

# AGENDA

## PLANNING COMMITTEE MEETING



Date: Thursday 22 July 2010  
Time: 6.00 pm  
Venue: Town Hall, High Street,  
Maidstone

### Membership:

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

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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 Items withdrawn from the Agenda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 - 29 July 2010

**Continued Over/:**

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**Issued on 14 July 2010**

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*Alison Broom*

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

6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information
10. Minutes of the meeting held on 1 July 2010 1 - 8
11. Presentation of Petitions (if any)
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24. Update on Matters Referred to the Cabinet Members for Environment/Regeneration

**PLEASE NOTE**

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

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

## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON 1 JULY 2010**

**Present:** Councillor Lusty (Chairman) and  
Councillors Bradshaw, Chittenden, English, Harwood,  
Hinder, Nelson-Gracie, Paine, Mrs Robertson,  
Robertson, Ross, Thick and Mrs Wilson

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

43. **APOLOGIES FOR ABSENCE**

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

44. **NOTIFICATION OF SUBSTITUTE MEMBERS**

The following Substitute Members were noted:-

Councillor Bradshaw for Councillor Ash  
Councillor Robertson for Councillor Paterson

45. **NOTIFICATION OF VISITING MEMBERS**

Councillor Garland indicated his wish to speak on the reports of the Head of Development Management relating to applications MA/10/0691 and MA/10/0692.

It was noted that Councillor Mrs Blackmore had indicated her wish to speak on the report of the Head of Development Management relating to application MA/10/0538.

46. **ITEMS WITHDRAWN FROM THE AGENDA**

There were none.

47. **URGENT ITEMS**

**Update Reports**

The Chairman stated that, in his opinion, the update reports of the Head of Development Management and the Head of Spatial Planning should be taken as urgent items because they contained further information relating to the applications to be considered at the meeting.

48. DISCLOSURES BY MEMBERS AND OFFICERS

Mrs Deanne Cunningham, Team Leader Landscape, disclosed an interest in the reports of the Head of Development Management relating to applications MA/10/0691 and MA/10/0692. She stated that she had attended meetings of the Working Party set up to progress the High Street regeneration scheme. With the agreement of the Committee, Mrs Cunningham remained in the meeting when these applications were discussed.

49. EXEMPT ITEMS

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

50. MINUTES

RESOLVED: That the Minutes of the meeting held on 10 June 2010 be approved as a correct record and signed.

51. PRESENTATION OF PETITIONS

It was noted that a petition would be referred to in relation to application MA/10/0691.

See Minute 53 below.

52. DEFERRED ITEMS

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

The Head of Development Management advised the Committee that he was still awaiting the survey information requested in respect of this application.

- (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 the Committee that the ecological report and landscaping plan had now been received and would be put out to consultation.

53. MA/10/0691 - PLANNING APPLICATION FOR THE PROVISION OF NEW RAMPS, STEPS AND LANDING AREAS ON THE SOUTH SIDE OF BISHOPS WAY TO IMPROVE PEDESTRIAN CONNECTION FROM THE HIGH STREET



TO THE BRIDGE AND THE CLOSURE OF ONE EXISTING SUBWAY, RELOCATION OF THE CANNON AND ITS PLACEMENT ON A NEW PLINTH, REMOVAL OF 3 EXISTING PLANE TREES AND 1 FIELD MAPLE AND THEIR REPLACEMENT WITH 8 CHERRY AND 7 HORNBEAM TREES, PROVISION OF ILLUMINATION FOR THE QUEEN'S MONUMENT, THE RELOCATED CANNON AND OTHER LISTED BUILDINGS AND ANCILLARY WORKS THERETO, IN CONNECTION WITH OTHER WORKS (WHICH DO NOT REQUIRE THE BENEFIT OF PLANNING PERMISSION) INCLUDING THE REALIGNMENT AND REPAVING OF CARRIAGEWAYS AND PEDESTRIAN AREAS AND CROSSING POINTS, THE RELOCATION OF BUS STOPS AND SHELTERS, TAXI RANKS, LOADING BAYS AND DISABLED PARKING BAYS AND REMOVAL/RELOCATION AND/OR PROVISION OF NEW STREET FURNITURE INCLUDING BENCHES, LIGHTING, LEANING POSTS, TELEPHONE BOXES, REMOVAL OF PLANTERS AND SHRUBS AND THE RELOCATION OF THE EXISTING CCTV POLE BY THE CANNON – TOWN CENTRE REDEVELOPMENT, HIGH STREET AND KING STREET, MAIDSTONE

All Members stated that they had been lobbied.

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

Mr Hill, an objector, Mr Foster, for the applicant, and Councillor Garland addressed the meeting.

RESOLVED: That permission be granted subject to the conditions and informative set out in the report and the additional condition and informatives set out in the urgent update report with the amendment of condition 8 and the informative relating to street furniture and an additional informative as follows:-

Condition 8 (amended)

Notwithstanding the details submitted, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping in accordance with Drawing No. 009 Revision B (draft) amended to show the approximate location of all trees (including the three additional trees located in King Street and the Lower High Street) and replacing Acer campestre "Elsrijk" with Acer campestre "Streetwise". These details shall include any trees to be retained, together with measures for their protection in the course of the development and a programme for the approved scheme's implementation and long term management.

Reason: To ensure a high quality finish to the development hereby permitted in accordance with PPS1, PPS5 and the Kent Design Guide.

Informative (Street Furniture)(amended)

All street furniture, including lamp columns, CCTV columns, bus stops, refuse bins, railings and seating shall be designed in such a way as to

reflect the Maidstone Blue colour and form of the furniture provided elsewhere within the Town Centre by the Local Authority.

Additional Informative

A Monitoring Panel comprising Officers and Ward Members should be set up to ensure that all aspects of the development are completed as approved.

Voting: 12 – For 0 – Against 1 – Abstention

54. MA/10/0692 - AN APPLICATION FOR LISTED BUILDING CONSENT FOR THE RELOCATION OF THE CANNON AND ITS PLACEMENT ON A NEW PLINTH TOGETHER WITH INSTALLATION OF LIGHTING TO ILLUMINATE THE QUEEN'S MONUMENT, THE RELOCATED CANNON AND OTHER LISTED BUILDINGS AND ANCILLARY WORKS THERETO - TOWN CENTRE REDEVELOPMENT, HIGH STREET, MAIDSTONE

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

Mr Hill, Mr Foster and Councillor Garland had already addressed the meeting on associated application MA/10/0691.

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

Voting: 9 – For 0 – Against 4 – Abstentions

Note: Councillor Thick left the meeting after consideration of this application.

55. MA/10/0491 - APPLICATION TO REMOVE CONDITION 3 OF MA/06/0675 (RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE FROM B1 TO MIXED USE OF B1 AND B8) TO ALLOW PERMITTED CHANGE OF USE TO SOLELY B1 OR B8 - 1-11 PHOENIX PARK, PARKWOOD INDUSTRIAL ESTATE, COLDRED ROAD, BOUGHTON MONCHELSEA, MAIDSTONE

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

RESOLVED: That permission be granted with the informative set out in the report.

Voting: 12 – For 0 – Against 0 – Abstentions

56. MA/09/2004 - PLANNING PERMISSION FOR CHANGE OF USE OF LAND TO HOLIDAY CARAVAN SITE FOR UP TO 10 NO. STATIC CARAVANS INCLUDING ACCESS, HARD STANDING, CESSPOOL, RECEPTION BUILDING, BOUNDARY TREATMENT AND SECURITY BARRIER - CHERRY-

TREE CARAVAN SITE, CHURCH HILL, BOUGHTON MONCHELSEA,  
MAIDSTONE

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

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

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

Voting:        12 – For        0 – Against        0 – Abstentions

57. MA/10/0409 - DEMOLITION OF EXISTING SINGLE STOREY SIDE  
EXTENSION AND ERECTION OF A NEW TWO BEDROOM DWELLING  
ADJOINING NUMBER 34 STANLEY CLOSE - 34 STANLEY CLOSE,  
STAPLEHURST, TONBRIDGE

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

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

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report with the amendment of conditions 2, 5 and 6 and informative 2 as follows:-

Condition 2 (amended)

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. Notwithstanding the details already approved, these details required to be submitted shall include cladding (to match that of the existing properties within the vicinity) of the flank wall of the approved building at first floor level.

Reason: To ensure a satisfactory appearance to the development in accordance with policies BE1 and CC6 of the South East Plan 2009.

Condition 5 (amended)

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species, which shall include indications of all existing trees and hedgerows on the land, and details of any to be

retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and shall also include the retention of the existing hedgerow on the eastern boundary of the site.

Reason: No such details have been submitted.

Condition 6 (amended)

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 ten years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory setting and external appearance to the development in accordance with policies ENV6 of the Maidstone Borough-Wide Local Plan 2000 and BE1 and CC6 of the South East Plan 2009.

Informative 2 (amended)

No burning should be carried out on site during works.

Voting: 12 – For 0 – Against 0 – Abstentions

58. MA/10/0538 - ERECTION OF A NEW ECOLOGICAL LIVE/WORK UNIT INCLUDING EXTERNAL STORE AND CAR PORT - WEAVERS COTTAGE, COPPER LANE, MARDEN, TONBRIDGE

All Members stated that they had been lobbied.

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

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

RESOLVED: That permission be refused for the reason set out in the report and the following additional reason:-

The application site features habitats potentially suitable for protected species and in the absence of an ecological survey to identify the presence or otherwise of such species, the extent that they may be affected by the proposed development and any mitigation measures, it has not been demonstrated that the development would not result in harm to biodiversity interests contrary to advice within PPS9 and Circular 06/2005.

Voting: 12 – For 0 – Against 0 – Abstentions

59. MA/10/0670 - ERECTION OF ONE AGRICULTURAL STORE BUILDING FOR THE SECURE STORAGE OF FARM MACHINERY - LAND ADJACENT TO NO.3 SHINGLE BARN FARM COTTAGES, SMITHS HILL, WEST FARLEIGH, MAIDSTONE

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: 12 – For 0 – Against 0 – Abstentions

60. MA/10/0883 - AN APPLICATION FOR ADVERTISEMENT CONSENT FOR THE INSTALLATION OF 4 NON-ILLUMINATED POSTER SIGNS AND 2 DIRECTIONAL SIGNS - MBC MUSEUM, ST FAITH'S STREET, MAIDSTONE

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

RESOLVED: That subject to the expiry of the consultation period, the Head of Development Management be given delegated powers to grant advertisement consent subject to the conditions set out in the report.

Voting: 12 – For 0 – Against 0 – Abstentions

61. TA/0052/10 - APPLICATION TO FELL ONE BEECH TREE AND TREAT ONE STUMP SUBJECT TO TREE PRESERVATION ORDER NO. 2 OF 1997 AND SITUATED ADJACENT TO WAYSIDE, ASHFORD ROAD, HARRIETSHAM

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

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

Voting: 12 – For 0 – Against 0 – Abstentions

62. TREE PRESERVATION ORDER NO. 3 OF 2010 - TREES ON LAND AT NORTH LODGE, 57 HEATHFIELD ROAD, MAIDSTONE

The Committee considered the report of the Head of Spatial Planning concerning Tree Preservation Order No. 3 of 2010 which was made under Section 201 of the Town and Country Planning Act 1990 to protect one Sycamore tree and one Lime tree on land at North Lodge, 57 Heathfield Road, Maidstone. It was noted that two objections to the Order had been received within the statutory 28 day period from its making.

RESOLVED: That Tree Preservation Order No. 3 of 2010 be confirmed without modification.

Voting: 12 – For 0 – Against 0 – Abstentions

63. APPEAL DECISIONS

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

RESOLVED: That the report be noted.

64. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that:-

- He was delighted that so many Members had attended the planning training recently. The tour of planning sites was being arranged to take place in September.
- Bethan Cox, the Mayor's PA, would be leaving the employment of the Council on 7 July. He would like to thank her for her assistance in ensuring that meetings of the Planning Committee ran smoothly.

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

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

66. DURATION OF MEETING

6.00 p.m. to 8.30 p.m.

## MAIDSTONE BOROUGH COUNCIL

### PLANNING COMMITTEE

22 JULY 2010

#### REPORT OF THE HEAD OF DEVELOPMENT MANAGEMENT

##### 1. DEFERRED ITEMS

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

1.2. Description of Application Date Deferred

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

Deferred to enable the Officers to:-

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

- (2) MA/09/2043 - ERECTION OF A REPLACEMENT DWELLING WITH DOUBLE GARAGE AND CREATION OF A NEW DRIVEWAY (RE-SUBMISSION OF MA/09/1298) - STUBBLE HILL COTTAGE, SANDWAY ROAD, HARRIETSHAM, MAIDSTONE 18 March 2010

Deferred to enable the Officers to:-

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

- (3) MA/09/2004 – PLANNING PERMISSION FOR CHANGE OF USE OF LAND TO HOLIDAY CARAVAN SITE FOR UP TO 10 NO. STATIC CARAVANS INCLUDING ACCESS, HARD STANDING, CESSPOOL, RECEPTION BUILDING, BOUNDARY TREATMENT AND SECURITY BARRIER – CHERRY-TREE CARAVAN SITE, CHURCH HILL, BOUGHTON MONCHELSEA, MAIDSTONE 1 July 2010

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



**Deferred Item**

**Stubble Hill Cottage, Sandway Road,  
Harrietsham**

**MA/09/2043**

Officer comments

We are in receipt of ecological reports and a landscaping plan, which have been put out to consultation. The consultation period expired on 16<sup>th</sup> July. This item will therefore be reported back to Planning Committee imminently.

**Deferred Item 1, Page 9**

**Address:**

**MA/08/1766**

**Field known as Wheatgratten,  
Lenham Forstal Road, Lenham**

The required information has been received from the agent and has been consulted on.

