearance of the part of the site within the CA. Views of the side elevation of *East Court* would be retained and whilst there would be a reduction in the spaciousness of this area I do not consider that would be harmful either to the setting of *East Court* or to views into the CA from the site. Although I do not consider that the scheme would enhance the CA I accept that the minor changes proposed to the site entrance

<sup>2</sup> Paragraph 2 above

and access would preserve its character and appearance. In that regard I do not consider that the appeal scheme would be in material conflict with Planning Policy Guidance: *Planning and the Historic Environment* (PPG15).

10. The boundary of the Detling Conservation Area (CA) includes the entrance to the site and the western part of the site although there is no clear demarcation of the boundary in this area. The main part of the CA lies to the west and south centred on The Street. I noted at my site visit that the CA contained a variety of dwelling types albeit with a preponderance of traditional cottage-style dwellings and with varied spacing between dwellings.
11. The modern form, design and appearance of the proposed detached dwellings would appear as a suburban addition to the edge of the village. In my opinion the proposed dwellings would not relate well to the more traditional form and appearance of dwellings in proximity to the site and in the main part of the village in conflict with LP policy ENV33(4) in that regard which requires new buildings in the AONB to reflect the traditional character of buildings in the area. In addition I consider that there is conflict with the aims of SP policy QL1 and design advice contained in Planning Policy Statement 1: *Delivering Sustainable Development* (PPS1) and PPS3 which, taken together, require good design which contributes positively to making places better for people and design which should be appropriate to its context.
12. The appeal scheme would not have a harmful effect on the character and appearance of the CA or on the setting of *East Court* and gains some policy support from LP policy H27. Nevertheless those supporting factors are outweighed by the harm I have identified to the character and appearance of the locality and AONB through the inappropriate design of the proposed dwellings in conflict with the aims of SP policy QL1, LP policy ENV33(4) and PPS1 and PPS3.

#### *Living conditions*

13. The proposed dwellings are set at a staggered arrangement and angled to the proposed access and to existing dwellings at the rear. There is no dispute between the parties that Plots 2 and 3 would not have a harmful effect on the living conditions of dwellings to the south and I see no reason to reach a different view.
14. Plot 1 would be sited such that its south-western corner would be about 4 metres (m) from the common boundary with *The Stables*, a two-storey dwelling at a lower elevation than the appeal site. The main rear elevation of that dwelling is approximately 15m from the boundary with the appeal site. In the rear garden of *The Stables* are a number of single-storey outbuildings, which, I am informed by the appellants, are used as a cattery. Due to the difference in levels from the appeal site to *The Stables*, windows at first floor level at the rear of *The Stables* would be at a broadly equivalent level to proposed ground floor windows at the rear of Plot 1.
15. I accept that existing tree and shrub growth along the common boundary between Plot 1 and *The Stables* together with the outbuildings at the rear of that dwelling would act as a partial screen to overlooking of the ground floor windows and the remaining garden area of that property.

16. A bedroom window in the rear elevation of Plot 1 would overlook first floor windows of *The Stables* at a distance of approximately 19m, albeit providing an angled view. As Plot 1 would be at a higher elevation I consider that overlooking from that distance would be intrusive and harmful to the living conditions of occupants of *The Stables*. In addition I consider that Plot 1, viewed from the rear of *The Stables*, would appear as a dominant building. In these respects I consider there is conflict with SP policies QL1 and HP2B(d). I have noted the appellants' contention that the main aspect of *The Stables* is to the south but that does not lead me to a different view on this matter.
17. The position and scale of Plot 1 in relation to *The Stables* would, to my mind, give rise to some loss of outlook from the first floor windows in the rear elevation of *The Stables*. On its own that would not lead me to dismiss this appeal but it adds to the harmful effect of the scheme on the living conditions of occupants of *The Stables* described above.
18. The rear amenity area of *The Stables* at the north side of that dwelling is likely to be shaded by trees and shrubs along the common boundary and also by the outbuildings. Due to the location and orientation of Plot 1 I do not consider it would lead to a material loss of sunlight or daylight to the rear garden or windows in the rear elevation of *The Stables*.
19. I turn now to consider the potential disturbance to future occupants of the proposed dwellings from noise arising from vehicles travelling on the A249. The appellants supplied a consultant's assessment of noise with the application, dated April 2005. That assessment was originally undertaken without the provision of a scheme layout and its conclusions reflect that position. The consultant indicated that there was no reason for planning permission for residential development at *East Court* to be refused on noise grounds.
20. The report was re-submitted with the application but the assessment did not relate to the layout proposed in the appeal scheme and the Council was not satisfied that the submitted scheme incorporated appropriate measures to reduce the effect of noise. The consultant has subsequently revised his report to consider the implications of noise on the proposed layout. The revised report submitted with the appeal concludes that adequate protection of the proposed houses from road traffic noise can be provided if measures including a boundary noise barrier, appropriate glazing of the north-facing facades and a ventilation system are incorporated.
21. The Council has not disputed the consultant's recommendations and I have no reason to do so. The measures proposed could be secured through planning conditions if all other aspects of the scheme were acceptable. In the light of this I consider that the scheme would not be harmful to the living conditions of future occupants of the proposed dwellings through noise and would not conflict with SP policy NR6 or advice in Planning Policy Guidance 24: *Planning and Noise*.
22. Notwithstanding my comments regarding the effect of noise on potential future occupants of the proposed dwellings, I consider that the scheme would be harmful to the living conditions of occupants of *The Stables* through overlooking and dominance in conflict with SP policies QL1 and HP2B(d).

**Overall Conclusions**

23. I consider that the harmful effect of the appeal scheme on the character and appearance of the AONB and the locality through inappropriate design and the harmful effect on the living conditions of occupants of *The Stables* through overlooking and dominance are compelling reasons why the appeal should not succeed.
24. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should not succeed.

*Kevin Nield*

INSPECTOR

**MA/10/0943:**

**Officer Comment**

The wording of condition 7 (acoustic protection) should be amended to reflect the current policy framework.

**Amendments to recommendation**

GRANT PLANNING PERMISSION subject to the conditions set out in the report and amended as follows:

Amend condition 7 to read as follows

7. To protect residential amenity, an acoustic survey, to identify the Noise exposure category (NEC) of the site in accordance with PPG24, has to be carried out. The subsequent report should identify any noise mitigation measures that are necessary to meet the following criteria:-
  1. Where habitable rooms will be exposed to noise levels that are in excess of NEC A of Maidstone Borough Council's 'Adopted Noise Exposure Categories', mitigation should include a scheme of acoustic protection sufficient to ensure internal noise levels no greater than 30 LAeq,T dB in bedrooms and living rooms with windows closed. Where the internal noise levels will exceed 35 LAeq,T dB in bedrooms (night-time) and 48 LAeq,T in living rooms (daytime) with windows open, the scheme of acoustic protection should incorporate appropriate acoustically screened mechanical ventilation.
  2. Within gardens and amenity areas the daytime 0700-23.00 hours level of noise should not exceed 55 dB LAeq free field. This excludes front gardens.
  3. A report will be required in order to confirm that the mitigation methods implemented are sufficiently effective.

Reason: to protect residential amenity in accordance with guidance contained within PPG24.

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EAST COURT

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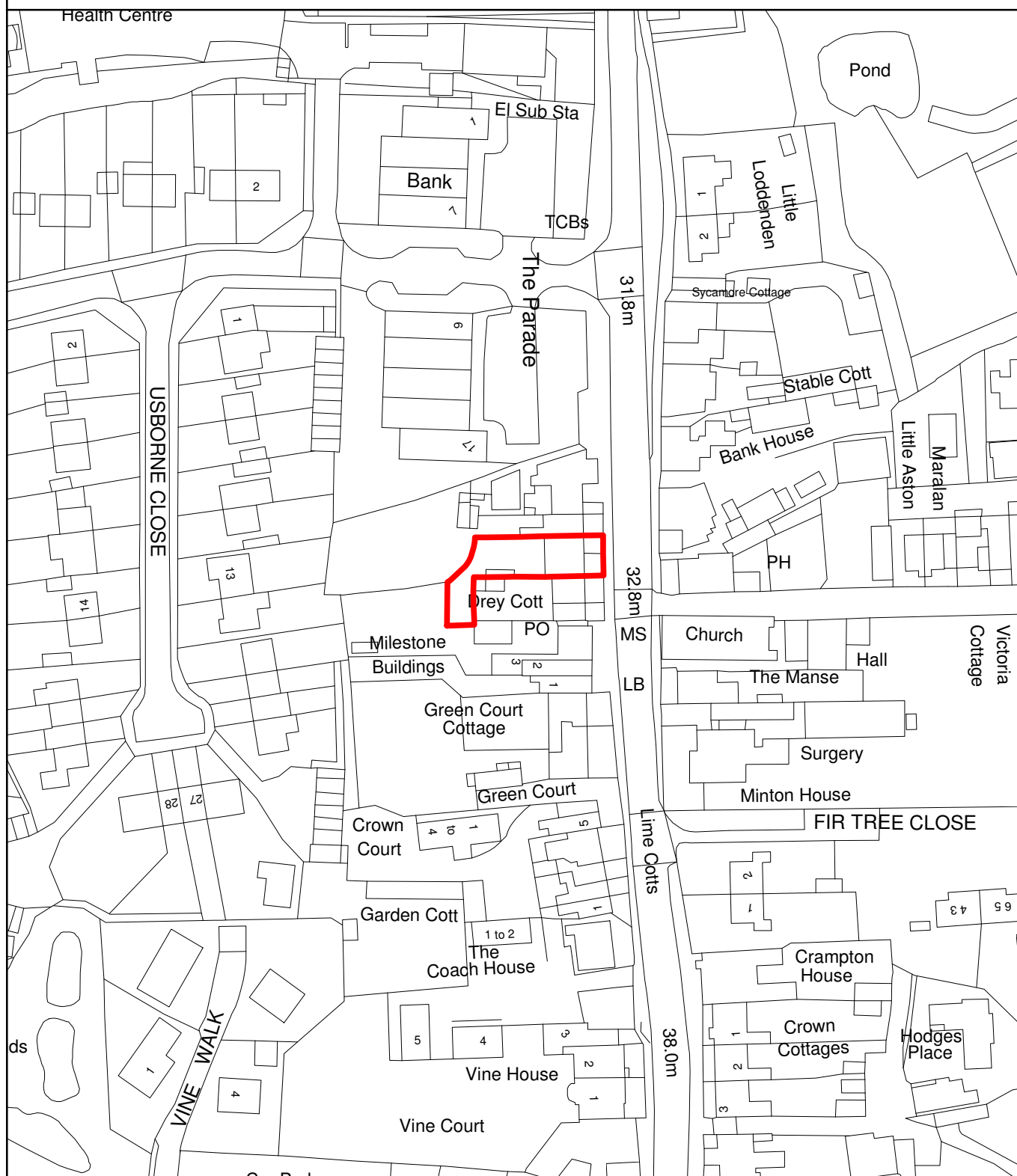
# Agenda Item 19

## THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/10/0960

GRID REF: TQ7843

WEALDEN SADDLERY,  
HIGH STREET, STAPLEHURST.



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**Rob Jarman**  
Head of Development Management

APPLICATION: MA/10/0960 Date: 22 June 2010 Received: 6 August 2010

APPLICANT: Mr A Tavani

LOCATION: WEALDEN SADDLERY, HIGH STREET, STAPLEHURST, TONBRIDGE, KENT, TN12 0AB

PARISH: Staplehurst

PROPOSAL: Application for change of use from A1 (hair and beauty salon) to D1 (day nursery) as shown on the site location plan received 3rd June 2010 and block plan received 22nd June 2010, supported by a schedule of works, KCC Child Care Sufficiency Assessment and copies of a request for informal pre-application advice and corresponding response all received 3rd June 2010, supporting letter received 22nd June 2010; supporting letter and operational details received 6th August 2010; and supporting email received 14th September 2010.

AGENDA DATE: 14th October 2010

CASE OFFICER: Catherine Slade

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

- it is contrary to views expressed by Staplehurst Parish Council.

## **1. POLICIES**

Maidstone Borough-Wide Local Plan 2000: R10, T13

Village Design Statement: Not applicable

Government Policy: PPS1 – “Delivering Sustainable Development”, PPS4 – “Planning for Sustainable Economic Growth”, PPS5 – “Planning and the Historic Environment”, PPG24 – “Planning and Noise”

## **2. HISTORY**

- MA/89/2156 Listed Building Consent for internal alterations and signs on front elevations – APPROVED WITH CONDITIONS
- MA/89/1470 Internal alterations and change of use of part of the ground floor from residential to shop/saddlery - APPROVED WITH CONDITIONS
- MA/89/1440 Hanging sign and fascia sign - APPROVED WITH CONDITIONS

### **3. CONSULTATIONS**

3.1 **Staplehurst Parish Council:** Wish to see the application refused and request that the application is reported to Planning Committee on the following grounds:

*"highways, access, parking, noise and disturbance to neighbours and Listed Building status of the premises. Councillors considered the proposed use to be inappropriate given the site is on the busy High Street close to the pedestrian crossing with no parking for staff (The Parade car park is private and restricted) nor any safe or convenient dropping-off access for small children."*

3.2 **Kent Highway Services:** Initially raised objection to the proposal on the grounds that the development would result in parking on the public highway and therefore cause obstruction and interfere with the free flow of traffic and prejudice the safety of road users. Following the submission of additional information by the applicant, including operational details of the business and a parent contract, objection to the proposal was withdrawn, on the grounds that:

*"The strong stance taken by the applicants in preventing obstruction to the highway is noted, and whilst the existing on street waiting restrictions, currently double yellow lines, would not legally prevent the legitimate setting down or picking up of passengers or indeed loading of goods, I am satisfied that the applicants have taken reasonable steps to deter parents and carers from stopping on the highway directly adjacent to the application site."*

3.3 **MBC Environmental Health Manager:** Raises no objection to the proposal, although wishes to make the following comment:

*"the main environmental health issue here could be noise disturbance from the future use of these premises affecting nearby residents. Staff should endure that no unreasonable noise is generated from these premises, especially if and when children are outside, e.g. for breaks or lunch."*

3.4 **MBC Conservation Officer:** Raises no objection to the proposal for the change of use, on the grounds that it would not cause harm to the character or appearance of either the listed building or Staplehurst Conservation Area.

### **4. REPRESENTATIONS**

Two representations were received which have raised the following concerns:

- Harm to the amenity of neighbouring occupiers with regard to noise.
- Highway safety implications of additional traffic and unauthorised stopping on the public highway.
- Parking provision.

- Inaccuracies in the application documentation.
- Failure of Maidstone Borough Council to highlight the status of the building as a listed building.
- Inappropriate use of a listed building.

## **5. CONSIDERATIONS**

### **5.1 Site Description**

5.1.1 The site is located within the village envelope of Staplehurst as defined in the Local Plan, and is also within the Local Retail Centre of Staplehurst, as set out in Local Plan policy R10. The site has a frontage to the High Street (A229) and is to the west of the highway. The site is within the Staplehurst Conservation Area.

5.1.2 The site comprises the ground floor of a two storey terraced building with residential accommodation at first floor level and in the roof space and an L – shaped rear garden. The ground floor has an unrestricted A1 use, and although currently vacant was previously occupied by a hairdresser. The accommodation above ground floor level is in residential use. The property has no front garden, but is set back by approximately 4.15m from the public highway. This space is occupied by an area of hard surfacing.

5.1.3 The building is one of a terrace of eight buildings, all of which are Grade II listed except the northernmost. Some of the premises have been converted from two properties to single buildings, as is the case with the proposal site.

5.1.4 All the other premises in the terrace are in wholly residential use, with the exception of the northern most building which is in use at ground floor level as a pharmacy. The adjoining premises to the north, south and above the proposal site are therefore in use as residential accommodation. The southern end of the terrace adjoins the village Post Office which is located outside the defined Local Retail Centre.

5.1.5 Within the wider context of the Local Retail Centre there is a mix of uses at ground floor level including A1, A2, A4, A5 and C3 uses.

### **5.2 Proposal**

5.2.1 The current application seeks planning permission for a change of use of the ground floor and rear garden to a children’s nursery (D1) for the provision of day care facilities for children of the ages 3 months to 24 months.

5.2.2 The hours of use of the proposed nursery are set out in the application form as being 0720 to 1830 Monday to Friday. The nursery would not be open on Saturdays, Sundays, or Bank or Public Holidays. The operation of the nursery is stated to be on a variable basis with regard to the hours that children are cared for which is a function of

the differing needs of the parents. The agent has confirmed that morning registration of arrivals would occur between 0730 and 0830 and the corresponding afternoon registrations between 1630 and 1830, with some occurring in the middle of the day.

5.2.3 No on site parking is included in the application.

5.2.4 The proposal does not include any external alterations to the building or any supporting advertisements. Any internal alterations would require the submission of an application for listed building consent. There are no current applications for listed building or advertisement consent that have been submitted.

### **5.3 Principle of Development**

5.3.1 The proposal site is located well within the defined village envelope of Staplehurst in a sustainable location on the A229 which is served by bus routes, near to the train station which is located approximately 1.3km from the site. The principle of a D1 (child nursery) facility in this location is therefore acceptable, in accordance with central government planning guidance in PPS1 "Planning for Sustainable Development" and the policies set out in PPS4 "Planning for Sustainable Economic Development".

5.3.2 The site is also located in a Local Retail Centre, and as such is subject to Maidstone Borough-Wide Local Plan 2000 saved policy R10 which seeks to maintain existing retail uses. Notwithstanding this, "crèches" (among others) are identified in the Local Plan as facilities that are complementary to and acceptable in Local Service Centres.

5.3.3 Although as stated in paragraph 5.2.1 the premises are currently unoccupied, it was most recently occupied by a hairdressing salon, which falls within the scope of Use Class A1 (retail/shop). The proposed change of use would therefore result in the loss of an A1 retail unit. However, it is considered that in the circumstances of this case, given the healthy mix of existing uses within the Local Retail Centre, the availability of alternative units in comparable uses in the immediate vicinity of the site, in particular those comprising The Parade, the peripheral position of the site within the designated area and the fact that crèche uses are considered acceptable in Local Retail Centres, the loss of this retail unit and its use as a children's nursery would not result in harm to the overall vitality or viability of the Local Retail Centre, and is in accordance with local Plan policy. This is supported by national planning policy set out in PPS4 "Planning for Sustainable Economic Development", which supports the principle of flexibility within the planning system.

5.3.4 For the reasons set out above, it is considered that the principle of the change of use is acceptable in terms of the Maidstone Borough-Wide Local Plan 2000 and national planning policy and guidance.