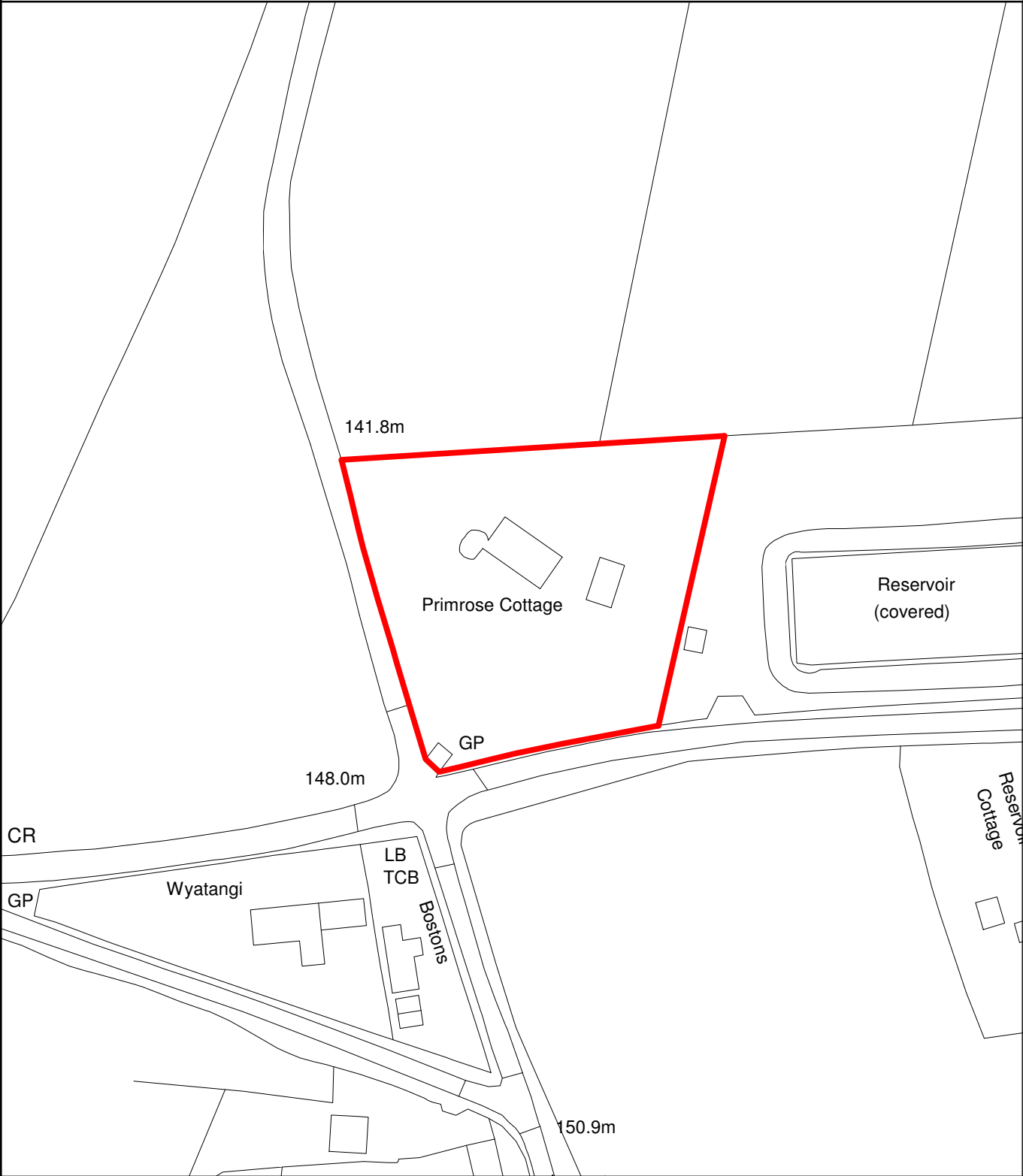
It is anticipated that the application will be reported back to Planning Committee shortly on the main agenda.

# THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/09/1434

GRID REF: TQ8550

**PRIMROSE COTTAGE,  
FAIRBOURNE LANE, HARRIETSHAM.**



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

APPLICATION: MA/09/1434 Date: 17 July 2009 Received: 11 June 2010

APPLICANT: Mr J Deakins

LOCATION: PRIMROSE COTTAGE, FAIRBOURNE LANE, HARRIETSHAM,  
MAIDSTONE, KENT, ME17 1LN

PARISH: Harrietsham

PROPOSAL: Conversion and extension of existing garage into ancillary accommodation as shown on drawing number 09/\*\*\*\*/01 received on 10/08/09 and the site location plan received on 25/11/09 and as described in the Design and Access Statement received on 25/11/09 and the letter from John Childs & Associates dated 11/03/10 and received on 11/06/10.

AGENDA DATE: 22nd July 2010

CASE OFFICER: Angela Welsford

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

- it is contrary to views expressed by the Parish Council

## **1.0 POLICIES**

- 1.1 Maidstone Borough-Wide Local Plan 2000: ENV28, H33.
- 1.2 Government Policy: PPS1, PPS3, PPS7.
- 1.3 Maidstone Local Development Framework Residential Extensions Supplementary Planning Document (adopted May 2009).

## **2.0 HISTORY**

- 2.1 MA/03/2134 – Erection of two storey rear and first floor side extensions, front dormers and other alterations – APPROVED
- 2.2 MA/78/1418 – Erection of a front porch – APPROVED
- 2.3 MA/75/1332 - Erection of a double garage with toilet – APPROVED

## **3.0 CONSULTATIONS**

- 3.1 **Harrietsham Parish Council:** Wish to see the application refused and request it is reported to the Planning Committee as the application creates an additional property in a rural area, outside the village envelope.
- 3.2 **MBC Environmental Health Manager:** No objections. The location is far enough away from the major noise sources (A20, M20 & CTRL) for transportation noise not to be an issue. There are no other Environmental Health concerns.

#### **4.0 REPRESENTATIONS**

- 4.1 None received.

#### **5.0 CONSIDERATIONS**

##### 5.1 The Site

- 5.1.1 The application site is a large plot positioned at the junction of Fairbourne Lane and Lenham Road in Harrietsham parish, containing in its centre a chalet-style dwelling and associated detached double garage. For planning purposes it is located in open countryside.
- 5.1.2 The garage, which is the subject of this application now before Members, has a pitched, clay-tiled roof and yellow-painted rendered walls. It has a footprint of approximately 10m x 6.5m, eaves height of 2.5m and a ridge height of 5.5m. It stands in close proximity to the dwelling (approximately 9m separation distance), which it faces across the block-paved parking/turning area, and is also set back approximately 30m from the site boundary with Lenham Road, (at the front of the property) which is marked by high deciduous hedging. It is also at a slightly lower level (approximately 0.3m) than that road due to the topography of the site.

##### 5.2 The Proposal

- 5.2.1 Planning Permission is sought for the conversion and extension of the garage to a fully self-contained annex to serve as ancillary accommodation to the main house, "Primrose Cottage".
- 5.2.2 This would involve the erection of a cross-wing extension to the east elevation with a footprint of 5m x 5m, a matching eaves height and a ridge height of approximately 4.8m. The accommodation provided would be a lounge, two bedrooms, hall, utility room, kitchen and bathroom.
- 5.2.3 It is important to note that planning permission is only required because the proposal involves material external alterations to the building (extension and elevational changes) and therefore constitutes development. If no building works/material external changes were proposed, planning permission would not

be required as case-law is clear that the internal works in themselves would not constitute development so long as the accommodation is used in an ancillary manner and not as a separate dwelling, (the latter would constitute a change of use).

## **6.0 PLANNING CONSIDERATIONS**

### **6.1 Principle of the Development**

6.1.1 I note that the type of accommodation being proposed would be capable of being used as a separate independent dwelling. However, it is my view that the intimate relationship of the annex with the host dwelling, "Primrose Cottage", would make such separate, independent occupation unlikely - the building's very close proximity to "Primrose Cottage", (approximately 9m separation distance), and the juxtaposition of windows, which would look straight across the host dwelling's rear patio and into the rear garden area - which in my view is the main garden area as the rest is either set on a steep slope or adjacent to the road - and also facing a number of windows on the east elevation, including a bedroom at first floor level, would result in an unacceptable loss of privacy for the occupiers of both buildings and so would make it unlikely that it would be occupied as a totally independent unit.

6.1.2 Furthermore, the agent has confirmed that all services would be linked to "Primrose Cottage".

6.1.3 The proposal is to create a self-contained annex within an existing and lawful residential curtilage. The accommodation to be provided, though self-contained, would be ancillary to that in the main dwelling, "Primrose Cottage", and, as such, no change of use would occur.

6.1.4 In view of the foregoing points, I am satisfied that the ancillary relationship with "Primrose Cottage" could be adequately secured by a suitably worded condition and that the development is acceptable in principle.

### **6.2 Visual Impact**

6.2.1 In design terms, I consider that the proposed extension would be subordinate to the existing building inasmuch as it would have a lowered ridge line as recommended in the Maidstone Local Development Framework, Residential Extensions Supplementary Planning Document (adopted May 2009), and would also be sympathetically related to it.

6.2.2 Furthermore, the existing building is set back approximately 30m from the site boundary with Lenham Road and is well-screened by established, high deciduous hedging, so is not prominent and would not, in my view, become so as a result of this proposal. I therefore consider that its visual impact on the character and

appearance of the countryside would not be significantly different as a result of this proposal.

### 6.3 Loss of Light and Overbearing Impact

6.3.1 There are no neighbouring properties positioned near enough to the proposed annex to be adversely affected in terms of loss of light or overbearing impact from the proposed extension.

### 6.4 Privacy

6.4.1 Due to the close proximity of the building to "Primrose Cottage" (approximately 9m) and the fact that it would have windows facing directly across that property's rear patio and into its rear garden and a number of windows, including a bedroom, on its east elevation, if the proposal was for a separate residential unit, the relationship and a loss of privacy would be unacceptable. However, as the proposal is for ancillary accommodation to "Primrose Cottage" (in effect, a detached extension) no such concern arises as the whole site will remain as one residential unit.

6.4.2 New residential development is currently under construction at the adjacent Fairbourne Reservoir, but due to the degree of separation, which is estimated to be in excess of 30m, together with the existing boundary treatment, consisting of approximately 2m high close boarded fencing and high, established trees and hedging, I do not consider that the proposal would have an unacceptable impact on the privacy of future occupiers of that development.

### 6.5 Parking/Highway Safety

6.5.1 There is an existing access that exits at the junction of Fairbourne Lane and Lenham Road, and no changes are proposed to this. Given the ancillary nature of the proposal, I do not consider that there would be a significant increase in traffic using that access as a result of this proposal, and thus access arrangements are considered acceptable.

6.5.2 Although the two parking spaces in the garage would be lost as a result of this proposal, there is ample space for parking/turning within the site to avoid any detriment to highway safety.

6.5.3 Any additional car movements could not be considered significant in the context of existing traffic volumes and movements on the local road network.

### 6.6 Landscaping

6.6.1 The area where the built development would take place is currently lawn, occupied by children's play equipment, thus no landscaping of any notable significance would be lost. Furthermore, no trees would be lost or harmed as a result of the proposal – there is an ornamental tree to the north of the building, but no works would come beneath its canopy, and, in any case, it is not

prominent or considered to be of significant amenity value within the locality, so does not, in my view, warrant protection.

6.6.2 As this proposal involves an existing building in an existing residential curtilage and only limited (in the context of the size of the site) external groundworks are proposed, I do not consider that, in this instance, a landscaping condition is necessary.

#### 6.7 Ecology

6.7.1 Similarly, as this is an existing building already in ancillary domestic use and within an existing residential curtilage, with the building works proposed to take place immediately adjoining the existing building in an area used for children's play equipment, it is my view that, in this instance, there are no ecological matters to consider.

#### 6.8 Conclusion

6.8.1 Taking all of the above into account, the proposal, subject to a suitably worded condition tying it as ancillary accommodation to "Primrose Cottage", is considered to comply with Development Plan policy and there are no overriding material considerations to indicate a refusal. Consequently, I recommend that Members grant approval with conditions as set out below.

### 7.0 **RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policy C4 of The South East Plan RSS 2009 and Policies ENV28 & H33 of the Maidstone Borough Wide Local Plan 2000.

3. The annex accommodation hereby permitted shall only be used as additional ancillary accommodation to the principal dwelling, currently known as "Primrose Cottage", and shall not be sub-divided, separated or altered in any way so as to create a separate independent residential unit; nor shall any external means of enclosure be erected that would physically separate the annex from "Primrose



Cottage”, whether permitted by Schedule 2, Part 2, Class A 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) or not, without the permission of the Local Planning Authority;

Reason: Its use as a separate unit would result in an unsatisfactory relationship with the principal dwelling and would represent a new and unjustified residential development in the countryside contrary to Policies ENV28 & H33 of the Maidstone Borough Wide Local Plan 2000 and Central Government advice contained in PPS1, PPS3 & PPS7.

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



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A gravel driveway leads from a brick pillar on the left and a wooden gate on the right towards a house in the distance. The driveway is flanked by lush green trees and bushes. The number 28 is overlaid on the left side of the image.

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A photograph showing a road corner on the left, bordered by a dense thicket of green trees and bushes. A utility pole stands on the left side of the road. A large black number '29' is overlaid on the image, positioned vertically in the center-left area. A small white rectangular marker is visible on a tree trunk in the lower right quadrant.

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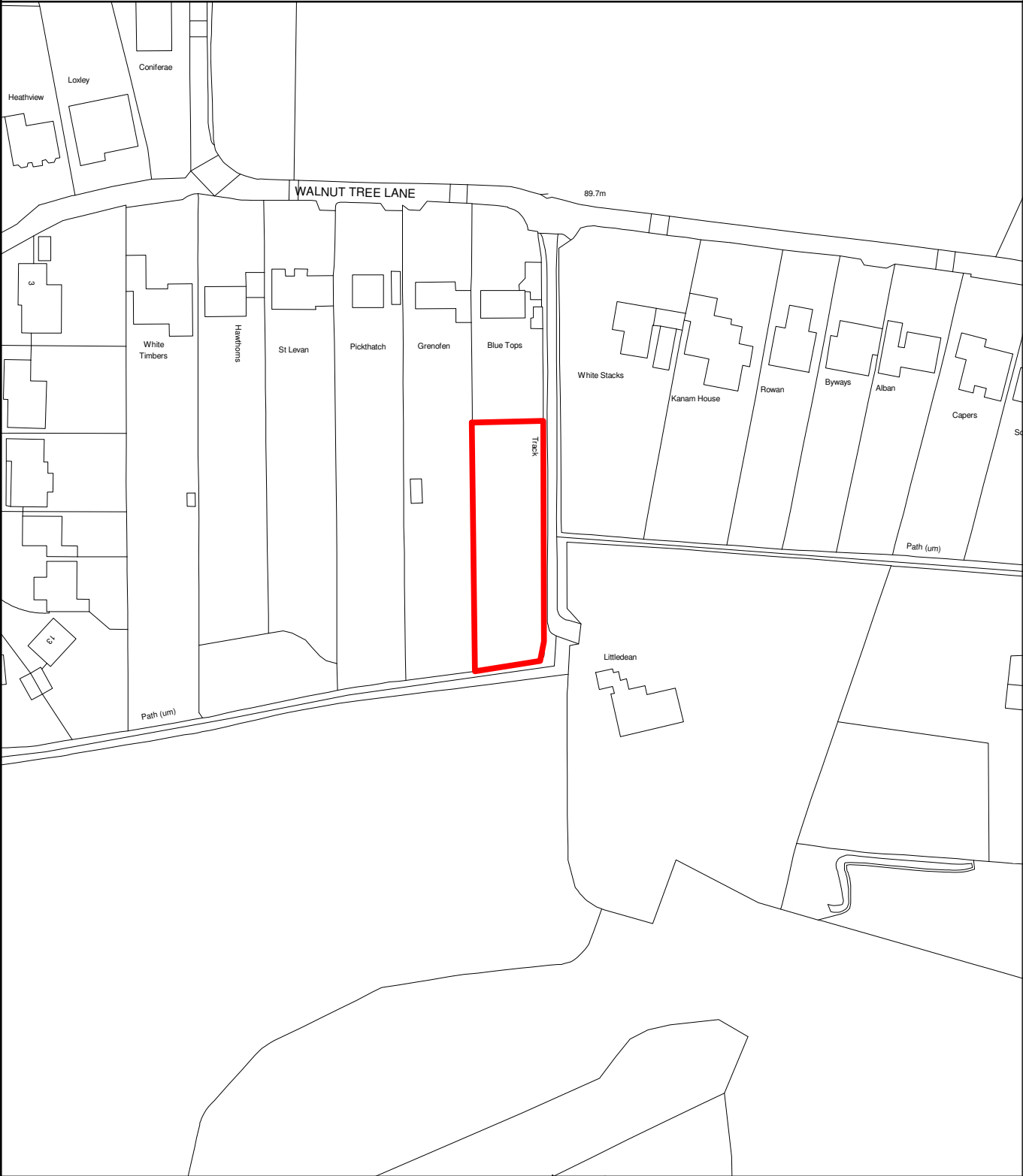
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# THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/10/0231

GRID REF: TQ7652

**BLUE TOPS,  
WALNUT TREE LANE, LOOSE.**



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

APPLICATION: MA/10/0231 Date: 15 February 2010 Received: 22 February 2010  
APPLICANT: Mr M Jones  
LOCATION: BLUE TOPS, WALNUT TREE LANE, LOOSE, MAIDSTONE, KENT, ME15 9RG  
PARISH: Loose  
PROPOSAL: Application for the reserved matters of outline permission MA/07/1724 (Outline application for the erection of one dwelling with all matters reserved for future consideration) being access, appearance, landscaping and scale as shown on Drawing No.s H-582 01, 02d, as amended by H-582 11e, 12e,13d, 14d, 15d, 16d,17e.  
AGENDA DATE: 22nd July 2010  
CASE OFFICER: Amanda Marks

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

- Cllr Ben Sherreard has requested the application be reported to committee for the reasons set out in this report.
- The Parish Council wish to have the application reported to planning committee.

## **1. POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV6, T13  
Loose Road Character Area Assessment SPD  
Government Policy: PPS1, PPS3, PPG13,

## **1. HISTORY**

MA/07/1724 Outline application for the erection of one dwelling with all matters reserved for future consideration. APPROVED

MA/08/1787 Erection of a two storey side extension APPROVED

## **2. CONSULTATIONS**

**Loose Parish Council –**

Initially wished to see the application approved and did not request the application to be reported to committee. More recently the Parish Council wish to see the application approved and request it be reported to planning committee. The request to be brought to committee is due to errors/delays in the notification of neighbours and because the Parish Council was unaware of the strength of neighbour objection at the time of its discussion on the application.

**MBC Environmental Health Officer** - No objections subject to informatives

**KCC Highways** – No objections subject to conditions

**MBC Landscape** – no objections subject to conditions

**Kent PRoW** – The aspect that RoW would be concerned with would be the number of vehicles using the path to access the building plot. It would be good practice to get the applicants to erect signs both for the public and the drivers of said vehicles so as to warn them of potential hazards. Obviously the path cannot be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in the future and no furniture or fixtures may be erected on or across the PRoW without consent.

### **3. REPRESENTATIONS**

4.1 Cllr Sherreard: I would like to take this opportunity to register my concerns regarding the application on a number of different points, these being;

- Overlooking
- Discrepancies within the D&A statement, it talks at one point about flats!!!!
- Engineering constraints to do with the ramp to garage
- Loose Area Character Assessment – I do not feel that what is essentially another LARGE dwelling in the garden of another home is appropriate for the area.

4.2 Eight neighbours have written objecting to this application, as the application has been re-consulted on three occasions due to amendments and additional information, in most instances more than one letter has been received from a household.

- Loss of light, overshadowing, overlooking, over bearing
- Dwelling too big in relation to surroundings and out of line with other dwellings
- Basement could be occupied as a separate living accommodation
- Inadequacy of Design and Access Statement

- Contrary to PPS1 and PPS3
- Suggest two storey with one below ground level
- Damage to tree in neighbouring property White Stacks
- Access inadequate, unable to cope with further traffic, insufficient manoeuvring space
- Inadequate access for emergency vehicles
- Ecological survey should be undertaken due to diverse wildlife in area
- Archaeological survey should be undertaken due to findings at the Northleigh Close/Walnut Tree Avenue
- Loss of fruit trees, spruce tree, inadequate landscaping and impact on Loose Valley Conservation Area
- Erosion of environment, out of character
- Development would set a precedent for development along the garden fringe to the south of Walnut Tree Lane
- Disruption during construction and excavation
- Concerns over subsidence to private land
- Danger to school children and the pavilion car park

Reconsultation took place due to amendments with the siting of the dwelling, reduced height in part, and loss of a window. Also information regarding the Code for Sustainable Homes was received and consulted on. Further letters were received stating that the amendments/additional information did not change the views already expressed.

#### **Walnut Tree Residents Association Ltd.**

4.3 The WTRA Ltd object to the proposal, setting out that they are the registered company that owns Walnut Tree Lane and the access track to Littledean. In summary they comment as follows; the shareholders are all owners of the properties in the lane. They comment:

- The track is unsuitable for further vehicular use and also has amenity value. The rural character of the track should be protected.
- The access arrangements are unacceptable and the ramp and excavation works are unnecessarily complex.
- The works would be disruptive, dangerous and potentially damaging to the track and Walnut Tree Lane.
- Dispute the ability to turn vehicles within the proposed site area.
- Question the measurement of 6m shown on the block plan as it suggests company land may be used.

## **4. CONSIDERATIONS**

### **5.1 Site & Surrounding Area**



- 4.1.1 The site lies within the urban confines of Maidstone in the parish of Loose. It is situated to the east of the Loose Road on the southern side of the private road 'Walnut Tree Avenue'. The application site is contained behind the current residential curtilage of a large detached dwelling (Blue Tops). Access can be gained via a track which runs adjacent to the eastern boundary of the curtilage. Public footpath KM218 runs down this track and turns at a 90 degree angle and runs west behind the rear boundaries of the properties in Walnut Tree Lane.
- 4.1.2 The site is currently laid to lawn with a scattering of fruit trees. The existing garden is approximately 80m long x 15m wide and relatively even with a gentle decline to the south. On both the east and west side boundaries is abundant planting of trees and hedges of varying heights. The planting on the west boundary is within the curtilage of the neighbouring property Grenofen. The hedging on the eastern boundary is approximately 2.5m high and is continuous along the length of the track.
- 4.1.3 To the south of the site lies abundant vegetation in a valley which falls within the designated Loose Valley Conservation Area; an Area of local Landscape Importance and the Southern Anti-Coalescence belt. In 2008 the Loose Character Area Assessment was adopted which is also a material consideration in the determination of this application.
- 4.1.4 The area is characterised primarily by detached properties of differing styles with the common feature of generous residential curtilages. A number of these properties have had the benefit of two storey extensions over the last 20 years. The gardens to the west of the track, including that of Blue Tops, are between 80-90m long from the rear of the dwellings. The gardens to the east of the track are half these lengths at approximately 40m. Opposite these dwellings are the King George V playing field. There is one dwelling 'Little Dean House' (a bungalow) which is located to the south of the properties fronting Walnut Tree Lane. This property is also accessed off the single vehicle track to the east of Blue Tops. There is also the development to the west of the application site, Copper Tree Court, a cul-de-sac which extends as far south as the rear gardens of Walnut Tree Lane.

## **4.2 Proposal**

- 4.2.1 This is an application for the approval of Reserved Matters following the grant of outline planning permission for a new dwelling in 2005. All matters were reserved for future consideration, namely, layout, scale, appearance, access and landscaping. It is proposed to build an eco-friendly three storey dwelling with one floor being underground. The dwelling would have an approximate footprint of approximately 140sqm.

The dwelling has the potential to be used as a 5 bedroom property. The height of the dwelling above ground level would be 7.8m. The ridge height of the dwelling would sit approximately 1.5m below that of Blue Tops.

- 4.2.2 It is proposed to curtail the garden length of Blue Tops to 18.3m from the rear of the dwelling. There would then be a further 13m until the built development of the new 'L' shaped dwelling. A garden length of approximately 31m would then be retained to the southern boundary of the site.
- 4.2.3 The dwelling has an 'L' shaped footprint with a roundel on the northern elevation which provides an entrance on both basement and ground level, a central hall area and a glazed atrium to allow light from the top. Situated below ground is a double garage, utility, w.c, and guest bedroom. The ground floor contains a lounge, kitchen/diner, study and cloakroom. The first floor comprises 4 bedrooms (1 with en-suite) and a family bathroom.
- 4.2.4 The dwelling has been designed to meet Level 4 of the Bream Code for Sustainable Homes. A schedule of the benefits of a sustainable design has been submitted by the applicant and will be further explored later in this report. The dwelling would be finished in clay roof tiles, facing stock brick, white painted timber window frames and white render. There is a 5sqm solar panel designed into the south facing roof plain. The south elevation also maximises the benefit of views over open fields by using a large amount of glazing.

### **4.3 Principle of Development**

- 4.3.1 Situated within the urban area and with an extant planning permission for a new dwelling, the proposal has been acceptable in principle. The outline permission did not give restrictions or guidance with regard to an appropriate size or scale of dwelling for the location. It was suggested in the application that reserved matters would seek to secure a two storey dwelling on the site. Conditions imposed on the outline permission required details of materials; details of boundary treatment; a landscaping scheme and parking arrangements to be submitted.
- 4.3.2 Annex B to PPS3 has always contained a definition of previously developed land, including a series of exceptions. The amended version adds 'private residential gardens' as a new exception to this list. The effect is to remove policy support for development on such land.

4.3.3 The old PPS3 didn't allow for the development of all garden sites however, and as a corollary, I do not consider that the amended PPS3 means that all development in gardens should now be refused. However, as previously stated this site benefits from an extant grant of permission in principle.

4.3.4 In light of the established principle for a new dwelling on this site, it is the reserved matters which require consideration.

#### **4.4 Layout**

4.4.1 The outline planning application showing an indicative footprint of a 'T' shaped dwelling with the longest side adjacent to the track. The sketch plan was annotated as providing a full two storey dwelling. The length of the dwelling adjacent to the track was shown as being 60ft (approx 18.28m). An informative was put on the decision to advise setting in of the dwelling away from the track to minimise its impact. The dwelling has been set in by 1.5m, but perhaps more importantly the proposed length has been reduced to approximately 11m. Clearly this will reduce the amount of built development close to the track. It is a question of balance, as to further pull the dwelling away from the boundary would result in a development closer to neighbouring properties to the west.

4.4.2 Furthermore, since the outline planning permission was granted, a two storey side extension some 8.5m in length has been approved and built on the side of Blue Tops adjacent to the access track. With this in mind, the new dwelling is set in notably from the track.

4.4.3 The proposed dwelling is on plan, a substantial property with potential to be used as shown for 5 bedrooms. However, it has been deliberately designed to keep the visual impact low with an eaves height of 2.7m on the part of the dwelling closest to the western boundary with Grenofen. The dwelling would be set in 1m from the commonside boundary and located approximately 38m south of the rearmost wall of Grenofen. The roundel/turret feature is set in approximately 6.5m from the western boundary, is 7.3m high from ground level and 30m south from Grenofen at an angle of approximately 70 degrees (please can someone check).

4.4.4 Located in the rear garden of an existing substantial two storey detached dwelling views of the proposal would be very limited from Walnut Tree Avenue. Views would be afforded from first floor windows of neighbouring dwellings and fields to the rear of the site. It cannot be maintained that the dwelling would appear dominant or an incongruous feature in the locality. The presence of the dwelling 'Little Dean' means that the proposed dwelling would not be isolated in this location.

## **4.5 Scale & Appearance**

- 4.5.1 The applicant's design and access statement explains how the dwelling has been designed to minimise the impact of the dwelling on the neighbouring properties. There is the occasional error in this statement and it is not overly detailed which has caused some confusion in interpretation. For example, it does make reference to flats at some point – I believe this to be nothing more than an oversight. In addition to the amendments sought by the case officer, the dwelling was designed to keep the mass of the dwelling on the eastern side of the site away from neighbouring properties; bulk is reduced by providing garaging underground; the lower level garaging was designed to minimise noise and disturbance to neighbours; and the roof is reduced in scale closest to the neighbouring boundary.
- 4.5.2 Constructed of materials which are not dissimilar in external appearance from Blue Tops it is not considered that the dwelling would be out of character in this location. The simple fenestration on the eastern elevation reflects the style of Blue Tops.
- 4.5.3 The Loose Character Area Assessment identifies the Walnut Tree lane Area as an area set on a higher level than the Loose Valley to the South; it emphasises that development could have a greater impact because of this. From a site visit and as demonstrated in the photographs it is apparent that views will not be obvious from the south, or from the north, they will very much be contained to the private garden areas of dwellings on Walnut Tree lane.
- 4.5.4 The proposed dwelling would be located some 30-38m from Grenofen which is the neighbouring dwelling to Blue Tops. This more than adequately meets the guidance contained in Kent Design with regard to overlooking and loss of daylight/sunlight. Regardless of this, the applicant has amended the siting of the dwelling an additional 2m to the south from the original submission, removed a first floor window in the circular stairwell and reduced its height in response to objections over loss of privacy from neighbouring properties. The combined distance between the proposed dwelling and those existing, means there is no direct over looking to neighbouring properties. The 30m separation between Blue Tops and the proposal again exceeds minimum distances as suggested of 21m in Kent Design.

4.5.5 The 1:10 vehicular ramp which curves round and down to access the garage has been considered in terms of its amenity impact with regard to noise and light to the neighbouring property. The hardstanding is in the region of 20 plus metres from the nearest corner of the rear of Grenofen. The combined distance of the dwelling together with boundary treatment is substantial in contrast to the average relationship of residential parking arrangements between properties and is not considered to unduly harm the living conditions of the occupiers of Grenofen. Headlights from vehicles late at night are more likely to be facing away from Grenofen as vehicles enter the garage facing south. Disturbance is more likely to be caused by existing parking arrangements on the neighbouring properties on Walnut Tree Avenue.

4.5.6 Objection has been raised regarding the impact on a mature tree within the garden of White Stacks to the east of the application site. As the tree is not within the application site it is not a material consideration. This being said, the advice of the landscape officer has been sought and it is confirmed that trees within the neighbours garden are a sufficient distance from the proposal.

#### **4.6 Access & Highways**

4.6.1 The access track (also designated PRow) is relatively narrow and there is potential for conflict between pedestrians and vehicles. However, the track is straight with good visibility and it is considered that a car could pass a pedestrian safely. It is not considered that one additional dwelling would compromise highway safety any further. Previous comments from the PRow officer on the outline planning permission raised no objection in principle and this position has not changed. An informative to protect the PRow has been added to the recommendation. As previously discussed in the outline application, it is not considered that access to the dwelling would discourage users of the footpath.

4.6.2 The development proposes a double garage at lower ground level. Any additional parking could be contained within the site and a turning area could ensure vehicles leave the access track in a forward gear. A parking implementation condition is recommended to ensure that the space is implemented prior to the occupation of the new dwelling and kept available thereafter for such use.

#### **4.7 Landscaping**

4.7.1 Concern has been raised over lack of adherence to the informative on the outline permission regarding replacement and retention of trees. The

informative stated 'with regard to landscaping you are advised to maintain the boundary hedging fronting the access track and retain the mature spruce tree within the site. Replacement planting for any trees that may be lost is also recommended.' The development requires 3 mature apple trees to be removed from the site. These are located in the northern half of the application site. The provision of 3 new apple trees is shown on the proposed layout plan together with the retention of the Norway Spruce. The landscape officer has confirmed that the Spruce is unlikely to be affected by the development, but a condition should be imposed for its protection during construction works.

4.7.2 I am satisfied that the replacement planting is adequate and that the Norway Spruce is not compromised as part of this scheme.