### **5.4 Visual Impact**



5.4.1 The application is for a change of use, and no physical alterations to the external fabric of the building are proposed. The frontage of the unit is to remain unchanged.

5.4.2 The land to the immediate front of the building is already laid to hard surfacing, and as such it would not be possible to require the introduction of landscaping. Although it is possible that in the future the existing hard surfacing could be removed and replaced with planting, it is not considered that it is reasonable to require this through condition.

## **5.5 Residential Amenity**

5.5.1 Concern has been raised by neighbouring residents with regard to the potential for noise disturbance as a result of the proposed use as a result of the noise of children and vehicular activity. Vehicular activity is addressed under section 5.6 of this report below.

5.5.2 The established lawful use of the site is A1 (retail), and the premises was most recently occupied as a hairdressers within this use class. The business operated opening hours of 0800 to 1800 Monday to Wednesday inclusive, 0800 to 2000 Thursday and Friday, and 0800 to 1700 on Saturdays. The lawful use of the site is not controlled with regard to hours of use or deliveries, numbers of staff, etc. and is unrestricted within class A1.

5.5.3 The proposed hours of use of the nursery are 0720 to 1830 Monday to Friday inclusive. These are less than the existing hours of use, and would effectively result in the control of activities at unsociable hours, such as during the early evening and weekends.

5.5.4 Whilst the proposed use would potentially result in peaks and troughs of activities as a result of registration and collection of children, these would be spread over the day as a result of differing levels of care provision, e.g. mornings only, afternoons only or all day care, depending on the requirements of the parents as set out in paragraph 5.2.3 above, and as such disturbance as a result of arrivals and departures on the site would be to an extent mitigated.

5.5.5 Given the likely amount of customer activity associated with an A1 use in comparison to that which might be expected in association with use of the premises as a nursery restricted to a maximum of 12 children, it is considered that the proposed use would result in a lower level and intensity of use than could be undertaken without planning permission under the provisions of the existing lawful use.

5.5.6 Specifically, objections to the proposal have been raised on the grounds of acoustic disturbance as a result of the use of both the building and the garden, and it is

recognised that the site abuts noise sensitive development, including existing dwellings.

5.5.7 Whilst it is likely that the proposed use would result in some noise, including from the use of the garden as an outdoor recreation space, the Maidstone Borough Council Environmental Health Manager has raised no objection to the proposal on the grounds of noise. No noise mitigation methods have been proposed, and it is unlikely that any would be acceptable, given the status of the building as a Grade II listed building. However, given that the Environmental Health Manager has not raised any objection to the proposal, it is therefore considered that none are necessary in this case.

5.5.8 It is noted that the use of the nursery would be limited to children under the age of 2, and as such their movements can be strictly controlled by the staff. Therefore the impact upon neighbouring occupiers is less than would be the case with older children who are capable of greater independent mobility within the site. The agent has confirmed that the maximum number of children that can be on the site at any one time is 12, as regulated by OFSTED. This number is a function of the space available and the child to adult ratio. Notwithstanding this, it is considered that a condition restricting the number of children on the site at any one time to 12 is necessary, given that the criteria set out by OFSTED may change or, for example, the number of staff increase.

5.5.9 Although there is no objection to the proposal on the grounds of statutory noise nuisance, there remain concerns with regard to the potential of general disturbance resulting from the use of the building and garden, and it is recognised that the unrestricted use of the garden space for purposes ancillary to the use of the premises could potentially lead to disturbance to the residential amenity of neighbouring occupiers, and for that reason a condition should be attached to the permission restricting the extent of the time that the garden can be used for, and the numbers of children using the space at any one time.

5.5.10 The agent has also confirmed that the use of the garden would be structured and limited to periods of 20 to 25 minutes in the morning and evening, and that not all of the children would be in the garden at the same time.

5.5.11 Given the above, it is considered that any general noise nuisance caused by the proposed use would be limited by virtue of the operational practices set out in the application documentation, and that, subject to the conditions set out above, the proposal would not result in an unacceptable level of disturbance to the occupiers of the neighbouring dwellinghouses.

5.5.12 Notwithstanding the above, if noise levels resulting from the proposed use are such that a statutory noise nuisance was to result, this would be dealt with under separate environmental health legislation under the provisions of the Environmental Protection Act 1990.

5.5.13 In addition to the conditions set out above, it is considered to be reasonable and necessary, given the scope of uses that fall within use class D1, including places of worship, clinics and public halls, to restrict the use of the unit to that as a day nursery in order to avoid potential conflicts between neighbouring uses at a later date.

5.5.14 No external alterations are proposed to the building. There would therefore be no additional harm caused to the amenity of neighbouring occupiers with regard to loss of light or outlook by the change of use.

## **5.6 Highway Safety**

5.6.1 Concern has been raised by local residents and Staplehurst Parish Council with regard to highway issues including unlawful stopping and parking on the public highway resulting in obstruction and interference to the free flow of traffic, and traffic generation.

5.6.2 The proposal does not include the provision of any on site parking, and on street parking is restricted in the immediate vicinity of the site by double yellow lines and zig zags associated with the pedestrian crossing approximately 20m to the north of the site. The nearest public car park is located approximately 200m to the south on Bell Lane.

5.6.3 The applicants have submitted operational details and additional information relating to the functioning of the proposed facility, which include details of the registration and pick up procedures in place for children which take up to 25 minutes to complete (copy appended). It is considered that the length of time involved in the registration and pick up arrangements is such that parents and carers would be discouraged from parking illegally in contravention of the existing controls. In any case, the Maidstone Borough Council Parking Services Officer has confirmed that in the 12 months from October 2009 to October 2010 no penalty charge notices were issued on the High Street in Staplehurst, in comparison to 9 during the same period on Fisher Street, Staplehurst and 25 on High Street, Headcorn, which indicates that the parking restrictions in place on the High Street are effective and not contravened on a regular basis, possibly as a function of the width of the highway and the availability of alternative parking facilities such as the car park on Bell Lane.

5.6.4 In addition to the above, the operational practices of the business and the staff and parent contract clearly sets out the local public parking provision in Bell Lane, and the local limitations with regard to on street parking availability, setting out the responsibility of parents and carers to comply with local parking and waiting restrictions.

5.6.5 In the light of the material submitted comments have been received from the Kent County Council Highway Officer who considers that "the applicants have taken

reasonable steps to deter parents and carers from stopping on the highway directly adjacent to the application site”, and the original objection to the proposal has been withdrawn.

5.6.6 It should also be noted that the use of the nursery would be restricted by condition to 12 infants at any one time. Given the size of Staplehurst as a population centre, it is considered likely that most, if not all the children enrolled at the facility would be resident within the village, and as such not all the children would be brought to the nursery by car on a daily basis.

## **5.7 Other Matters**

5.8.1 The property is a Grade II listed building, and the Conservation Officer has raised no objection to the principle of the change of use.

5.8.2 Concerns have been raised with regard to the accuracy of the submitted plans and the extent of the submission. The current application is for the proposed change of use, and as set out in paragraphs 5.4.1 and 5.4.2, if physical works or alterations to the signage are proposed further applications may be required.

5.8.3 Whilst the objection on the grounds of inaccuracies to the submitted plans is noted, in the case of applications for changes of use where no operational development is proposed, the purpose of the plans is to correctly identify the site, and the submitted plans are considered to be adequate for this purpose.

## **6. CONCLUSION**

6.1 The principle of the change of use is acceptable in this location. Although the proposal would result in the loss of a retail unit in an area designated in the Local Plan as a Local Retail Centre under planning policy R10, the characteristics of this case are such that, as set out in section 5.3 of this report, that the loss of this unit would not result in harm to the viability or vitality of the designated area.

6.2 It is not considered that the proposal would result in any unacceptable harm to the character of the listed building or the amenity of the occupiers of neighbouring dwellings, and the Kent County Council Highways Officer and the Maidstone Borough Council Environmental Health Manager have raised no objection to the proposal on the grounds of highway safety or noise nuisance respectively.

## **7 RECOMMENDATION**

GRANT PERMISSION SUBJECT TO THE FOLLOWING CONDITIONS:

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

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

2. No activity in connection with the use hereby permitted shall be carried out outside the hours of 0720 and 1830 Monday to Friday and not at any time on Saturdays, Sundays, or Bank or Public Holidays;

Reason: To safeguard the enjoyment of their properties of the occupiers of the neighbouring residential properties in accordance with PPS1 Delivering Sustainable Development and PPG24 Planning and Noise.

3. The use hereby permitted shall be restricted to use as a day nursery/crèche, and no other use, whether falling within Use Class D1 of the Use Classes Order 1987 (as amended) or not;

Reason: To safeguard the enjoyment of their properties of the occupiers of the neighbouring residential properties in accordance with PPS1 Delivering Sustainable Development and PPG24 Planning and Noise.

4. The use hereby permitted will be restricted to a maximum of 12 children at any one time. The children shall be between the ages of 3 months and 24 months only;

Reason: to safeguard the residential amenity of the occupiers of neighbouring dwellings in accordance with PPS1 Delivering Sustainable Development and PPG24 Planning and Noise.

5. The garden area shall only be used for up to 2 hours in total prior to 12 noon and up to 2 hours in total after 12 noon and by not more than 6 children at any one time during the hours of operation of the nursery hereby permitted on the site;

Reason: To safeguard the enjoyment of their properties of the occupiers of the neighbouring residential properties in accordance with PPS1 Delivering Sustainable Development and PPG24 Planning and Noise.