#### **4.8 Other Matters**

4.8.1 Whilst not strictly falling under the reserved matters headings, there are benefits to this scheme in terms of sustainability. The Design and Access Statement makes reference to the solar panel and rainwater collection, but more detailed information has been provided by the applicant as to how the proposal could achieve Level 4 of the Code for Sustainable Homes. In summary:

- Electricity generated from photovoltaic panels (surplus to be sold back to national grid);
- Water heated by solar panels (approximately 60% of provision);
- Windows from Belgium (100% lower uv);
- Surface water collected, filtered and re-used in toilets, washing machines etc
- Compacted footprint by underground development;
- Surplus run off to be directed to on site drains, pumped via filters and stored for re-use;
- All appliances to be A rated;
- Use of glazing to minimise need for use of internal lighting; if needed optic tubes to be used in stairwell

The Kent Design Guide and PPS 1 encourage the use of sustainable means of construction. I consider that the materials proposed and the fact that the applicant is confident that Level 4 can be met, make this dwelling a good example for sustainability.

4.8.2 Considering the objections which raise issues over the lack of ecological information provided to deal with local wildlife, no evidence has been submitted or, gathered from Officer's site visit which gives details of any

protected species within the area. The site is within the urban envelope, and is not within or close to a designated SNCI or SSSI. As such it is not considered that there would be any significant harm caused to wildlife. It is in accordance with advice contained within PPS9 and therefore no objection is raised over this issue.

4.8.3 A neighbour has remarked that planning permission was refused for the bungalow Little Dean to undertake a first floor extension. Having checked the records I confirm that this appears to be a reference to an application in 1977. Little Dean is in a more isolated position further south than any of the gardens associated with properties aligning Walnut Tree Lane. I do not consider this decision to be relevance to the current application.

4.8.4 The adjacent neighbour at Grenofen has suggested that there may be a dispute/discrepancy over boundary lines between the application site and their property. This is a private to be resolved outside the planning considerations.

4.8.5 Reference has been made to the delay in the notification procedure undertaken on the application. Unfortunately neighbour letters were produced for incorrect properties and the site notice was put up after the Parish Council had considered the application. Some neighbours have complained they received no letter, however in accordance with procedure they were not eligible to receive one as they did not bound the application site. This being said, once the case officer was aware of problems with public consultation an extension in time to comment on the application was given. This being said, whilst the views of the PRoW Officer have been sought, the application has not been advertised as affecting a PRoW. The issues relating to the PRoW have been addressed in this report and a number of comments received in relation to this. As a formality the application will be re-advertised as affecting a PRoW.

## **6. CONCLUSION**

6.1 In light of the above assessment, it is considered that that the proposal is in accordance with the provisions of the Development Plan and would not cause significant or unacceptable harm to the character of area, residential amenity or highway safety. It is therefore recommended that the application be approved subject to the following conditions.

## **7. RECOMMENDATION**

I BE DELEGATED POWER TO GRANT planning permission subject to the following conditions:

SUBJECT TO:

a) Any new/materially different representations received as a result of outstanding statutory advertisements;

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, samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

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

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 in accordance with policy T13 of the Maidstone Borough-Wide Local Plan 2000.

4. Before the dwelling hereby approved is first occupied, a properly consolidated and surfaced access (not loose stone or gravel) shall be constructed, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with Policy T13 of the Maidstone Borough Wide Local Plan 2000.



5. 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 and in accordance with Policy T13 of the Maidstone Borough Wide Local Plan 2000.

6. The development shall not commence until a scheme to safeguard against the deposit of mud and similar substances on the public highway has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include wheel washing facilities.

Reason: In the interests of highway safety and in accordance with PPS1.

7. The development shall not commence until details of satisfactory storage of refuse on site have been submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be provided prior to the first occupation of the dwelling.

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

8. 8. The development shall not commence until full details of the slab levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed in strict accordance with the approved levels.

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

9. The development shall not commence until details of foul and surface water drainage have been submitted and approved in writing by the Local Planning Authority and these works shall be completed in accordance with the approved details before the dwelling is occupied.

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

10. The dwelling shall achieve at least Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved

Reason: To ensure a sustainable and energy efficient form of development in accordance with the guidance contained in PPS1 and the Kent Design Guide.

11. 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 include the retention of the boundary hedgerow, 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 in accordance with policies ENV6 of the Maidstone Borough-wide Local Plan 2000.

12. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the 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 in accordance with policies ENV6 of the Maidstone Borough-wide Local Plan 2000.

13. Notwithstanding the provisions of Schedule 2, Part 2, Class A 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 fences, gate or walls shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a road;

Reason: To safeguard the open plan character and appearance of the development in accordance with policies

### **Informatives set out below**

Public footpath KM218 shall not be stopped up, diverted or obstructed during construction without an authorised temporary closure order from the County Council, nor shall the surface be disturbed or the width impeded without the necessary consent.

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

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

Observing that the use of the premises is not yet finalised, the occupant should contact the Environmental Health Manager regarding possible pollution control measures.

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.

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

Applicant must consult the Environmental Health Manager regarding authorisation under the Environmental Protection Act 1990.

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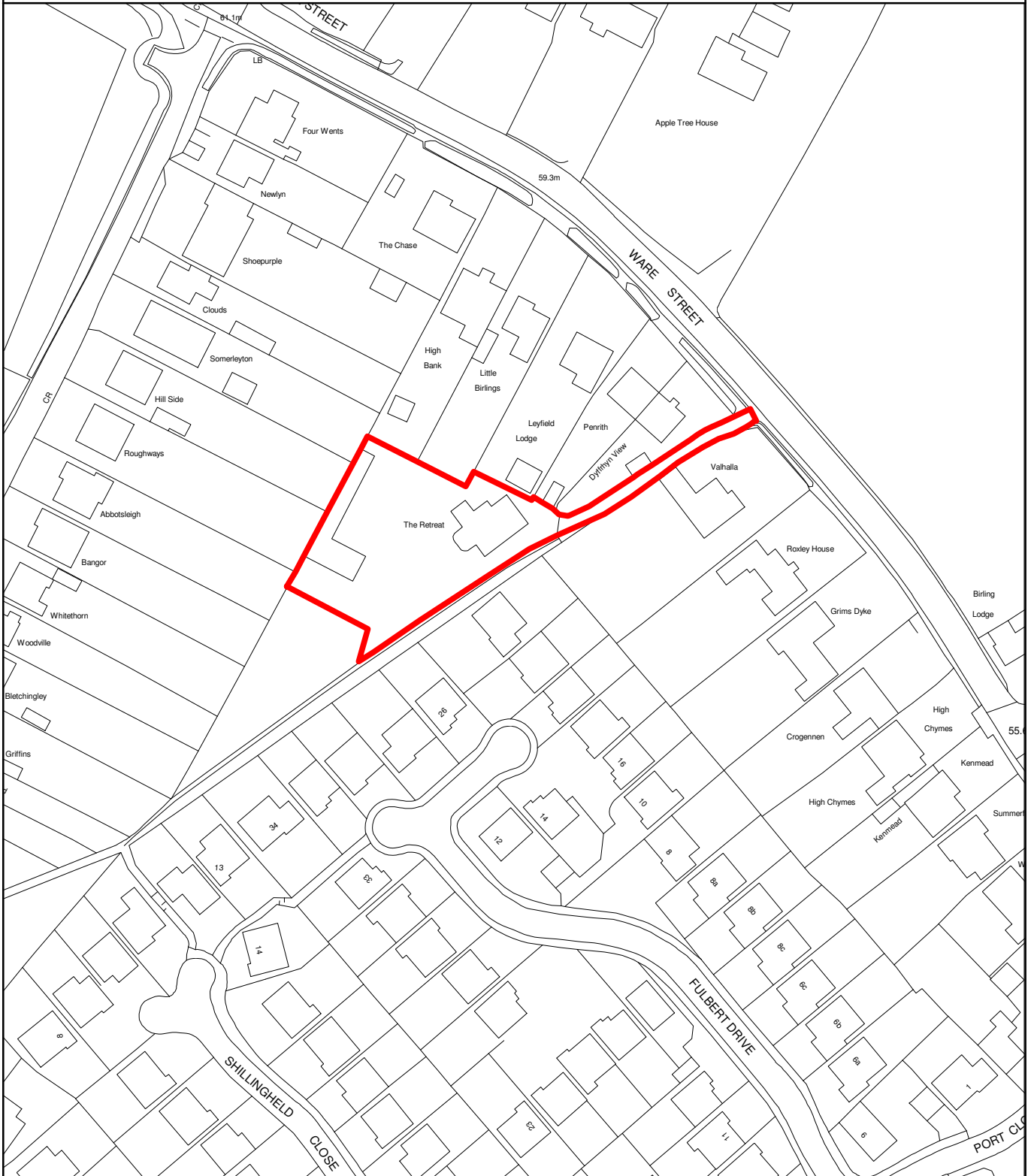
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# THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/10/0253

GRID REF: TQ7856

**THE RETREAT,  
WARE STREET, WEAVERING.**



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

APPLICATION: MA/10/0253 Date: 16 February 2010 Received: 17 February 2010  
APPLICANT: Mr C Price  
LOCATION: THE RETREAT, WARE STREET, WEAVERING, MAIDSTONE, KENT,  
ME14 5LA  
PARISH: Thurnham  
PROPOSAL: Planning application for amendment to MA/08/0804 (erection of 1  
three bedroom bungalow) being incorporation of additional living  
accommodation within the roof, alterations to fenestration and  
erection of detached garage.  
AGENDA DATE: 22nd July 2010  
CASE OFFICER: Amanda Marks

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

- It is contrary to the views of the Parish Council
- Cllr Horne has concerns with the application for the reasons set out in the report

## **1. POLICIES**

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

## **1. HISTORY**

MA/08/0804: Erection of one three bedroom bungalow: Approved 26/6/08

## **2. CONSULTATIONS**

- **Thurnham Parish Council:** object on the following (summarised) grounds:-

The application would result in over-intensification of the site.

The exit and entrance would be unsafe and unsuitable.

The Parish Council would therefore wish to see this application refused by the Borough Council.

- **Environmental Health Officer** - No objections subject to informatives



- **KCC Highways** – No objections subject to a condition protecting the car parking
- **Kent PRoW** – No comments received

### **3. REPRESENTATIONS**

4.1 Cllr Horne: "Has seen some of the correspondence from Residents raising concerns with the development. He finds it unsatisfactory that the building is being marketed for sale without the necessary planning permission. He draws comparisons between this site and the nearby former 'Valhalla' redevelopment in terms of concerns over measurements."

4.2 Neighbour letters: 7 properties have raised objection to this application and due to the reconsultation that has taken place, more than one letter has been received from the householders. The objections received are as follows:

- Loss of privacy and amenity to rear bedrooms and garden areas to nos 26,28 & 30 Fulbert Drive.
- Overlooking to garden of Roughways, Weaving Street
- Dwelling overwhelms the site, intensification from original proposal
- Roof height contrary to original application
- No section showing The Retreat/new dwelling significantly higher and contrary to previous statements
- Increased noise and light pollution
- Development contrary to the Design and Access Statement which states no loss of privacy or amenity or that the principle of the development is not being altered.
- Request southern elevation velux be obscure glazed.
- Landscaping has been removed and therefore the statement about implementation cannot be fulfilled. Tree screening was shown on original application and not new.
- Removed tree belt acted as a noise barrier from motorway and channel tunnel and as a habitat for wildlife.
- No cycle storage provision.
- Increased traffic hazard due to unsuitable access, insufficient parking
- Users of the PRoW are endangered by this scheme.
- Non material objections relate to the property being marketed without planning permission; resident seeking compensation; residents feeling cheated by the developer; construction work being undertaken on weekends

## **4. CONSIDERATIONS**

### **5.1 Site & Surrounding Area**

- 4.1.1 The site lies within the urban confines of Maidstone in the parish of Thurnham. It is accessed from the southern side of Ware Street, located behind dwellings which front Ware Street, is to the east of Weaving Street and west of Fulbert Drive. The application site is contained behind the property known as 'The Retreat' – a detached bungalow and is situated within the former curtilage of The Retreat. The dwellings in Fulbert Drive are two storey detached modern dwellings; those in Weaving Street are generally inter-war period and a mix of chalet bungalows, two dwellings and have had alterations/extensions undertaken throughout the years.
- 4.1.2 Access to the application site can be gained via a single vehicle track which runs between residential properties that front Ware Street and past the front (eastern side) of The Retreat. Public footpath KH119 runs down this track and between the boundary of the application site and the rear boundaries of dwellings in Fulbert Drive.
- 4.1.3 The site has already been developed with a detached dwelling and single garage. The site is bounded by 1.8m high close board fencing with substantial coniferous planting in the rear gardens of properties in Weaving Street to the west. The boundary to the east no longer contains any planting as this was removed I believe before the development commenced.
- 4.1.4 Aside from The Retreat (11m to the north-east), the closest properties to the application site are those located in the north-west cul-de-sac of Fulbert Drive. From the corner of the closest house there is a distance of 15.5m to the new dwelling; the next closest is just over 20m. The properties in Weaving Street have a separation distance of 45m to the boundary of the application site.

### **4.2 Proposal**

- 4.2.1 This is a retrospective application for the conversion of the loft and the erection of a single garage. Planning permission was granted under reference MA/08/0804 for the erection of a detached bungalow. The application drawings state that in terms of siting and size the bungalow has been built in accordance with the approved drawings, it is only the additional fenestration in the roof which requires planning permission. Condition 7 of the approval stated the following:

*'Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development involving alterations to the roof of the dwelling hereby permitted, including the insertion of dormer windows or additional fenestration above ground level, shall be carried out without the permission of the Local Planning Authority.*

*Reason: To safeguard the privacy of adjoining residential property and the character, appearance and functioning of the surrounding area in accordance with Policy QL1 of the Kent and Medway Structure Plan 2006.*

- 4.2.2 The dwelling has been completed along with the conversion of the roof. Whilst the condition does not actually restrict use of the roof space, it does restrict any new dormer windows or fenestration. The dwelling has been built with 5 velux windows; 1 solar panel and 1 gable end window. This has resulted in a 3 bedroom dwelling with accommodation spread over two floors as opposed to the original scheme which contained all accommodation on the ground floor.
- 4.2.3 The detached single garage is located to the north of the dwelling and has finished in materials to compliment the main dwelling. A new close board boundary fence has been erected to separate the curtilage between The Retreat and the new dwelling.

### **4.3 Principle of Development**

- 4.3.1 Situated within the urban area and with an implemented planning permission for a new dwelling, a new dwelling has been accepted in principle. However, the issue for determination is whether or not the alterations to the roof are unacceptable under the terms of the condition. The condition was imposed to protect the privacy of neighbouring properties, primarily The Retreat and secondly (although not mentioned in the reason for the condition), I expect the dwellings in Fulbert Drive. The condition was also imposed to protect the character, appearance and functioning of the area.
- 4.3.2 In addition to the above, concern has been raised that the dwelling has not been constructed in accordance with the approved plans in so far as the height is alleged to have been increased. The approved height from ridge to ground level is shown on the drawings as 6.5m. The issue of the height of the dwelling will be dealt with first.

### **4.4 Approved Scheme**

- 4.4.1 On being alerted to the possible breach of planning control, the site was visited by the case officer and a planning enforcement officer for measurements to be checked. At the time of the visit, the ground level immediately surrounding the dwelling had been excavated to allow for footings and the height from ridge to ground level was approximately 7.3m. However, when taking this measurement to the approximate original ground level the actual height of the dwelling was in the region of 6.7m. This measurement was taken at the east elevation off the gable end. There is however a slight gradient where the site naturally falls from west to east, the result being that when taking the same measurement from the west elevation the height drops to approximately 6.3m.
- 4.4.2 In light of the above and the heights being checked as accurately as possible, it appears that the finished proposal does accord with the approved measurements. The construction drawings together with the sectional drawings support this, and I am satisfied that the dwelling is in accordance with the plans and that the height is as it should be.

#### **4.5 Residential Amenity**

- 4.5.1 A number of objections have been received on the grounds of loss of privacy. Construction drawings provided for building regulation approval together with site sections and heights of surroundings dwellings have all been submitted in order to aid the assessment of this application.
- 4.5.2 With regard to the properties in Weaving Street, the relevant elevation (west) supports 3 of the velux windows which serve two bedrooms and a bathroom. The substantial garden lengths alone (40m) mean that there can be no unacceptable loss of privacy between these openings and the private garden areas of the existing dwellings. In addition, the majority of the gardens support coniferous trees of a height greater than the new dwelling. Therefore, with or without boundary screening, I am satisfied that there is no undue loss of privacy afforded from these openings.
- 4.5.3 The Retreat is situated just 11m to the north of the new dwelling. At the time of the 2008 planning permission it was stated in the Design and Access Statement that the new dwelling would be lower than The Retreat. This was accepted by the case officer at the time. In fact, The Retreat is approximately 5.5m in height from ground level, and therefore the new dwelling proposed at 6.5m, was never to be lower than this. However, it could not be considered of importance to the acceptability of the scheme, as a condition was not imposed to keep the new dwelling subservient in height to The Retreat nor were sections requested to consider the precise difference. The new dwelling does not dominate The Retreat and does not

give rise to a loss of privacy or light by virtue of any height difference. Bearing in mind the slightly higher properties in Fulbert Drive to the east and the distances between properties mentioned throughout this report, it is my opinion that there would have been no grounds for refusal even were these height differences made clearer at the time.

- 4.5.4 One velux window has been inserted on the north elevation of the new dwelling, it serves the landing and is obscure glazed and fixed shut. The window is approximately 15m from The Retreat which has no first floor windows itself in the nearest south elevation. No loss of privacy is afforded from this insertion. An objection has also been received from a property located on Ware Street, however this has a 30m garden and a further 10m to the new dwelling. There are no issues regarding loss of privacy from the new dwelling to existing properties on Ware Street.
- 4.5.5 On the east elevation a window has been inserted in a gable end. The window serves an ensuite shower room. The window is obscure glazed and top hung opening. The window is 16m from no.24 Fulbert Drive and orientated at an oblique angle to the flank wall of this dwelling which has one first floor window. Subject to a condition retaining the new insertion as obscure glazing, the distance between properties together with the obscure angle is acceptable in planning terms.
- 4.5.6 The final elevation with insertions contrary to the planning condition is the southern elevation which contains a 3m x 1.5m solar panel and a 1m x 1.2m velux window. The solar panel does not give rise to overlooking. The velux window has raised objection on the grounds of loss of privacy. The internal floor level is approximately 1.5m to the bottom cill of the velux. There is a distance of 23m from the velux window to the closest rear bedrooms of no 26 Fulbert Drive. This is an oblique angle as the velux is orientated south and the Fulbert Drive properties north-west. From an internal site inspection, it was necessary for the officer to stand on a box, open the velux window to be able to peer round to make a point of trying to overlook the rear of the properties in Fulbert Close. I understand from the resident of no.28 Fulbert Drive that a worker's head could clearly be seen inside the dwelling as he walked around Bedroom 1. Clearly, depending on the individual then a box may not be required, but the point being that the combined angle together with cill level mean that loss of privacy is minimised. The advice contained in Kent Design suggests that there should be no direct overlooking between properties – as is the case in this instance. In addition, I reiterate this window is 23m from the rear bedroom of windows of no.26 Fulbert Drive.
- 4.5.7 Whilst I empathise with the residents that the development is not as originally planned in terms of providing roof space accommodation, the

additional works do not conflict with the advice contained in the Kent Design Guide. The main purpose of the condition was to ensure residential amenity was protected. I also note from the planning officer's report on the original application that the main purpose of the condition was to prevent dormer windows being inserted. In this case, it is velux windows that are being considered and I find that their location in relation to the dwelling and surrounding properties is entirely acceptable.

#### **4.6 Visual Amenity**

4.6.1 The main visual impact of this dwelling is either from the private properties in Fulbert Drive and The Retreat, or from the PRow. The Retreat also has velux windows and I do not consider the number proposed to have a detrimental impact on the character and appearance of the area.

4.6.2 The issue of landscaping and visual amenity is discussed below.

#### **4.7 Landscaping**

4.7.1 The original planning application showed the retention of a belt of coniferous trees on the eastern boundary of the application site – thus providing a visual screen for the residents of Fulbert Close. As mentioned earlier these trees were removed at some stage prior to this current application being submitted. The trees were not subject to a TPO nor did they fall within a Conservation Area, however they were proposed to be retained as part of the bungalow scheme. A new landscaping scheme has been submitted to address the concerns of the residents and enhance the finished appearance of the site.

4.7.2 The scheme comprises six individual trees a mix of birch, hawthorn, oak, and field maple. Four of these are to be located on the eastern boundary and two on the western boundary; planting sizes will need to be conditioned. The northern boundary will contain a double staggered hedge comprising a mix of 80% hawthorn, 10% hornbeam and 10% privet. A group of shrubs will also be planted close to the access and outside the property's eastern elevation. Subject to planting sizes, whilst not immediate compensation for those removed, in the longer term they will be of benefit and also a more attractive and suitable mix than the non-native coniferous trees.

#### **4.8 Highways**

4.8.1 The development proposes a single detached garage immediately north of the dwelling. The garage is 6m long x 3m wide x 4m high with a pitched roof. The views of the highway officer have been sought and no objection is

raised. In visual terms the garage matches the external materials of the main dwelling and is considered acceptable. The garage is located 10m from the closest part of The Retreat and causes no loss of light to the private garden area of The Retreat (to the west). Objections have been raised with regard to additional traffic movements on the PRow. I have not received the views of the Kent PRow so am unable to report any concerns they may have. At the time of the original application the PRow officer commented that further dwellings would not be welcome after this one, and that if possible the approval should be conditioned to only parking for one vehicle. The difficulty is enforcing such a condition as even if only one actual space is marked out, there would be nothing to prevent more vehicles arriving on site. Such a condition would not meet the necessary tests. Kent Highways raise no objection and I am satisfied that the proposal is acceptable in highway terms.

#### **4.9 Other Matters**

4.9.1 The original application gave permission for a three bedroom bungalow and objections have been received over the intensification of this dwelling. The constructed dwelling shows there still to be three bedrooms, the main difference being their positioned in the roofspace with a ground floor dedicated to habitable space. I understand that the dwelling is however, being marketed as a four bed property. The difference in one bedroom is not considered significant, it is the overall size of the accommodation which has given rise to concern from residents.

4.9.2 Objection has been raised over the impact on wildlife over the loss of the coniferous boundary trees. As outlined earlier a new landscaping scheme has been submitted and I consider this to be more likely to provide suitable habitat for wildlife in time than the removed trees would have done.

#### **6. CONCLUSION**

6.1 In light of the above assessment, it is considered that that the proposal is in accordance with the provisions of the Development Plan and would not cause significant or unacceptable harm to the character of area, residential amenity or highway safety. It is therefore recommended that the application be approved subject to the following conditions.

#### **7. RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

2. Replacement trees T1 –T6 inclusive as shown on drawing date stamped 3 June 2010 of not less than Nursery Heavy Standard size (12-14cm girth, 3.6-4.25m height), conforming to the specifications of BS 3936 Part I "Nursery Stock", shall be planted during the tree planting season (October to February) following the occupation of the building(s) or the completion of the development, whichever is the sooner, and be maintained thereafter to the satisfaction of the local planning authority;

Reason: To ensure a satisfactory setting and external appearance to the development in accordance with policies ENV6 of the Maidstone Borough-wide Local Plan 2000.

3. 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 in accordance with policies ENV6 of the Maidstone Borough-wide Local Plan 2000.

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



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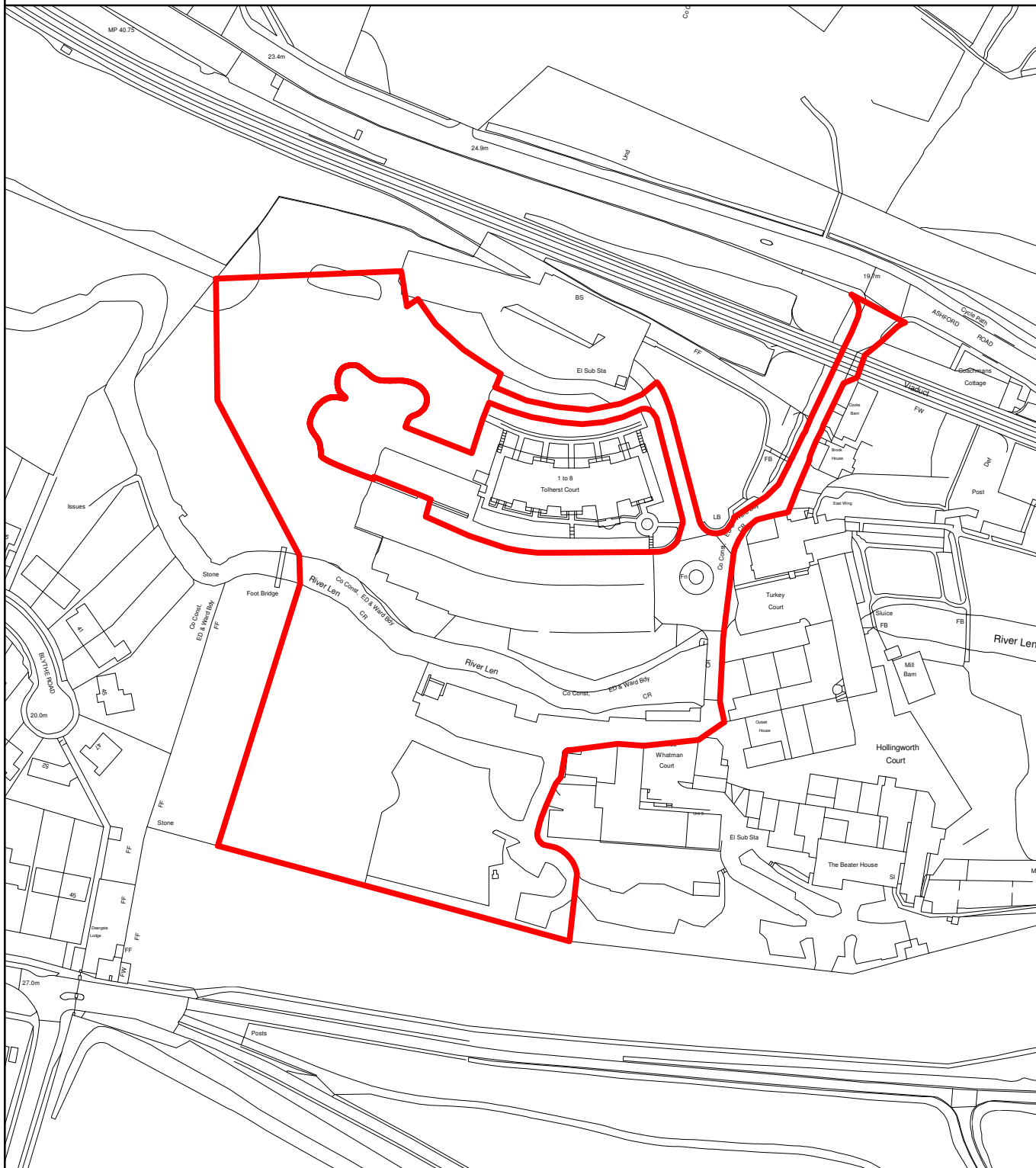
# Agenda Item 16

## THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/10/0283

GRID REF: TQ7755

PAUL SANDBY COURT,  
TURKEY MILL BUSINESS PARK,  
ASHFORD ROAD, MAIDSTONE.



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**Rob Jarman**  
Head of Development Management

APPLICATION: MA/10/0283 Date: 16 February 2010 Received: 14 May 2010

APPLICANT: Turkey Mill Investments Ltd.

LOCATION: PAUL SANDBY COURT TURKEY MILL BUSINESS PARK, ASHFORD ROAD, MAIDSTONE, KENT, ME14 5PP

PARISH: Boxley

PROPOSAL: Proposed Office development, installation of new river crossing, associated car parking and landscaping/river corridor enhancement as shown on drawing nos. 07.62.40, 17.62.41/B, 17.62.42/B, 17.62.45/C, 17.62.46/B, 17.62.49/A, 17.62.50/C, 17.62.60/B, 17.62.61/C, 17.62.62, 17.62.70, Tree Survey Plan 010/B, Tree Constraints Plan 020/C, Design and Access Statement, Planning Statement, BREEAM for Offices Pre-assessment report, Tree Survey Report, Ecological Appraisal, Flood Risk Assessment and Transport Assessment received 18/02/2010 and as amended by Biodiversity Enhancement Strategy and Landscape Appraisal Report revD. received 14/05/2010 and further amended by drawing nos. 17.62.43/F, 17.62.44/E, 17.62.48/F, 17.62.71/C and Landscape Strategy Plan 030/E received 06/07/2010.

AGENDA DATE: 22nd July 2010

CASE OFFICER: Steve Clarke

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

- It is a departure from the Development Plan
- Councillor English has requested it be reported for the reason set out in the report

## **1. POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV35, ED2, T13  
Government Policy: PPS1, PPS4, PPS5, PPS9, PPS22, PPS25, PPG13

## **2. HISTORY**

- 2.1 The site has been in industrial use since originally erected as a paper mill by the Whatman family. In more recent years the buildings on the site have been used for a number of separate and diverse business uses falling within Use Classes B1, B2 and B8, including some floorspace used for retailing cars, a use which ceased when the current owners took over the site.

2.2 As a result, the site has an extensive planning history, the most relevant of which is set out below

- MA/10/0284: Erection of Day Nursery with associated external play areas, car parking and landscaping: UNDETERMINED and on the papers
- MA/07/2076: Change of use (Unit 6 Tolhurst Court) from B1 to cosmetic dental practice (Class D1):APPROVED 02/01/2008
- MA/05/1948: Change of use of suite 3 and 4 Tolhurst Court from class B1 office use to use as a consulting clinic (class D1): APPROVED 28/11/2005
- MA/04/0934: Erection of Class B1 office development, alterations to access, car parking and landscaping (amendments to planning permission MA/02/0202: APPROVED 09/07/2004
- MA/02/0202: Erection of class B1 office development (Revised scheme), alterations to access, car parking and landscaping: APPROVED 16/05/2003
- MA/91/0655: Erection of buildings for use within classes B1 & B8 (Use Classes order 1987) and provision of a footpath and footbridge: APPROVED 03/05/1994

2.3 Planning permission MA/02/0202 was subject to a s106 agreement that obligated the developer not to implement any remaining part of the MA/91/0655 permission (that had been implemented, see paragraph 2.4 below) on land on the north bank of the River Len but did not preclude further development on the part of the site south of the river.

2.4 The footpath and footbridge over the River Len (both now within the LNR) were constructed as part of planning permission MA/91/0655. The permission, subject to the exclusion secured through the s106 agreement relating to application MA/02/0202, is therefore still extant. This permission included the provision of a 3,250m<sup>2</sup> B1/B8 development on the site of the currently proposed office development.