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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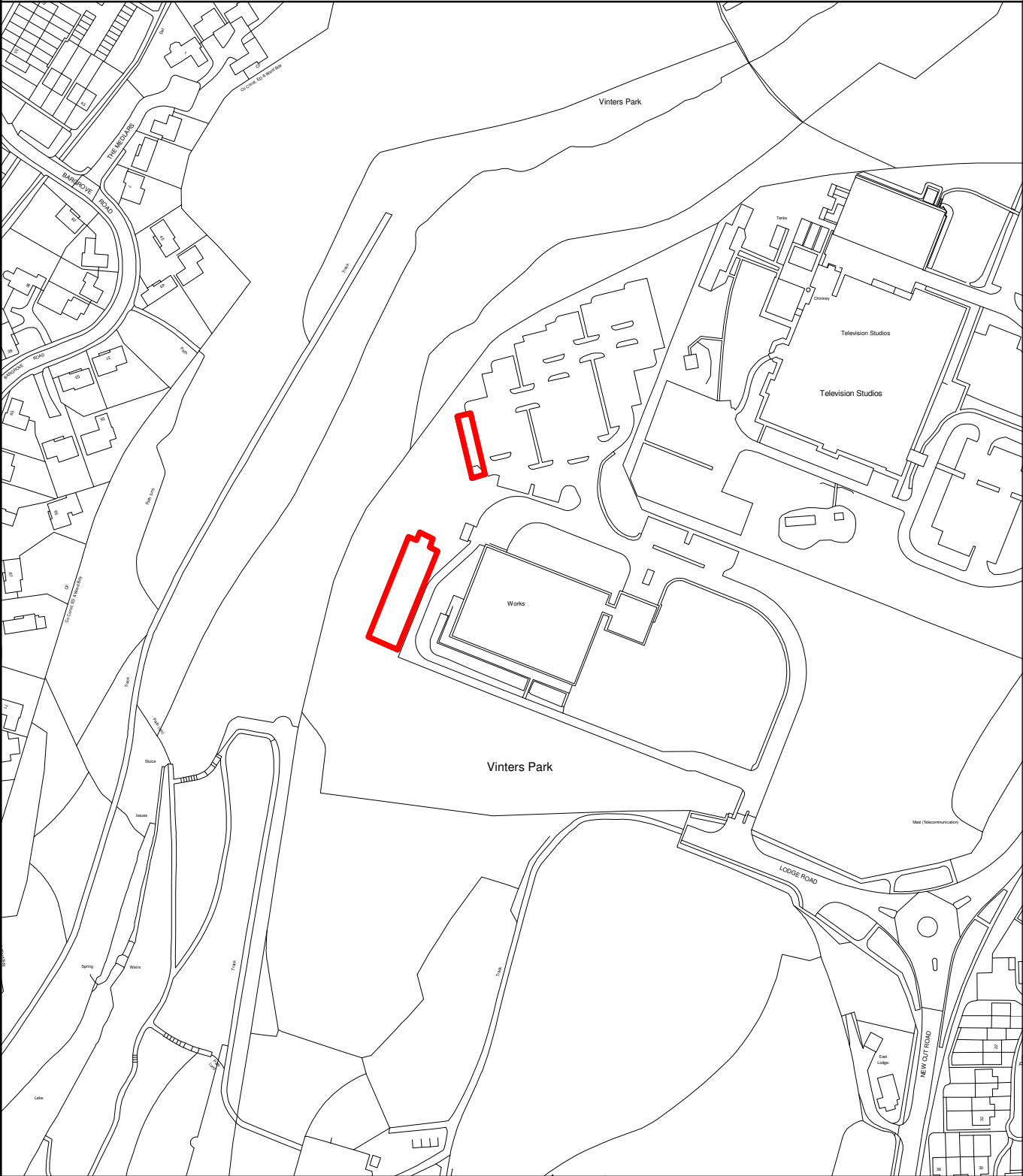


**THE MAIDSTONE BOROUGH COUNCIL**

**PLANNING APPLICATION NUMBER: MA/10/1192**

**GRID REF: TQ7756**

**PEGASUS PLACE,  
LODGE ROAD, BOXLEY.**



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**Rob Jarman  
Head of Development Management**

APPLICATION: MA/10/1192 Date: 7 July 2010 Received: 6 August 2010

APPLICANT: Mr J Gammie, Computer Sciences Ltd

LOCATION: PEGASUS PLACE, LODGE ROAD, BOXLEY, MAIDSTONE, KENT, ME14 5EH

PARISH: Boxley

PROPOSAL: An application for Variation of condition 9 of MA/09/1569 as approved under MA/10/0285 to facilitate the removal of the approved roof to the transformer enclosure adjacent to the main plant room and the raising of the acoustic screen from 6.1m to 6.245m in height and its cladding in materials to match the main plant room as shown on drawing nos. 1226/04, PL1, PL2, PL3, 503/C2, 600/C3, 700/C3, 800/C3 and acoustic information received 08/07/2010 as amended by further acoustic assessment received 06/08/2010.

AGENDA DATE: 14th October 2010

CASE OFFICER: Steve Clarke

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

- Councillor Sellar requested it be reported for the reasons set out in the report

## **1. POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV35  
Government Policy: PPS1, PPG24

## **2. HISTORY**

- MA/10/0285: Application to discharge conditions relating to MA/09/1569 (Proposed new plant room building with ancillary use to the existing data centre together with new energy compound and permanent erection of acoustic fencing around chiller compound) - submission of details received on 19 February 2010 and as amended by further details of the acoustic fencing received 24/03/2010, further details relating to the acoustic details of the transformer enclosures received 01/04/2010 and revised landscaping plan 2794-A101revA received 08/04/2010, pursuant to condition 2 (materials), 3 (landscaping), 7 (details of acoustic fencing) & 9 (details of transformer enclosure and cooling equipment): APPROVED 20/04/2010

- MA/09/1569: Proposed new plant room building with ancillary use to the existing data centre together with new energy compound and permanent erection of acoustic fencing around chiller compound: APPROVED 19/02/2010
- MA/09/0928: Erection of acoustic fencing for a temporary period of two years: APPROVED 28/07/2009
- MA/06/0658: Installation of mechanical and electrical equipment in external compounds adjacent to existing building to enhance data processing capacity of facility: APPROVED 17/07/2006
- MA/88/0868: Submission of approval of reserved matters in planning consent MA/87/1911 plus revised details to building 1: APPROVED 08/08/1989
- MA/87/1911: Construction of a computer centre: APPROVED 03/03/1988

### **3. CONSULTATIONS**

- 3.1 **Boxley Parish Council:** 'Wished to see approved as the Parish Council is extremely concerned about the impact of the noise from the site on local residents. It was hoped that this application will finally resolve the noise problems disrupting residents' lives and lead to the conclusion of noise monitoring having to be undertaken in residents homes.'

Boxley Parish Council subsequently simply noted the additional acoustic information received on 6 August 2010 that provided further information on the predicted noise levels arising from the proposed changes to the transformer enclosures.

- 3.2 **MBC Environmental Health:** Originally objected due to the lack of information regarding the likely impact of the changes. The following comments were made after the receipt of the further acoustic information received on 06 August 2010.

'Further information to justify the proposed variation has been submitted since my memo dated 22<sup>nd</sup> July 2010. This information is in the form of a letter and attached to it are a series of sound power levels with predicted sound levels at 4 locations in Bargrove Road. There are a number of variables present to arrive at a level for each locality for all the transformers (with the ceiling removed). The overall noise propagation calculations are then presented as a noise level at ground floor and first floor height. Once again these results are consistent with what the applicant has been telling us previously, i.e. that the levels expected at these properties are such that they should not pose a problem. I am in no position to disagree with the methodology used and the results obtained. We are told that these readings demonstrate that not only will this not make the noise heard any

more than previously predicted, but will in fact reduce it to less than that predicted when the transformers were enclosed – I have no reason to doubt this statement based on this evidence. I am therefore satisfied that there is sufficient evidence to show that removing the roof from the transformer enclosure will not increase the noise levels heard at the nearest properties – my disagreement centres around the levels actually heard at these properties and the discrepancy that exists between that predicted and actually measured noise.

Recommendations: No objections to this variation, for the reasons explained above.'

#### **4. REPRESENTATIONS**

4.1 **Cllr Sellar** has requested that this application is reported to the Planning Committee due to the following reasons:-

'Due to the long-term contentious nature of this project and for clarification regarding the effect that it may have on the existing noise problems to residents in the vicinity and the visual changes that will result from the proposed works.'

4.2 **Six** letters have been received from local residents and the warden of the Vinters Valley Nature Reserve. Residents are still concerned about noise from the site and how this will be monitored. It is stated that the noise from the plant on the site goes upwards and is not heard in Vinters Valley but is heard at the closest residential properties on the east side of Bargrove Road that back onto the reserve and whose rear elevations face towards the CSC site, as a constant noise varying in volume depending on the weather. It is also stated that the Council should act more in favour of the residents and ensure that they have peace and quiet.

#### **5. CONSIDERATIONS**

##### **5.1 Site Description**

5.1.1 The application site is located on the north side of Lodge Road off New Cut Road within Boxley Parish and is occupied by CSC Ltd. CSC are a data storage and management company.