### **3. CONSULTATIONS**

3.1 **Boxley Parish Council:** Have noted the submission of the application and do not wish to comment.

3.2 **Natural England (02/03/2010):** Commented in respect of protected species as follows;

**Bats:** Natural England is satisfied that the survey information provided by the applicants suggests that no bats are present with the application site. Consequently, we have no comments to make in relation to these species at present.

**Great crested newts:** Natural England is satisfied that the survey information provided by the applicants suggests that no great crested newts are present within the application site or any pond within 500 metres of the site. Consequently, we have no comments to make in relation to these species at present.

**Widespread reptiles:** Natural England is satisfied that the survey information provided by the applicants demonstrates that no widespread reptiles are utilising features within the application site that are to be affected by the proposals.

**Water vole:** Natural England would like to recommend that you consult the Environment Agency with regard to potential impacts on water voles and their habitats by the proposed development.'

### 3.3 **Kent Wildlife Trust (29/03/2010):**

'The River Len passing through the application site falls within the recently designated (April 2009) Mote Park & River Len Local Wildlife Site - LWS, MA61. The citation for the Site refers to the "rich bank flora" of the river and confirms records of water vole and the white-legged damselfly, amongst other important fauna.

An experienced consultant has carried out the ecological survey of the site and assessment of the development proposals. The Trust has no reason to question the findings and recommendations contained in the report but, given the risk to protected species (for example, bats and water voles) arising from the development, we would urge the Council to test the proposal against the standing advice from Natural England.

The Trust has no objection, in principle, to the development, subject to planning conditions being used to secure the completion of avoidance, mitigation, compensation and enhancement measures recommended in the ecology and a complementary landscape appraisal report.

Given the LWS designation, the Council should also require, by condition or agreement, the submission of a fully-funded Ecological Enhancement and Management Plan that confirms where, when and what features will be provided at the site to achieve the declared aim of enhancing biodiversity and to act as a buffer to the River Len and the Len Valley LNR. The Plan should comply with the principles set down in the ecological and landscape appraisal reports.

We would expect the Plan to incorporate, amongst other measures:

- sustainable urban drainage features,
- management prescriptions for the existing hedgerow on the west boundary of the site,
- management prescriptions for the long grassland and riparian vegetation along the river banks,
- arrangements to mitigate the harmful effects of illumination at the site (buildings, access roads and parking areas),

- measures to ensure there is no disturbance to cold water and headwater species (including, potentially, the glacial relic species *Apatania muleibris*) at the point of issue of the spring, and
- a generous provision of bat and bird boxes.

The Plan should be responsive to the results of periodic key habitat and species monitoring.'

3.3.1 Further comments were received on 20 May 2010 in response to additional/amended details submitted following the objections raised by the Environment Agency.

'I welcome the intervention of the Environment Agency and the cooperation of the applicant to produce a more sensitive and bio-diverse treatment of some of the amenity grassland areas and, especially, the river and spring water corridors.

The Trust has no objection to the grant of planning permission subject to

- the imposition of conditions to secure the submission, approval and implementation of details (as considered appropriate by the EA) of these ecological mitigation and enhancement measures and
- a commitment to a fully funded on-going management regime that is responsive to the results of periodic key habitat and species monitoring.'

#### 3.4 **Environment Agency (13/04/2010):**

'We object to the proposed development for the following reasons:

##### Biodiversity

1. We object because there is an inadequate buffer zone to the River Len. We recommend that planning permission should be refused on this basis.

##### Reasons

Government has recently given the planning system a 'significant role' in its strategy to maintain, restore and enhance biodiversity (PPS9, PPS1 and the Natural Environment and Rural Communities Act 2006).

PPS9 requires that planning decisions should prevent harm to biodiversity interests and should seek to enhance biodiversity where possible. Article 10 of the Habitats Directive and paragraph 12 of PPS9 stress the importance of natural networks of linked habitat corridors to allow the movement of species between suitable habitats, and promote the expansion of biodiversity. River corridors are particularly effective in this way.

In this instance the proposed development would have an adverse impact on the River Len, and fails to improve river habitat along this stretch for water vole, a key BAP species found within Mote Park and River Len Local Nature Reserve adjacent to the site.

It may be possible to overcome this objection if the car parking is moved back to provide a minimum 5 metre-wide buffer zone alongside the River Len. The buffer zone should be free from all development, and be planted with locally native species of UK genetic provenance. It should be appropriately managed under an agreed scheme, to provide a



reasonable mixture of open and tree lined habitat.

The buffer zone may also present an opportunity to add amenity value to the development and could include riverside seating for the business park employees. Any scheme to provide a buffer zone will need to include a working methods statement detailing how the buffer zone will be protected during construction. The applicant should also investigate whether there is scope to enhance the river channel itself.

2. We object to the proposed development because it does not take the opportunity to remove the culvert, restoring lost aquatic habitat from the spring on the site.

#### Reasons

PPS1 sets out a positive agenda for development, seeking improvements to the environment where possible. PPS9 requires that planning decisions should aim to prevent harm to nature conservation interests and should seek to restore value where it has been destroyed by prior development activity. The Water Framework Directive also seeks to ensure that water bodies are restored to a natural state when development opportunities arise.

In this instance, the proposed development site is crossed by an existing culverted spring. The proposed development should be used as an opportunity to remove this culvert and restore the spring line. This would be a clear, tangible environmental gain in terms of the landscape character of the River Len Valley and nature conservation.

Restoring the lost spring through the development site would require a small footprint of the site as a whole, but would restore a rare habitat type to the valley, which may have been culverted in the past. It could also provide valuable habitat for amphibians, reptiles and rare invertebrates species that use the Len Valley.

This objection could be overcome if the development incorporated the restoration of the spring. It should be sensitively landscaped into the design such that it improves the ecological value of the valley, with an open natural spring design. Any new design must be submitted to and approved by the local planning authority.

We wish to be consulted on any new information submitted in connection with this application, on any design changes, additional mitigation and compensation or enhancement measures that might subsequently be proposed.

#### Re-consult

If your Authority is minded to grant permission contrary to our advice, it will be necessary to re-consult the Agency to ensure that Flood Risk, Contamination and any other environmental issues are appropriately addressed by planning conditions.'

3.4.1 Following amendments that were negotiated to the scheme relating to the treatment of the springs and riverbank areas, the following further letter was received dated 28/05/2010

'The proposed development will only be acceptable if a planning condition is imposed requiring schemes to be agreed to ensure that the new watercourse restoring a spring

within the site and the River Len enhancements are designed, located, constructed and managed in such a way as to positively contribute to the nature conservation value of the site.

#### Condition

The proposed new watercourse and River Len enhancements shall be constructed in accordance with a scheme to be submitted to and approved in writing by the local planning authority prior to the commencement of development.

The scheme shall include the following features:

The new spring fed watercourse:

- must include the use of natural materials, characteristic in size and geology for the River Len Catchment
- should meander within the confines of the landscape plan design to create a varied profile and fall to the River Len.
- should be planted with native species of local provenance.

The River Len enhancements:

- Should include log deflectors to create a variety of flow conditions
- Include additional planting or translocation of some plants from the River Len to create new areas of marginal vegetation along this reach of the river

We recommend that all engineering design work is done by suitably experienced and qualified engineers who have proven success in the design of river restoration work on rivers and streams.

#### Reason

This condition is necessary to ensure that the proposed watercourse and existing River Len is developed in a way that contributes to the nature conservation value of the site in accordance with national planning policy by providing suitable habitats for wildlife.

The River Len is a designated 'main river' and under the jurisdiction of this Agency for the purposes of its land drainage functions. A consent from us is required under the Water Resources Act 1991 and associated Byelaws prior to the carrying out of any works in, over, or under the channel of the watercourse or on the banks within fifteen metres of the top of the bank, or within fifteen metres of the landward toe of any flood defence/counterwalls/return wall, where one exists. For maintenance reasons, we will not normally consent to works which obstruct the fifteen metre Byelaw Margin.

#### Condition

Prior to the commencement of development a more detailed landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas adjacent to the river and River Len Local Nature Reserve, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

The scheme shall include the following elements:

1. *Detail extent and type of new planting (NB planting to be of native species)*
2. *Extent of non-native tree removal*
3. *Details of maintenance regimes*
4. *Details of any new habitat created on site*

Reason

This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy.

Planning Policy Statement 9 (PPS9) requires that planning decisions should prevent harm to biodiversity interests (PPS9: Key Principles) and should also seek to enhance and expand biodiversity interests where possible. Article 10 of the Habitats Directive, and PPS9 (paragraph 12) stress the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change.'

3.5 **English Heritage (18/03/2010):** Do not wish to comment on the application and recommend that the application is determined on the basis of national and local policy guidance and the Council's own specialist conservation advice.

3.6 **KCC Heritage Conservation (26/03/2010):**

'The Turkey Mill complex is a site of industrial archaeological interest. The site of the application also lies close to a World War II anti tank trap, which probably takes the form of a series of ditches. Archaeological remains could be encountered during the proposed groundworks and I advise that the following condition be applied to any forthcoming consent:

*AR1 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of 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 ensure that features of archaeological interest are properly examined and recorded.'

3.7 **KCC Kent Highway Services (07/04/2010):**

'The application comprises 1632m<sup>2</sup> of B1 use and a separate application has been submitted for a day nursery (application number MA/10/0284). A Transport Assessment has been prepared which indicates that the traffic generated by these combined applications is likely to be in the region of 91 additional two way trips during the morning peak hour and 79 additional trips in the evening peak hour.

There is an extant permission on the site for 3252m<sup>2</sup> of B1 use which was expected to generate 66 two way trips in the morning peak hour and 53 trips in the evening peak hour. The new applications would lead to an estimated increase in vehicle movements of 25 two way trips during the morning peak hour and 26 in the evening peak hour, over and above that expected from the previously approved 1991 B1 application.

Access to the site is via a ghosted right turn junction of the A20 Ashford Road. A capacity assessment has been completed which indicates that the traffic generated by the proposed B1 office use and the day nursery can be adequately accommodated in the 2016 design year.

Parking at the site is in line with the Kent & Medway Vehicle Parking Standards which is acceptable.

In view of the above I confirm that I do not wish to raise objection to the proposals in respect of highway matters.'

3.7.1 A number of conditions and informatives were suggested relating to car parking and cycle parking provision and temporary provision of suitable parking and storage/turning area on site during construction along with measures to prevent mud being deposited on the highway during construction.

3.8 **Southern Water (24/03/2010):**

Have confirmed that there is adequate capacity to accommodate the foul drainage from the site in the existing sewer network and have recommended an informative advising the applicant of the need to formally apply for a connection to the sewage system. They have also commented on the intention to use a SUDS based surface water drainage system and the need to ensure that this is properly designed and then managed and maintained to ensure no flooding problems occur. They recommend a condition is imposed requiring that details of foul and surface water drainage are submitted and approved before the development commences.

3.9 **MBC Landscape Officer (18/03/2010):**

'The considerations below relate to the following documents/plans: Tree Survey by Susan Deakin, January 2010, Site Plan, by CTM architects, Tree Constraints Plan, Mark Hanton Studio. October 2009

The issue that I have been consulted on is specifically trees.

The tree survey identifies 60 trees in the vicinity of the proposed development. In order to accommodate this proposal, which also includes landscaping the river corridor, it is recommended that approximately 25 trees are removed. These trees, where the office is to be located, consist of recently planted specimens and therefore are currently of little amenity value. Where trees are to be retained and incorporated into the scheme (T25-T27 and 31) they are classed as category A (High quality). These trees are currently set within an existing car park and therefore it is likely that the roots have adapted to the situation (artificial raised bank) and any additional works will have little impact subject to an Arboricultural Method Statement being provided beforehand.

Where trees are to be retained, remedial work has been identified such as crown lifting (removing lower branches); the purpose of this work is to ensure that no branches become a hindrance to footpaths and prevent future nuisance such as branches coming into contact with buildings.

The second part of the application is to landscape and enhance the river corridor trees which will mean a number of trees have to be removed; in this case approximately 19 trees have been identified for removal. The majority of these trees are Sycamores and most have various structural weaknesses which mean they have been classed as C grade (low quality) and therefore have limited amenity value. The Landscape Appraisal Report states the aims to enhance the river corridor and ensure that the new development is an extension of the existing business park.

To achieve the objectives set out within the application it will be necessary to remove a number of trees, all of which are of little amenity value. It is also important to note that where possible trees have been retained which can be, subject to additional information, successfully

incorporated into the scheme.

Recommendation

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

- A Landscaping scheme should be submitted using the principles established in the Councils adopted Landscape Character Assessment and Landscape Guidelines.
- Where any excavations are likely to be carried within the root protection area of retained trees, an arboricultural method statement is required, stating necessary measures required to ensure no unnecessary damage occurs to the retained trees. The method statement should identify whether any remedial work to the trees will have to be carried out prior to the commencement of the works, how the existing surface will be removed and, if any roots are encountered, how they will be severed so that the tree will not be harmed in any way.
- Any works to trees must be carried out by a suitable qualified arboriculturalist.'

### 3.10 **MBC Environmental Health (25/03/2010):**

'The site is about 100m from a local railway line and a similar distance from the nearest residences. The Turkey Mill Estate is a business park predominated by offices and light industry. I do not consider that this proposal is likely to impact negatively on the amenity of local residents. An application to build a nursery to the north of this location has also been received. Environmental Health do not appear to have been consulted on previous applications for the area: MA/02/0202, MA/02/0249, MA/04/0934 or the original application for this location on site MA/91/0655; but we have been consulted on the recent nursery application, MA/10/0284, for which we recommended a contaminated land condition because of the historical use of the area as a paper mill business. The office building is proposed to be located on the site of what is currently a surface car park. None of the permissions for the previous applications for this area imposed a contaminated land condition, but given the historical use of some areas of the site I think it would be prudent to impose a contaminated land condition on this application should it be granted. The Design & Access statement provided with this latest application notes that a Site Waste Management Plan will be required.

Recommendation: No objections subject to a contaminated land condition and informatives governing hours of operation and conduct on site during construction.'

### 3.11 **MBC Conservation Officer:**

Has no objections to the proposals in terms of the setting of the nearby listed buildings within the site or the adjacent registered historic park. No objections are raised to the design of the proposed building which has been amended to overcome concerns expressed prior to the submission of the application.

#### **4. REPRESENTATIONS**

4.1 **Cllr English** has requested that the application is reported to the Planning Committee on the grounds that;

'The scale, form and design of the development will need careful consideration due to its sensitive location.'

4.2 **Twelve** letters of representation have been received from local residents. Objections raised are (summarised) as follows.

- Loss of privacy to nearby dwellings in Blythe Road
- Unacceptable overshadowing to nearby dwellings in Blythe Road
- Increased noise and disturbance
- Increased pollution
- Increased traffic
- The development is not of a good design and will detract from the openness and quality of the area
- It will detract from the quality and setting of Mote Park and the footpath along the River Len
- There are plenty of empty offices elsewhere in Maidstone why build another one here?
- Potential water pollution affecting the River Len and nearby allotments
- Why can't the buildings be located much closer to the existing buildings on the site or north of Tolhurst Court? They would be spreading too far west if this scheme was allowed

#### **5. CONSIDERATIONS**

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

5.1.1 The application site is located within the Turkey Mill Business Park located on the south side of Ashford Road. The Business Park amounts to approximately 8.4ha in area and comprises some 11,667m<sup>2</sup> of business and conference facilities with a further 704m<sup>2</sup> of Class D1 floorspace comprising medical/dental consultancies and also a cafe/sandwich bar. The site lies between the Maidstone East to Ashford railway which forms its northern boundary and Mote Park which forms its southern boundary which is delineated by a 2m high ragstone wall.