5.1.2 To the south, west and northwest of the site is the Vinters Valley Local Nature Reserve and further to the west residential development in Bargrove Road. The land within the reserve is in the form of a valley and predominantly woodland with some open clearings and a stream running through the valley at its centre. The boundary of the site with the reserve is wooded and heavily planted. There is also a significant amount of landscaping within the application site, including tree planting and bunding along the boundaries with the Nature Reserve. A 2m high close boarded fence has also recently been erected on sections of the site boundary with the Reserve, without removing planting and bunding. Therefore currently only the top floor of the existing building is visible

- 5.1.3 The dwellings on the east side of Bargrove Road ranging from about number 49 to 79 (odd) back onto the nature reserve and are at a similar level to the application site and its existing office building. The closest of these is approximately 120m from the site boundary and separated from it by the nature reserve which lies in a valley.
- 5.1.4 Sited to the north/north east of the application site is located the Maidstone Studios complex.
- 5.1.5 The application site currently comprises a detached office building of approximately 8880m<sup>2</sup> which is being used as a computer data and storage centre alongside office accommodation. The centre houses sensitive information held on behalf of Central Government and is in use 24 hours a day 7 days per week.
- 5.1.6 There is a parking area to the north and north east of the building and a significant amount of external computer related equipment such as chiller and UPS (Uninterrupted Power Supply) and generator units located to the west and south of the building some within an excavated area close to the office building. This excavated area was permitted under application MA/06/0658.
- 5.1.7 A temporary acoustic fence, some 3m to 3.5m in height, has been erected to the west and south of the existing building enclosing the external chiller and UPS units in an attempt to reduce the impact of noise from the site on the residents in Bargrove Road that lies west of the site. This was approved under application MA/09/0928. The temporary fence was erected in an attempt to provide a short-term solution to noise whilst the current development on the site is undertaken. The fence will be largely removed once the current buildings are occupied and in use. As permitted under application reference MA/09/1569, a section of the fence will be permanently retained and re-sited to the edge of the existing sunken chiller compound.
- 5.1.5 The development approved under MA/09/1569 (a plant room/UPS building, back-up generators and a switch room) are currently under construction. The external shells of the main UPS building and the switch room for the generators are largely complete with internal equipment to be installed. The back-up generators have also been installed and remain to be commissioned.
- 5.1.6 The site is located within the Vinters Valley Area of Local Landscape Importance as defined under policy ENV35 of the Maidstone Borough-wide Local Plan 2000.

## **5.2 Proposal**

- 5.2.1 This application proposes to amend condition 9 of planning permission MA/09/1569 the application that permitted the new plant building, switch room

and generators currently under construction on the site. Condition 9 related to the three ancillary electricity transformer enclosures located on the west side of the main plant building which comprised the major element of that application.

#### 5.2.2 Condition 9 states as follows

'The development shall not commence until details of the location, design and specification of the acoustic enclosure and cooling equipment to the transformer units have been submitted to and approved by the local planning authority. The subsequently approved enclosure and cooling equipment shall be erected prior to the first use and occupation of the plant building and maintained thereafter.

Reason: To safeguard the amenity of the surrounding area and the occupiers of nearby neighbouring dwellings, in accordance with policy NRM10 of the South East Plan 2009.'

5.2.3 The details subsequently approved under application MA/10/0285, indicated the electricity transformers would be sited in 3 separate enclosures (2 units in each resulting in a total of 6 units). Each of the three enclosures would have been sited 1m and separate from the main plant building on its western side. The transformer enclosures were fully bounded by 6.1m high screen panelling clad in the same material as the plant building and by a roof incorporating a mechanical cooler unit. The individual transformer units were shown to be approximately 3.5m in height inside the enclosure 'box.' Acoustic information relating to the performance of the enclosure 'box' and the mechanical cooling units was submitted with the details and indicated that the requirements for noise emitted from the site to be no more than 5dB above existing background noise levels determined to be 38dB between 2000hrs and 0800 hrs would be achieved.

5.2.4 The current application seeks to vary these approved details as follows

- Removing the roof and the mechanical cooling units
- Increasing the height of the enclosure panelling to 6.245m in height
- Infilling the 1m gap between the plant building and the transformer enclosures

The applicants have submitted the application on the basis that the enclosure of the transformer units, due to the levels of heat that they generate would necessitate the fitting of mechanical forced ventilation machinery to cool the units down. This machinery is a significant noise source in its own right. They have sought to demonstrate through the use of noise modelling that the removal of the roofs to the enclosures would not generate any more noise than the enclosures fitted with roofs and the ventilation machinery and provides a 'greener' solution.

5.2.5 As can be seen from the comments of the Environmental Health section set out in paragraph 3.2 above, acoustic information relating to the performance of the enclosures without roofs has been submitted as part of the application.

5.2.6 The transformers inserted into the enclosures would remain at approximately 3.5m in height. The external material for the three transformer enclosures remains as cladding which matches the adjacent plant building.

### **5.3 Noise**

5.3.1 Members should be clear that consideration of this application is not related to the separate concerns of a number of residents in Bargrove Road and the Council relating to noise nuisance generated primarily by the chiller units approved in 2006.

5.3.2 The complaints relating to the noise emanating from the plant in the chiller compound have been investigated and a statutory nuisance identified. The nuisance is currently the subject of action by the Council which has served a formal notice under s18 of the Environmental Protection Act 1990 on CSC. The company have appealed against the notice.

5.3.3 The plant associated with the development currently under construction will continue to be bound by the following condition (number 5 of application reference MA/09/1569) which is not being changed as part of this application.

'5: The rating level of the noise emitted from the site shall not exceed the existing background noise level, determined to be 38dB, by more than 5dB between 2000hrs and 0800 hrs. The noise levels shall be determined at the site boundary nearest to a noise sensitive property. The measurements and assessment shall be made according to BS4142:1997.

Reason: To safeguard the amenity of the surrounding area and the occupiers of nearby neighbouring dwellings, in accordance with policy NRM10 of the South East Plan 2009.'

The background noise level of 38dB was measured and agreed as appropriate between the company and the Council in 2006 when the chiller compound was approved. An increase in noise levels of 5dB is stated in BS4142:1997 'Method for rating industrial noise affecting mixed residential and industrial areas' as the point at which complaints become likely. This is why the 5dB limit was included within the condition.

5.3.4 The key consideration in relation to this application is whether the removal of the roof to the three transformer enclosures housing the units would result in greater noise levels at the properties on the east side of Bargrove Road closest to the site.

5.3.5 The applicants originally offered to totally enclose the electricity transformer units believing that this would help reduce noise emanating from the machinery. However, given the fact that electricity transformer units generate significant amounts of heat it was subsequently found to be necessary to provide a means

of mechanical ventilation to provide cooling for the enclosures. This machinery generated additional noise.

- 5.3.6 Whilst it was demonstrated in the details submitted in application reference MA/10/0285, that the roofs and mechanical ventilators would meet the noise level condition at the site boundary closest to the properties in Bargrove Road, the applicants have investigated on the grounds of reducing energy consumption and in addition reducing costs, the removal of the mechanical ventilators and using natural rather than forced ventilation.
- 5.3.7 The issue to be determined is whether the transformer enclosures with the roofs removed would result in greater noise levels than the approved details.
- 5.3.8 In this regard I would refer Members to the comments of the Environmental Health Section set out in paragraph 3.2 above. In essence, the information supplied and the modelling undertaken by the applicant's acoustic consultant is considered to be soundly based on accepted practice.
- 5.3.9 On assessing the data, the Environmental Health section state that they consider that noise levels without the enclosures being roofed will be no higher than as previously approved and may well actually be lower than previously identified largely due to the removal of the mechanical ventilation system.
- 5.3.10 I consider therefore that on balance, the proposed change is acceptable.

#### **5.4 Visual Impact**

- 5.4.1 The increase in height of the enclosures to the transformers from 6.1m to 6.245m and the infilling of the previous 1m gap between the enclosures and the main plant building will not result in any additional or harmful visual impact on the surrounding area or the Area of Local Landscape Importance subject to policy ENV35 of the Maidstone Borough-wide Local Plan 2000.

#### **6. CONCLUSION**

- 6.1 This application solely relates to a proposal to remove the roofs and the mechanical ventilation system from the transformer enclosures previously required by and subsequently approved under application reference MA/09/1569.
- 6.2 The submitted acoustic information has been fully considered along with the methodology used to provide the predicted noise levels indicated in that information. The Environmental Health section has confirmed that they accept the methodology used by the applicant's acoustic consultant and the findings set out in the submitted details. They have confirmed that they are satisfied that it



has been demonstrated that the removal of the roofs will not result in greater noise levels than the previously approved details.

- 6.3 Therefore, on balance, I consider the proposals to be acceptable and recommend accordingly.

## **7. RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:  
1226/PL1, 1226/PL2, 1226/PL3, 1226/503/C2, 1226/600/C3,  
1226/700/C3,1226/800/C3;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of nearby occupiers and the Area of Local Landscape Importance in accordance with policy ENV35 of the Maidstone Borough-wide Local Plan 2000 and the advice in PPS1 and PPG24.

### **Informatives set out below**

You are reminded that all other conditions relating to planning application MA/09/1569 remain in force and should be complied with as required.

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

**Item 20, Page 139**

**Address**  
**CSC Computing Pegasus Place**

**MA/10/1192 :**

**Officer comment**

I wish to correct an error within paragraph 5.3.2 on page 145 of the agenda, for which I apologise.

The notice has been served under s80 of the Environmental Protection Act 1990 not s18 as set out on the papers.

**Amendments to recommendation**

None

A photograph showing a portion of a building's exterior. On the left, there is a window with a dark frame. The building's facade is light-colored. In the foreground, there is a metal railing or scaffolding structure. The number '228' is overlaid in the center of the image.

228

A photograph showing a stack of construction materials. On top is a large, rectangular, white panel with a slightly textured surface. Below it is a stack of galvanized steel C-channels, with several layers visible. The materials are resting on a ground surface of dirt and small rocks. The number '229' is printed in a large, black, sans-serif font, oriented vertically on the left side of the image, overlapping the steel channels.

229

230



231



232



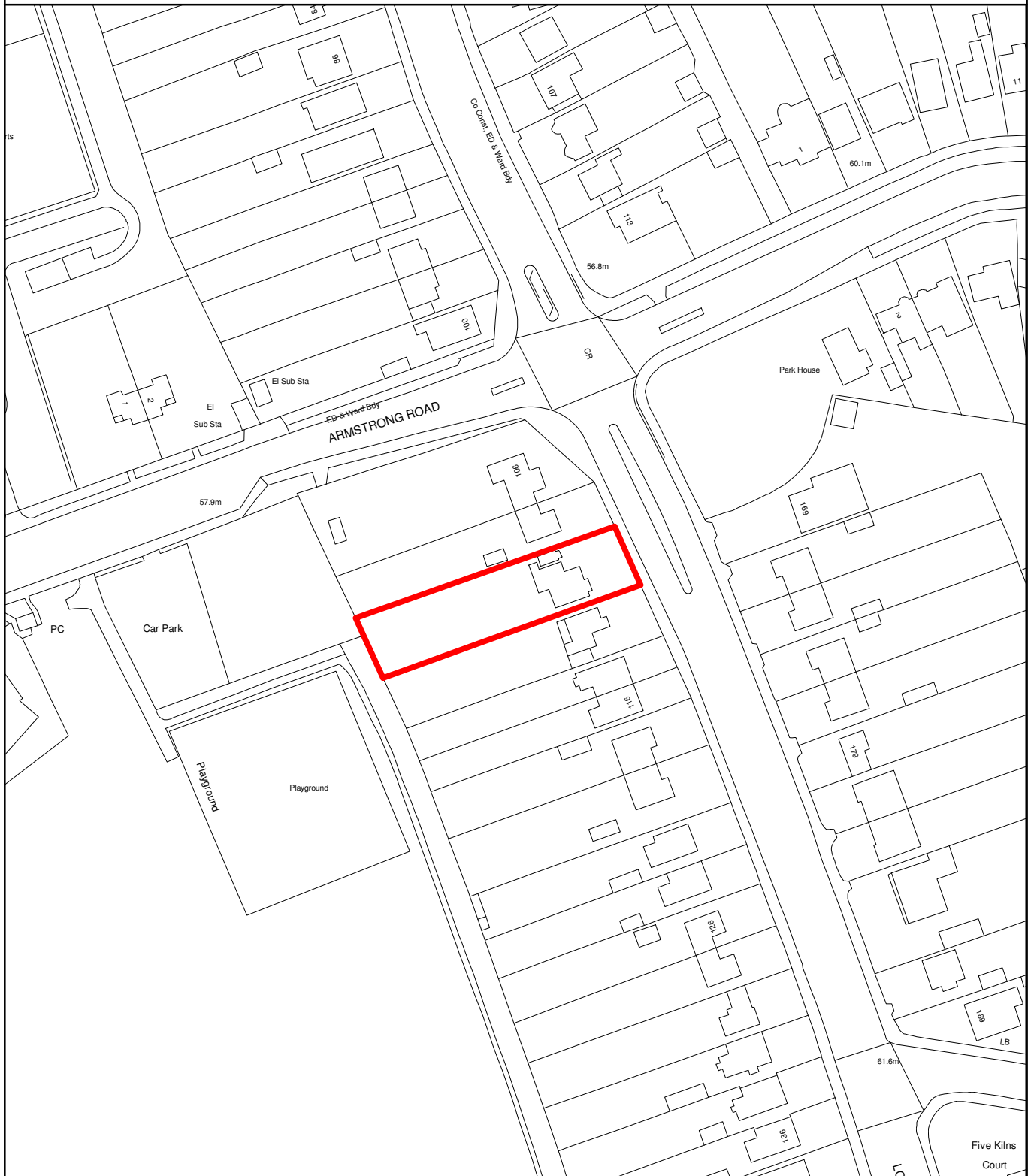
# Agenda Item 21

## THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/10/1322

GRID REF: TQ7654

110 LOOSE ROAD,  
MAIDSTONE.



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**Rob Jarman**  
**Head of Development Management**



APPLICATION: MA/10/1322      Date: 5<sup>th</sup> Aug 2010      Received: 5<sup>th</sup> Aug 2010

APPLICANT:            Mr & Mrs Russell

LOCATION:              110, LOOSE ROAD, MAIDSTONE, KENT, ME15 7UB

PROPOSAL:            Single storey side infill extension with bay window to replace carport, single storey rear extension, two storey rear extension with accommodation in roof, addition of 2.no. dormers and raising of main ridge height as shown on site location plan, block plan and unnumbered drawings received 28/07/10 and 05/08/10.

AGENDA DATE:        14<sup>th</sup> October 2010

CASE OFFICER:        Kathryn Altieri

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

- Councillor Mortimer has called the application in to Planning Committee

## **1. POLICIES**

Maidstone Borough-Wide Local Plan 2000: H18

Government Policy: PPS1 - Delivering Sustainable Development, PPS3 - Housing

## **2. HISTORY** (1974+)

MA/08/2046 - Erection of a single storey rear extension – approved/granted with conditions

MA/88/0721 - First floor extension over existing garage & hardstanding to provide two additional bedrooms - approved/granted with conditions

## **3. CONSULTATIONS**

*3.1 KCC Archaeological Officer; Raises no objection subject to condition shown below;*

*"The application site lies along the alignment of the Roman road linking Maidstone and Hastings. This was thought to have been a major thoroughfare and a number of finds and features are recorded along its route, including a coin c.185m south-west of the proposed development. In addition, a number of World War II defences are present in the vicinity, including anti-tank traps in the form of ditches c.260m to the west and c.370m to the north of the proposed development.*

*Remains associated with the construction and use of the road may be revealed during the proposed groundworks and I recommend that the following condition be applied to any forthcoming consent:*

*The developer shall afford access at all reasonable times to any archaeologist nominated by the Local Planning Authority and shall allow him/her to observe the excavations and record items of interest and finds. The developer shall inform the County Archaeologist of the start date of construction works on site not less than two weeks before the commencement of such works.*

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

3.2 Landscape Officer: Raises no objections subject to conditions;

*"I have looked at the proposals and inspected the mature Norway Maple form the adjacent garden and taken some measurements of the tree. I am satisfied that, with sufficient care, the proposal can be constructed without detriment to the health of the tree.*

*I therefore raise no objection to the application on arboricultural grounds, subject to conditions requiring the submission and approval of an arboricultural method statement and tree protection plan in accordance with BS5837:2005 and a condition relating to implementation of the approved tree protection details."*

#### **4. REPRESENTATIONS**

4.1 Councillor Mortimer commented;

*"I wish to call in the application for committee regarding 110 Loose Road. I have received objections from both residents (108 & 112) with concerns to the size of the development, overlooking windows and possible boundary concerns regarding footings close to existing properties."*

4.2 Neighbours: 2 neighbours have submitted four letters of objection, raising concerns over the scale of the development, loss of privacy, impact upon the streetscene, impact upon existing trees and any future change of use.

#### **5. CONSIDERATIONS**

##### **5.1 Site description**

5.1.1 The application site relates to a rectangular shaped residential plot currently occupied by a detached two storey dwelling with integral garage, carport and private driveway. The extension approved under MA/08/2046 has never implemented. The property is raised up and set back some 10m from Loose Road, 30m to the south-east of the junction with Armstrong Road and is within the urban area of Maidstone. The street scene is generally made up of residential properties of differing style, age and scale.

5.1.2 The site is within an 'Area of Archaeological Potential' but does not fall within any other special designated areas, as shown by the Maidstone Borough Wide Local Plan 2000.

## **5.2 The Proposal**

5.2.1 The proposal is for the erection a single storey infill extension with a bay window at ground and first floor level to replace the carport, a single storey rear extension, a two storey rear extension with accommodation in the roof, the addition of two dormer windows and for the raising of the main ridge height to the roof. The existing single storey extensions at the rear would be removed.

5.2.2 This would provide the occupants with a play room, a larger kitchen/dining area, a larger living room and would see the property go from a five bedroom property to a six bedroom property with additional ensuite facilities.

5.2.3 With the existing carport filled in, the two storey bay window would project 1m from the front building line and with its pitched roof, would equal the height of the existing front bay window, that being some 6.7m in height. The main ridge line to the property would also be raised 0.7m in height, going from 7.5m to 8.2m.

5.2.4 At the rear of the property, the single storey dining room extension would project 3.4m from the original flank, measure 4.3m wide and with its flat roof, stand some 3m in height from ground level.