5.1.2 Access to the site is gained from the A20 Ashford Road under a Grade II listed railway viaduct. The former mill owner's house (now in use as offices) located at the eastern end of the site and complex of buildings is Grade II\* listed and the

adjacent drying loft and industrial buildings are Grade II Listed. All other buildings within the site that pre-date 1 July 1948 are listed by virtue of their status as curtilage buildings. The River Len runs from east to west roughly through the centre of the site. The land either side of the river in a valley, to its north and south, rises steeply.

- 5.1.3 There are a variety of buildings within the site of differing styles and sizes. The most recent is Tolhurst Court, completed in approximately 2005. This is located on the north bank of the River Len and has car parking to the front (south) and rear (north) of it.
- 5.1.4 The main part of the site is a designated Employment Area under saved policy ED2 of the Maidstone Borough-wide Local Plan (MBWLP) 2000. The western part of the site lies within an Area of Local Landscape Importance subject to policy ENV35 of the MBWLP 2000. The entire complex is located within the defined urban area of Maidstone. The site also forms part of the Mote Park & River Len Local Wildlife Site designated in April 2009. The area to the west of the Business Park is a Local Nature Reserve.

## **5.2 Proposal**

- 5.2.1 Full planning permission is sought for the erection of a detached office building with currently no specified end user. It would be located on the south side of the River Len in the south west corner of the Business Park. The application also proposes changes to the location and quantity of existing parking provision and a new vehicle and pedestrian bridge over the River Len together with landscaping and river corridor enhancement.

### The office building

- 5.2.2 The office building would be two-storeys in height and comprise some 1632m<sup>2</sup> of gross external floorspace. It would be some 6.75m to the eaves and 8.01m tall at the tallest part of the roof vaults. Overall the building is some 49m in length and 16m in width although the entrance features project some 1.5m further forward.
- 5.2.3 The ground floor of the proposed building would be clad in red-stock brickwork up to first floor level and be fully glazed above this. The roof would be formed using a standing seam system in a series of undulating vaults with high level cladding under the eaves above the glazing. The fascias would be aluminium. The roof would be supported by slender external steel columns. At first floor level the rainwater down-pipes would echo the steel columns and at ground floor level be placed behind brick piers. The columns and down-pipe treatment serve to divide the building visually into 6 sections and assist in breaking up the horizontal length of the building. Plant would be hidden from view in two wells situated below the highest parts of the roof vaults. There would be brise-soleil to

the south facing windows. The glazing and door frame assemblies would be powder-coated aluminium finished in a dark green colour to reflect Tolhurst Court and the colour scheme generally in use through the Business Park and on its signage.

- 5.2.4 The building would be sited some 32m west of James Whatman Court and some 22m north of the boundary with Mote Park. Due to the fall in levels across the site from Mote Park towards the river, only 2.25m approximately of the building (including the roof structure) would be higher than the boundary wall of Mote Park.
- 5.2.5 The application is accompanied by a BREEAM for Offices pre-assessment report that indicates that the building could achieve a score of 73.09% which is above the threshold of 70% needed to achieve an 'Excellent' rating.

#### Landscaping proposals

- 5.2.6 A natural spring enters the site to the east of the proposed building. This is currently culverted and piped into the river. Under the amended application proposals this would be opened up and run as a cascade to the east of the building and return in front of the building as a formal water feature and then be discharged into the river. Existing spring water run-off from Mote park will be harvested and directed to a series of swales, ditch and streams with log and stone weirs that will form a natural water course through the sloping western side of the car park area (to the west of the office building) and thence into the river. New areas of wetland type native tree, shrub and grass planting around these areas will be introduced.
- 5.2.7 These plans form part of a detailed wider landscape and biodiversity enhancement scheme for the site submitted as part of both current applications. The strong existing hedge-line that forms the boundary of the site with the Local Nature Reserve (LNR) is to be retained north and south of the river.
- 5.2.8 North of the river extensive buffer planting will be introduced between the LNR and the proposed nursery and the existing grass managed to create a varying height sward. Existing tree planting in the existing car park on the north bank of the river will be extended. The car park areas closest to the LNR will be formed from reinforced grass.
- 5.2.9 South of the river, two tiers of car parking are proposed which would be separated by an extended and planted existing embankment. The areas of proposed car park closest to the LNR and river on the lower tier would be surfaced in reinforced grass or loose gravel as is the existing car park in this area. The riverside margins would be maintained and grass managed to allow different sward heights. Existing sycamores and laurels along the river would be cleared from the riverbanks to open up the area and allow light into the river.



The banks would then be planted with more ecologically based vegetation that would support river wildlife and include native riverside shrub species and existing reed beds will be managed and some plants translocated to the area of the new bridge to further soften its appearance.

5.2.10 The upper parking area closest to the building would be surfaced in blockwork but the bays closest to the western boundary formed with reinforced grass. The largest existing and quality mature trees within the and around the site would be retained and additional focal trees and shrub planting undertaken around and within the car park.

#### Parking

5.2.11 There are currently 615 car parking spaces in total on the site. This would rise to 699, an increase of 84, if the office development and the day nursery subject to planning application MA/10/0284 were approved and constructed.

5.2.12 The majority of the car parking would be provided in a new area on a currently undeveloped part of the site to the west of the existing car parking area (on which the office building would be sited). This area slopes down to the River Len and is closely mown grassland. The existing hedgerow that forms the boundary of the site with the LNR would be retained.

5.2.13 In relation to the parking provision for the new office, the building has been provided with 54 spaces at a ratio of 1:30m<sup>2</sup>. The nursery would be provided with 30 spaces.

#### New bridge

5.2.14 The new road and pedestrian bridge is located approximately 40m to the west of the existing site bridge over the river. The proposed bridge is simple in form with stainless steel cable stays and struts. It would accommodate a 3m wide vehicle section and a 1.2m wide demarcated footpath section and be approximately 21.5m in length.

5.2.15 The application was also accompanied by a Design and Access Statement, Planning Statement, Tree Survey report including Tree Survey and Tree Constraint Plans, an Ecological Appraisal, a Flood Risk Assessment and a Transport Assessment. Subsequently, a revised Landscape Appraisal and a Biodiversity Enhancement Strategy were submitted to accompany the amended Landscape Strategy Plan.

### **5.3 Principle of Development**

5.3.1 The proposed office building is located within the defined urban area of Maidstone and sited within a designated employment area under policy ED2 of the Maidstone Borough-wide Local Plan 2000.

- 5.3.2 Members will have also have noted from paragraph 2.4 of the report that the current site remains subject to an extant permission for the erection of a 3250m<sup>2</sup> building for use for B1/B8 purposes.
- 5.3.3 The car parking area to the west of the proposed building is not however within the designated employment area and as such, the application has been advertised as a departure. The parking area is proposed to provide replacement for current parking spaces displaced by the proposed development. This area of the application site however, has no particular designation in the Maidstone Borough-wide Local Plan 2000.
- 5.3.4 The site of the office building, but not the proposed car parking to the west, also lies within the Turkey Mill Area of Local Landscape Importance as designated by policy ENV35 of the Maidstone Borough-wide Local Plan. Policy ENV35 states that in these areas, particular attention will be given to the maintenance of open space and the character of the landscape and encouragement will be given to improvements in public access.
- 5.3.5 The office is clearly sited within a designated employment site and as such I consider the principle of the development to be acceptable. I consider that the development also complies with the advice in PPS4 in that it constitutes economic development on an allocated site.
- 5.3.6 Given the extant planning permission on the site (MA/91/0655) and the fact that the currently proposed building is significantly smaller in scale which has retained a greater openness around the building and across the site, I also consider that the office element complies with policy ENV35 of the MBWLP 2000.
- 5.3.7 However, particular consideration should be given to the proposed car parking area to the west of the new office building. As indicated above, this area lies outside the designated employment site and the ALLI, and has no specific Local Plan designation. It is currently an open mown grass area that slopes down to the river. It is bounded to the west by the hedgerow that marks the boundary of the Turkey Mill estate and the LNR and the footpath and footbridge over the River Len that were constructed following planning permission MA/91/0655.
- 5.3.8 The extent of the parking provision on this area (approximately 78 spaces) is as a result of providing new parking spaces to meet requirements for the new office building and also to provide replacement for those displaced by the new building, changes to internal roadways and the new bridge.
- 5.3.9 There will clearly be a significant change to the character and appearance of this section of the site and the loss of the current undeveloped status of the site is regretted. Officers have sought to reduce the extent of car parking provision in

this area and across the site as a whole. However, the applicant has maintained their view that parking for the new building should be in accordance with the maximum levels set out in PPG13 and that they wish to see the displaced existing spaces on the site replaced as these form part of the lease arrangements to each tenant. There is also no other site within the Turkey Mill complex that could accommodate the parking required.

5.3.10 Notwithstanding this, the applicant has considered the surfacing and landscape treatment of the car park in an attempt to reduce its impact and details have been submitted as part of the Landscape Strategy. The bays are broken up with areas of landscaping. The car park area closest to the river is either proposed as 'grasscrete' or loose gravel and that along the boundary with the LNR adjacent to the existing retained hedge is also proposed as grasscrete. Elsewhere permeable block paving is indicated. Existing springs which are currently piped or culverted under the site are to be opened as natural water features and swales with appropriate marginal planting. The car park would also be divided into two levels with a continuation of an existing planted embankment westwards to link in with the proposed open spring/swale running down the western side of the car park to the River Len. The existing grassland closest to the river would be maintained and managed with differing sward heights to provide for enhanced habitat an improvement over the current situation where it is closely mown.

5.3.11 Whilst the use of this area for car parking is not ideal, it is the only area available within the Turkey Mill Estate to provide for the required and displaced parking. The proposed landscaping and treatment of the springs/swales and the indicated surface treatment would however, in my view serve as some compensation for the loss of the land to car parking. The car parking will not be visible from the access road and footpath into Mote Park from Mote Road due to the valley side sloping towards the river and the land being at a lower level than that within Mote Park. On balance therefore, I do not raise objections to the use of this area for car parking.

## **5.4 Visual Impact**

5.4.1 Members will note that both English Heritage and the Conservation Officer have raised no objections to the impact of the development on the setting of the nearby listed buildings or Mote Park. The nearest of the 'curtilage listed buildings' is James Whatman Court located approximately 32m east of the proposed building. Turkey Court House and the Drying Lofts which are individually listed, are located in excess of 100m east of the proposed building. I concur with the views of both the Conservation Officer and English Heritage, that the development will not have an adverse impact on the setting of these buildings.

- 5.4.2 The office building is located some 84m from the nearest dwellings in Blythe Road and 95m approximately from Deergate Lodge at the entrance to Mote Park from Mote Avenue. Whilst it will be seen from these areas I do not consider that it will be unacceptable visually dominant. It is a relatively low building at approximately 6.75m to eaves and 8.01m to the tallest section of the vaulted roof. It is set into the site at a lower level than the land within Mote Park some 22m to the south such that only approximately 2.25m of the building will protrude above the height of the boundary wall with Mote Park. Given the existing trees within Mote Park and the intervening landscaping to the west of the building, whilst there will be glimpses of the building it will not be unacceptably dominant and visually intrusive. Similarly when viewed from the north bank of the River Len the existing mature trees within the site will serve to partially screen and thus reduce the visual impact of the building, which will also be seen against the backdrop of the trees within Mote Park.
- 5.4.3 It is acknowledged that the proposed car parking provision to the west of the office is located on an existing undeveloped area and that there will be change from its current grassed and open nature, which is regrettable. I have considered the principle of the use of this land and its visual impact in paragraphs 5.3.7 to 5.3.11 above. It is regrettable that this area will be lost to car parking. However, for the reasons set out earlier in the report, on balance, I do not consider that the harm caused by car parking on this area would be sufficient to warrant refusal. It will be screened to the west by the existing retained hedgerow to that forms the site boundary with the LNR and will be at a significantly lower level than the land within Mote Park such that the car parking will not be visible from the main access road and footpath into the Park from Mote Avenue.

## **5.5 Design**

- 5.5.1 The design of the proposed building is contemporary and in my view is of a high quality. It reflects the existing older buildings on the site through the proposed use of the brickwork to the ground floor and also reflects elements found on the more recent development at Tolhurst Court in terms of the extent of glazing and the vaulted roof design. I also consider that the attention to the detailing of the building, such as the roof drainage which has been amended to utilise a gutter hidden within the curvature of the roof, the detailing of the supports for the roof, the brise soleil, the design of the rainwater goods and the junction between the glazing and the brickwork, for example, reflects the quality of the overall design.
- 5.5.2 The building is relatively long at approximately 49m, but the length and mass has been broken up by the form of the vaulted roof and by means of a vertical division facilitated by the columns supporting the roof and the rainwater down-pipes, which clearly separate the building into 6 bays, with two larger 12m bays adjoined either side by 6m in width (4 in total). The curvature of the vaulted roof

reflects these dimensions. The building has a clear hierarchy to its design with a solid brick base at ground floor level, lighter glazing at first floor level and the well-designed roof with significant overhangs that provides a positive and clear termination to the building.

- 5.5.3 The quality of the design approach extends to the immediate surrounds of the building, with the cascade to its east and formal water features and access decks to the frontage of the building and the formal planted areas around it.
- 5.5.4 The building has been designed to be sustainable in its construction and energy use and it has been demonstrated through a BREEAM for Offices pre-assessment report that the building is likely to achieve an 'Excellent' rating, with an indicated score of 73.5% where the threshold for an excellent rating is 70%.
- 5.5.5 The proposed bridge is also considered to be acceptable in its design. The proposed bridge is simple in form with stainless steel cable stays and struts providing the handrails. It will have a limited impact on the existing river bank.

## **5.6 Residential Amenity**

- 5.6.1 The proposed office building is located approximately 84m from the closest residential dwellings in Blythe Road (nos. 45 and 47), and approximately 95m from Deergate Lodge located at the entrance to Mote Park from Mote Avenue. The closest parking spaces are approximately 45m and 60m respectively from properties in Blythe Road and Deergate Lodge. Between the site and the dwellings is the Local Nature Reserve and an extensive hedgerow which forms the site boundary with the LNR which is to be retained.
- 5.6.2 I do not consider, given the separation distances, the fact that the site is at a lower level than the nearest dwellings with intervening landscape features retained, that the development would have an unacceptable impact on the residential amenities of occupiers in Blythe Road or Deergate Lodge arising from noise and disturbance, overshadowing or loss of privacy.

## **5.7 Highways**

- 5.7.1 Kent Highway Services have considered the Transport Assessment submitted with the application and assessed the highway implications of the proposal. As can be seen from paragraph 3.7 earlier in the report, no objections are raised from a highway point of view to the impact of the traffic likely to be generated by the proposal on the adjacent highway network or in relation to the capacity of the junction of the site access road with the A20 Ashford Road. Kent Highway Services have raised no objections to the parking provision.