5.2.5 The larger two storey element of this proposal to the rear would project 5.9m from the original flank of the house and measure 8.1m wide. At first floor level, the proposal would be stepped in 1.3m from the shared boundary with 108 Loose Road and from its ridge to ground level it would stand 8.2m in height. Its eaves height would match the main house (5.2m).

5.2.6 One dormer window would look out onto the rear garden of the application site and one dormer window would look southwards; both of these would have a flat roof and measure 2.3m wide and 1.3m in height. Five rooflights would be inserted and three new first floor side windows would be inserted into the northern elevation of the main house. The dormer windows would be to the rear and would not be visible from Loose Road.

## **5.3 Planning Issues**

5.3.1 The specific policy under the Maidstone Borough-Wide Local Plan 2000 relating to housing extensions within the urban area 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

5.3.2 Although the proposal would more than double the footprint of the property, a section of it would be infilling the carport, under the first floor level of the house and as such would not significantly increase the property's overall bulk, furthermore, it would only compliment the original property by using matching external materials. So whilst the proposal would involve a marked increase in the bulk of the roof, it would still respect the original property's eaves height and hipped roof design whilst not widening the property any further at two storey level. In addition, the development would involve modestly scaled single storey elements and the proposed bay window would aesthetically balance the visual appearance of the front elevation.

5.3.3 I therefore believe that this proposal would remain subordinate and ancillary to the existing house and as such would not overwhelm or destroy the character of the existing property.

#### Impact upon the streetscene

5.3.4 The bulk of the development would be to the rear of the property and not visible from Loose Road. The elements that would be visible would remain set back from the main road by 10m, the bulk of it would not extend beyond the main building line of the house and the 1m projection of the bay window is considered to be modest and if anything, would visually balance the property by replicating the window design already there.

5.3.5 The streetscene is a mixture of differently scaled properties with differing ridge heights, largely consisting of substantial two storey houses. The proposed roof extension would see the ridge line go from 7.2m in length to 5.8m and I do not believe that the modest 0.7m increase in the ridge height would have a significant detrimental impact upon the character of the surrounding heavily built up urban area.

5.3.6 There is a playing field to the rear of the site, but the site's rear boundary is made up of dense, mature trees and vegetation that largely screens the property from

view and the development would remain more than 35m away from this public open space. Considering this boundary treatment and separation distance, I do not believe that this proposal would have detrimental impact upon the visual amenity of the area.

5.3.7 I therefore believe that this proposal would not significantly affect the character and appearance of the area or adjacent buildings.

#### Impact upon the neighbours

5.3.8 The proposed rear extensions 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 neighbours either side of the application site (108 & 112 Loose Road) in terms of loss of daylight. For both neighbours, the proposal passed both the BRE daylight plan and elevation tests. Furthermore, the proposal would remain 3m away from either neighbour, with the two storey element set in an additional 1m from the shared boundary with 108 Loose Road to the north, giving a separation gap of more than 4m. It should also be noted that the only opening in the southern flank of 108 Loose Road is an obscure glazed window (likely to serve a bathroom); and so whilst the proposed two storey element would extend a further 3.5m towards the rear, it would not significantly impact upon the outlook from this neighbour's opening given its nature. On balance, I therefore believe that this proposal, with its hipped roof design only further reducing its overall visual impact, would not have an overwhelming impact upon any neighbour.

5.3.9 Currently, the applicant's property has no first floor side openings but this proposal would see three first floor windows being inserted into the property's northern flank. Two would serve ensuite facilities and the rearmost window that is most likely to directly overlook the rear of 108 Loose Road, would be a small secondary opening serving a bedroom. The main window to the mentioned bedroom is to the rear of the property and would not have a significant impact upon the residential amenity of any neighbour. To maintain acceptable levels of privacy for 108 Loose Road, a condition will be imposed to have these three side windows obscure glazed and fixed shut.

5.3.10 In addition, the proposed dormer window to the rear sixth bedroom would overlook 112 Loose Road (to the south) and I believe that if the existing (unprotected) trees lining the shared boundary were to be removed for whatever reason, this window would cause a significant level of overlooking to the immediate private amenity area of this neighbour. I therefore consider it justified to have this opening obscure glazed and fixed shut. Please note that this room would have an opening rooflight in the rear slope of the roof providing ventilation and a means of escape.

5.3.11 The proposed rooflights, because of their location and angle, would not lead to a significant loss of privacy for any neighbour.

5.3.12 Subject to the relevant conditions, 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 parking

5.3.13 Although the proposal would create additional bedroom accommodation and result in the loss of two parking spaces, the site still has off road parking for three cars and the site is in a sustainable location within walking distance of the town centre, close to local amenities and bus routes. I therefore believe that this proposal would not have a significant impact upon the parking provision or generate any need.

#### Protection of existing trees

5.3.14 There is a mature Norway Maple sited within the rear garden of 108 Loose Road that is within close proximity to the northern boundary of the application site. The tree is considered to hold some amenity value as it can be clearly seen from junction of Loose Road and Armstrong Road.

5.3.15 This tree would be some 7m away from the rear flank of the proposed two-storey element of the proposed development and the Landscape Officer is of the opinion that.... *"with sufficient care, the proposal can be constructed without detriment to the health of the tree"*. I therefore believe, subject to an Arboricultural Method Statement (AMS) and a Tree Protection Plan being submitted (in accordance with BS5873:2005) that the proposed development would not be to the detrimental of the health of this tree.

#### Area of Archaeological Potential

5.3.16 The site is within an 'Area of Archaeological Potential' and after taking advice from the KCC Archaeological Officer, I believe the recommended condition (shown below) is justified and shall therefore duly impose it.

*"The developer shall afford access at all reasonable times to any archaeologist nominated by the Local Planning Authority and shall allow him/her to observe the excavations and record items of interest and finds. The developer shall inform the County Archaeologist of the start date of construction works on site not less than two weeks before the commencement of such works."*

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

## **6. The conclusion**

6.1 The issues raised by Councillor Mortimer and the neighbours have been dealt with in the main body of this report. However, I would also like to add that the Party Wall Act is not a material planning consideration and any future change of use of the

property would be fully considered if and when a planning application for this was submitted.

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

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

3. Before the development hereby permitted is first occupied, the proposed first floor windows in the northern flank of the property and the proposed dormer window facing southwards shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such;

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers. This is in accordance with policy H18 of the Maidstone Borough Wide Local Plan 2000.

4. No work shall take place until an Arboricultural Method Statement (AMS) and a Tree Protection Plan, in accordance with BS5873:2005, has been submitted and approved in writing by the Local Planning Authority. The AMS should include details of crown protection, foundation design and method of works (e.g. hand digging) within the Root Protection Area (as given by BS5837:2005) of the Norway Maple found close to the boundary within the rear garden of 108 Loose Road;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development in accordance with policy ENV6 of the Maidstone Borough Wide Local Plan 2000.

5. The developer shall afford access at all reasonable times to any archaeologist nominated by the Local Planning Authority and shall allow him/her to observe the excavations and record items of interest and finds. The developer shall inform the County Archaeologist of the start date of construction works on site not less than two weeks before the commencement of such works.

Reason: To ensure that features of archaeological interest are properly examined and recorded. This is in accordance with PPS5.

6. The development hereby permitted shall be carried out in accordance with the following approved plans: unnumbered drawings received 28/07/10 and 05/08/10;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers in accordance with policy H18 of the Maidstone Borough Wide Local Plan 2000.

### **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.



242

19.08.2010



24/3

01.10.2010



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South Field Business Village

CA11 1G

01.10.2010

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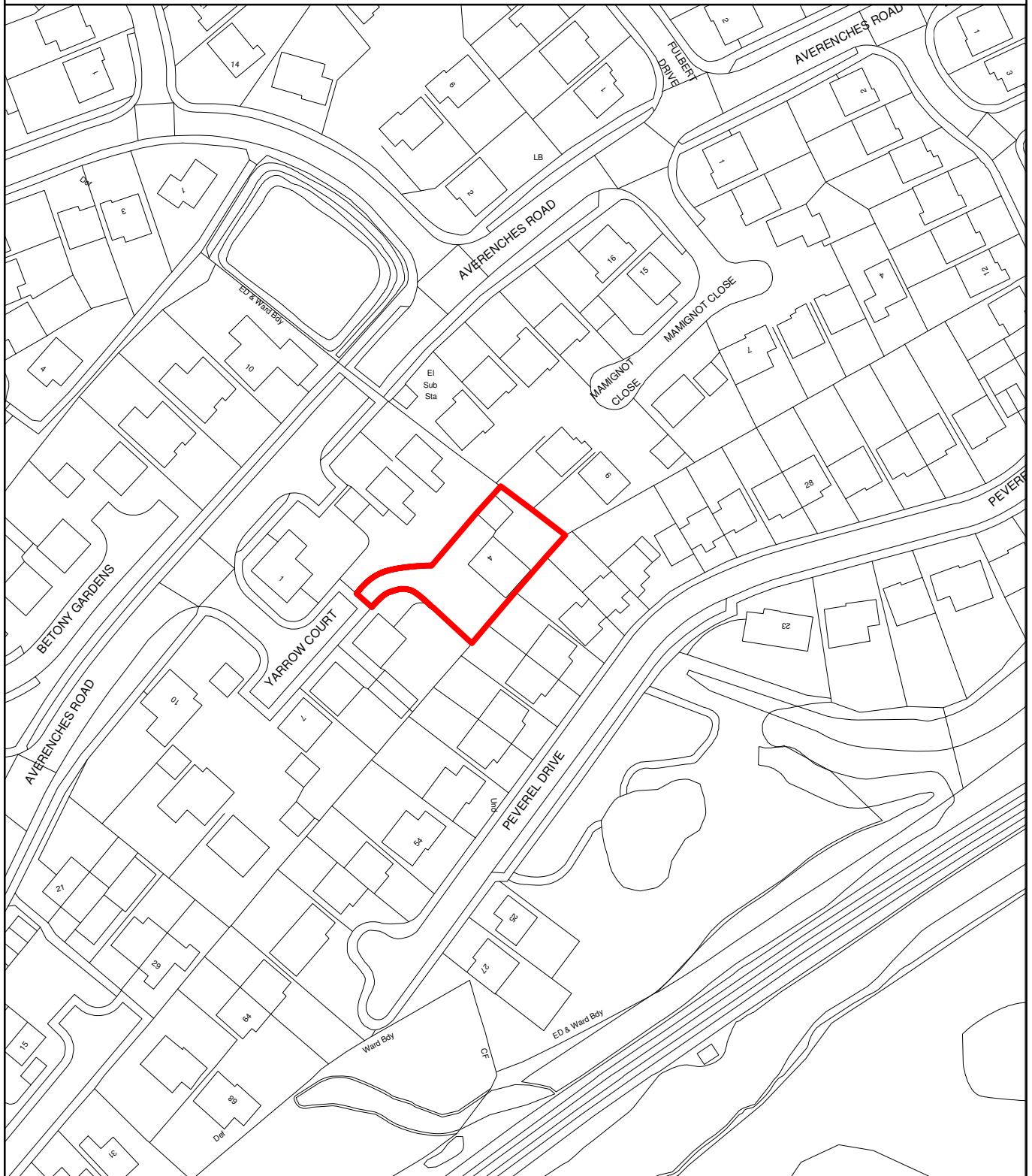
# Agenda Item 22

## THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/10/1472

GRID REF: TQ7856

4 YARROW COURT,  
MAIDSTONE.



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**Rob Jarman**  
**Head of Development Management**

APPLICATION: MA/10/1472 Date: 21 August 2010 Received: 25 August 2010  
APPLICANT: Mr & Mrs N & A Furlong  
LOCATION: 4, YARROW COURT, MAIDSTONE, KENT, ME14 5FQ  
PARISH: Thurnham  
PROPOSAL: Erection of a first floor side extension, shown on a site location plan, site plan, floor plan and elevations received on 25/08/10.  
AGENDA DATE: 14th October 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

## **POLICIES**

Maidstone Borough-Wide Local Plan 2000: H18.  
Government Policy: PPS1.

### **1. HISTORY**

1.1 The only relevant history for the site is:

00/0818 Single storey side extension - Approved

1.2 The only other history for the site relates to the erection of the estate around the 1990s.

### **2. CONSULTATIONS**

2.1 **Thurnham Parish Council:** wishes to see the application refused for the following reasons:

"Thurnham Parish Council feels that the elevational treatment ruins a well proportioned house and there will be a loss of amenity. The existing ground floor extension is acceptable in view of its modest scale. However we feel that the proposals in general are unacceptable and ugly and only give modest improvement to the living accommodation.

The Parish Council would have no objections to a properly designed extension which extends the roof line and preserves the half hip gable end.

In conclusion the Parish Council objects to the proposals in their current form”.

2.2 **Boxley Parish Council:** Do not wish to object.

### **3. REPRESENTATIONS**

- 3.1 One letter of objection has been received from a neighbouring property, objecting upon the following grounds:
- loss of light / overshadowing
  - visual appearance / dominance
  - noise, dust and disturbance from the construction phase.

### **CONSIDERATIONS**

#### **4. Site and situation**

- 4.1 This application relates to a detached, modern (1990s) dwelling, which is located within the urban area of Maidstone. It is constructed of red and yellow brick, under a concrete tiled roof. The house is located within Thurnham parish, but the plot straddles the boundary of Thurnham and Boxley parishes. The street is a cul-de-sac made up of detached properties of no fixed design, layout or spacing.
- 4.2 No 4 Yarrow Court is set back from the turning head of the road by some 25m. To the south east of the property lie the rear gardens of dwellings in Peverel Drive. The subject dwelling is positioned at an angle of 90 degrees to those houses.

#### **5. Proposal**

- 5.1 Planning permission is sought for the erection of a first floor side extension. There is an existing single storey side extension to the south east elevation and it is proposed to increase the eaves and ridge height of the extension to create accommodation (dressing room, en-suite and store) within the roofspace. The roof would remain hipped. Approximate measurements are:

Existing eaves height 2.7m  
Proposed eaves height 3.7m  
Existing ridge height 4.5m  
Proposed ridge height 6.5m

## **6.** Planning considerations

- 6.1 There are two key issues arising from this case. These are the visual impact of the development and its impact upon residential amenity for the occupiers of properties in Peverel Drive.

## **7.** Visual Impact

- 7.1 In my opinion, the proposal would generally be in keeping with the design of the existing house. Detailing to the corners of the building would be continued to match that existing and arches would be added above ground floor windows to match existing windows. The design of the roof would be similar to that of the existing single storey element – it would simply be increased in height. The ridge would be set down from the main ridge by almost 2m, and due to its height, hipped roof and width, the extension would appear subservient to the existing house and would not dominate it.
- 7.2 The form of the main house, including the form of its roof, would be preserved. Its proportions would not be significantly altered, because the extension would be no wider than the existing extension.
- 7.3 The elevations are not symmetrical and, as stated, detailing (for example, windows and quoins) would be in keeping with existing detailing. Materials are also stated to match the existing materials (brick and concrete tiles).
- 7.4 The part of the building which is to be extended is not at all prominent in the street, because the house is set back from the road by around 25m. The extension would be added to the side of the house which is furthest from the road.
- 7.5 I conclude that the extension would be subordinate to the existing house, in keeping with its appearance and visually acceptable within the street. It would have no significant adverse effect upon visual amenity.

## **8.** Residential Amenity

- 8.1 The proposed extension would be located around 0.5m from the boundary with numbers 42 & 44 Peverel Drive, which back onto the site. The proposal would be located around 10m from the rear elevations of those properties and would increase the height and massing of development close to their rear boundary. The site is a maximum of approximately 0.5m higher than land upon the other side of the boundary to the south east.

- 8.2 However, the eaves height would only be increased by around 1m, the roof would be hipped and it would slope away from those properties. Also, the extension would not run the entire length of either property's boundary - the boundary between numbers 42 and 44 Peverel Drive is positioned part way along the side elevation of no 4 Yarrow Court, so the extension would be adjacent to part of those properties, but not adjacent to their whole garden.
- 8.3 A loss of light test has been undertaken in accordance with a method referred to in the British Research Establishment Report "Site Layout Planning for Daylight and Sunlight" and this does not indicate a significant loss of light to the properties in Peverel Drive. Also, the development would take place to the north west of the boundary with the Peverel Drive houses, and this orientation would limit the impact in terms of light and overshadowing. Moreover, the development would appear against the backdrop of the existing house, which is of greater height and mass.
- 8.4 Considering all of the above, I conclude that the proposal would not result in a significant loss of light to, overshadowing of, or overbearing impact upon, the occupiers of any property in Peverel Drive. No other neighbouring property would be significantly affected in this way, due to the distances involved.
- 8.5 The development would not result in a significant loss of privacy for any neighbouring property, because front and rear rooflights would be in the same planes as existing windows and the side rooflight would be obscure glazed with an opening restrictor limiting the opening to 100mm.

## **9. Other issues**

- 9.1 No additional bedrooms are proposed and the proposal would not affect the parking provision.
- 9.2 Noise, dust and disturbance from the construction phase are not material planning considerations.

## **10. Conclusion**

- 10.1 The extension is clearly subordinate to the existing dwelling and in keeping with its design.
- 10.2 The proposal would preserve the character and appearance of the streetscene and would not result in significant harm to residential amenity for any neighbouring property. Approval is therefore recommended.



## **RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building:

Reason: To ensure a satisfactory appearance to the development in accordance with Policy H18 of the Maidstone Borough-Wide Local Plan 2000, and PPS1.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan, site plan, proposed plan and elevations received on 25/08/10;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers in accordance with Policy H18 of the Maidstone Borough-Wide Local Plan 2000, and PPS1

4. The rooflight to the side elevation serving the en-suite shall be obscure glazed and the opening shall be restricted to 100mm, as shown upon the proposed floor plan, prior to the first use of the building hereby permitted and shall be maintained as such unless otherwise agreed in writing by the Local Planning Authority;

Reason: In the interests of privacy and to prevent harm to the residential amenity of neighbouring occupiers in accordance with Policy H18 of the Maidstone Borough-Wide Local Plan 2000, and PPS1.

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

A row of three modern houses under a blue sky with light clouds. The central house is a two-story red brick with a brown tiled roof, a white front porch, and a dormer window. To its left is a tan house with a brown roof and a garage. To its right is a red brick house with a grey roof and a white front porch. A paved driveway leads to the central house. A street sign is visible on a pole in front of the central house. The number '259' is overlaid on the image.

259

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262



A two-story brick house with a brown tiled roof and a white dormer window. The house is surrounded by a green lawn and various bushes. A clothesline with laundry is visible on the right side. The number 263 is overlaid on the image.

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

Document is Restricted