- 5.7.2 In relation to the parking provision, the new office building has been provided with 54 spaces at a ratio of 1:30m<sup>2</sup>. This is in-line with the maximum guidance in PPG13 and consistent with provision at Eclipse Park and development elsewhere in the Borough.
- 5.7.3 I would again advise Members that officers have sought to reduce the level of car parking provision. However, the applicant has maintained their view that parking for the new building should be in accordance with the maximum levels set out in PPG13 and that they wish to see the displaced existing spaces on the site replaced as these form part of the lease arrangements to each tenant.
- 5.7.4 The development is also below the threshold where a Travel Plan is sought (currently 2500m<sup>2</sup>). However it is considered that the applicants should be advised to contact the Kent County Council Sustainable Travel Planning Team with a view to developing a Travel Plan for the estate as a whole. This can be dealt with by means of a suitable informative.

## **5.8 Landscaping and Ecology**

- 5.8.1 As Members will have noted from earlier in the report the ecological and landscape implications of the proposal have been subject to full assessment as part of the application.
- 5.8.2 A fully detailed Landscape Strategy has been submitted which has been amended to take into account objections relating to the impact of the development on the biodiversity/ecology of the river and the existing springs etc. that pass through the site.
- 5.8.3 The submitted strategy indicates under the amended application proposals the spring that enters the site east of the proposed office building would be opened up and run as a cascade to the east of the building and return in front of the building as a formal water feature and then be discharged into the river. Existing spring water run-off from Mote Park will be harvested and directed to a series of swales, ditch and streams with log and stone weirs that will form a natural water course through the sloping western side of the car park area (to the west of the office building) and thence into the river. New areas of wetland type native tree, shrub and grass planting around these areas will be introduced. Meadow areas closer to the river and to the west of the proposed nursery on the north bank will be managed to create a varying height sward to improve biodiversity.
- 5.8.4 North of the river extensive buffer planting will be introduced between the LNR and the proposed nursery. I consider that to emulate the existing planting within the LNR to the west that this buffer should be predominantly planted with hawthorn. The existing grass will be managed to create a varying height sward as stated above. Existing tree planting in the existing car park on the north bank

of the river will be extended. The car park areas closest to the LNR will be formed from reinforced grass to soften the impact.

- 5.8.5 South of the river, two tiers of car parking are proposed which would be separated by an extended and planted existing embankment. The areas of proposed car park closest to the LNR and river on the lower tier would be surfaced in reinforced grass or loose gravel as is the existing car park in this area. The riverside margins would be maintained and grass managed to allow different sward heights. Existing sycamores and laurels along the river would be cleared from the riverbanks to open up the area and allow light into the river. The banks would then be planted with more ecologically based vegetation that would support river wildlife and include native riverside shrub species and existing reed beds will be managed and some plants translocated to the area of the new bridge to further soften its appearance.
- 5.8.6 The upper parking area closest to the building would be surfaced in blockwork but the bays closest to the western boundary formed with reinforced grass. The largest existing and quality mature trees within the and around the site would be retained and additional focal trees and shrub planting undertaken around and within the car park.
- 5.8.7 I have considered the visual impact of the proposed car park earlier in the report. On balance I consider that with the proposed landscaping and treatment of the springs/swales the impact of the car park to be acceptable.
- 5.8.8 The applicants are also proposing to install bird and bat boxes around the site as further enhancement.
- 5.8.9 Subject to appropriate conditions relating to the detailing of the proposals and the treatment of the springs and watercourses I consider that the proposed landscape strategy will enhance the site and the biodiversity within it.

## **5.9 Flood Risk**

- 5.9.1 The application was accompanied by a Flood Risk Assessment assessing the impact of a potential 1 in 100 year flood event allowing an additional 20% for climate change. The Flood Risk Assessment which has been accepted by the Environment Agency shows that the flood level for a 1 in 100 year +20% for Climate Change event would be at 10.54mAOD. The finished floor level of the office would be at 16.78mAOD and the lowest level of car parking at 11.69mAOD. This effectively renders the development outside Flood Zone 3 and into Flood Zone 1. The soffit level of the bridge is required to be 600mm above the agreed flood level of 10.54mAOD Newlyn. This can be secured by means of an appropriate condition. In terms of Flood Risk therefore, I raise no objections to the proposals.

5.9.2 Another area of concern has been the impact of potential inundation from a breach of the dam at Mote Park Lake. I am satisfied however that the site of the office lies outside the indicative area advised by the EA that would be potentially affected by a breach.

## **6. CONCLUSION**

6.1 On balance I consider the proposed development to be acceptable in terms of its principle as economic development on a designated employment site. The design of the building and the new bridge is acceptable. The scheme has been designed to secure appropriate enhancement to ecology and biodiversity within the site.

6.2 I do consider that the use of the area west of the proposed office building for car parking is not ideal and that the loss of the current nature and form of this part of the site is regrettable.

6.3 However, it is the only area available within the Turkey Mill Estate to provide for the required and displaced parking which is subject to individual leases for tenants within the estate.

6.4 The proposed landscaping and treatment of the springs/swales and the indicated surface treatment would however, in my view serve as some compensation for the loss of the land to car parking. The car parking will not be visible from the access road and footpath into Mote Park from Mote Road due to the valley side sloping towards the river and the land being at a lower level than that within Mote Park. On balance therefore, I do not raise objections to the use of this area for car parking or the level of car parking proposed.

6.5 There are no other highway objections relating to the development and I consider that the development will cause no unacceptable harm to the amenities of residents in Blythe Road or the occupiers of 'Deergate Lodge' in Mote Avenue.

6.6 On balance subject to appropriate safeguarding conditions I consider the following recommendation to be appropriate.

## **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 shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the building, car parking areas and footways 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. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted and to ensure a satisfactory appearance to the scheme pursuant to policies ENV6 and ENV35 of the Maidstone Borough-wide Local Plan 2000.

4. 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 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 policies ENV6 and ENV35 of the Maidstone Borough-wide Local Plan 2000.

5. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction-Recommendations'. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been

removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development pursuant to policies ENV6 and ENV35 of the Maidstone Borough-wide Local Plan 2000.

6. The development shall not commence until, details of the proposed new watercourse and River Len enhancements have been submitted to and approved in writing by the local planning authority.
- The scheme shall include the following features:
- (i) The new spring fed watercourse must include the use of natural materials, characteristic in size and geology for the River Len Catchment
  - (ii) The new spring fed watercourse should meander within the confines of the landscape plan design to create a varied profile and fall to the River Len.
  - (iii) The new spring fed watercourse should be planted with native species of local provenance.
  - (iv) The River Len enhancements should include log deflectors to create a variety of flow conditions
  - (v) The River Len enhancements should include additional planting or translocation of some plants from the River Len to create new areas of marginal vegetation along this reach of the river
  - (vi) All engineering design work is done by suitably experienced and qualified engineers who have proven success in the design of river restoration work on rivers and streams.

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

Reason: To ensure that the proposed watercourse and existing River Len is developed in a way that contributes to the nature conservation value of the site in accordance with national planning policy by providing suitable habitats for wildlife as required by the advice in PPS9.

7. Notwithstanding the details shown on Landscape Strategy drawing 030revE received 06/07/2010, Landscape Appraisal revD and the Biodiversity Enhancement Statement received 14/05/2010, the development shall not be commenced until a more detailed landscape management plan in conjunction with the details submitted pursuant to condition 3 above, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas adjacent to the river and River Len Local Nature Reserve and within the site, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed

in writing by the local planning authority.

The scheme shall include the following elements:

- (i) The detailed extent and type of new planting (with planting to be of native species of local provenance)
- (ii) The extent of non-native tree removal
- (iii) Details of maintenance regimes
- (iv) Details of any new habitat created on site
- (v) Details of biodiversity enhancement measures such as bird and bat boxes
- (vi) Details of the location and extent within the site of a proportion of the cord wood arising from felled trees
- (vii) The use of predominantly hawthorn for the tree and shrub boundary screening to the western boundary of the day nursery
- (viii) An arboricultural method statement if excavation works are to be undertaken within the root protection areas of any retained trees stating the methods that will be used to avoid unnecessary damage to the trees. The method statement should identify whether any remedial works to the trees will have to be carried out prior to commencement of the works, how the existing surface will be removed and, if any roots are encountered how they will be severed so that the trees will not be harmed in any way. Any works to the trees must be carried out by a suitably qualified arboriculturalist
- (ix) An arboricultural method statement for any trees that are to be transplanted stating how they will be removed from their current location and relocated

Reason: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site pursuant to the advice in PPS9.

8. The development shall not commence until, the applicant, or their agents or successors in title, has secured the implementation of 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 ensure that features of archaeological interest are properly examined and recorded pursuant to the advice in PPS5

9. The development hereby permitted shall be carried out strictly in accordance with the slab levels shown on the approved drawings. The soffit level of the bridge shall be no lower than 11.14mAOD Newlyn;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site and the character of the area pursuant to policy ENV35 of the Maidstone Borough-wide Local Plan 2000 and in the interests of flood risk pursuant to the advice in PPS25.

10. 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.

11. The office building hereby permitted shall achieve a minimum BREEAM Office rating of at least Excellent. No part of the office building shall be occupied until a final certificate has been issued for it certifying that a BREEAM Office rating of at least Excellent has been achieved.

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

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

Reason: In the interest of pollution and flood prevention pursuant to the advice in PPS25 and biodiversity pursuant to the advice in PPS9.

13. The development shall not commence until, details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority;

- i) Details of the roof overhangs and eaves.
- ii) Details of windows and doors and recesses/reveals
- iii) Details of the roof supports and down-pipes and down-pipe enclosures
- iv) Details of the brise soleil
- v) Details of the junction between the brickwork and glazing and the glazing and upper cladded sections

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

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

14. 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.

### **Informatives set out below**

You are recommended to contact the Kent County Council Sustainable Transport Team (tel. 01622 696819 or 01622 696914) with a view to the joint preparation of a Travel Plan for the Turkey Mill Business Park.

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

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

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

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

The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Atkins Ltd. Anglo St James House, 39A, Southgate Street, Winchester SO23 9EH (tel 01962 858688) or via [www.southernwater.co.uk](http://www.southernwater.co.uk)

The proposed development is not in accordance with the policies of the Maidstone Borough-Wide Local Plan 2000. However, the development, subject to the conditions stated, is considered to comply with Government guidance contained within PPS4: Planning for Sustainable Economic Growth and which is considered to represent circumstances that outweigh the existing policies in the Development Plan. It is also considered that the development would not cause unacceptable harm to the character and appearance of the Area of Local Landscape Importance in which the site is partially situated and there are no overriding material considerations to indicate a refusal of planning consent.

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A wide-angle photograph of a golf course. In the foreground, there is a large, well-maintained green lawn. In the middle ground, a parking lot is filled with several cars. Behind the parking lot, a large, multi-story clubhouse with a white facade and arched windows is visible. The background consists of a dense line of trees under a clear blue sky. The number '119' is printed vertically on the left side of the image.

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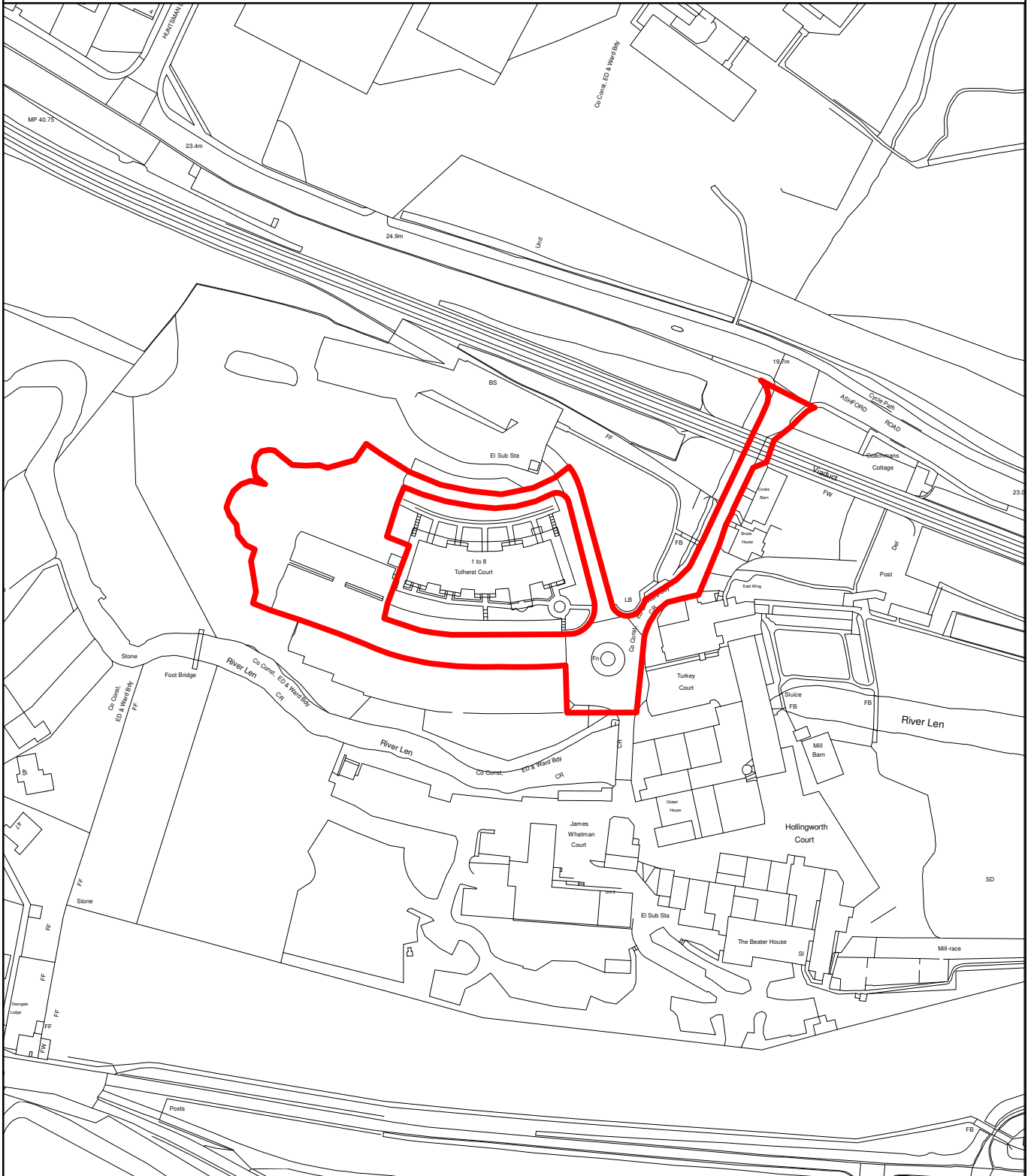


# THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/10/0284

GRID REF: TQ7755

LAND ADJ. TOLHURST COURT,  
TURKEY MILL, ASHFORD ROAD, MAIDSTONE.



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

APPLICATION: MA/10/0284 Date: 16 February 2010 Received: 18 February 2010

APPLICANT: Turkey Mill Investments & Kidsunlimited

LOCATION: LAND ADJ TOLHURST COURT TURKEY MILL, ASHFORD ROAD,  
MAIDSTONE, KENT, ME14 5PP

PARISH: Boxley

PROPOSAL: Erection of Day Nursery with associated external play areas, car parking and landscaping as shown on drawing nos. 07.62.80, 2718/001,002, 003, 004, 005, Tree Survey/010/B, Tree Constraints Plan/020/C and Design and Access Statement, Transport Assessment, Landscape Appraisal Report, Flood Risk Assessment Tree Survey Report Planning Statement and Updated Ecological Appraisal received 18/02/2010 and as amended by Landscape Strategy Plan 030/E received 06/07/2010.

AGENDA DATE: 22nd July 2010

CASE OFFICER: Steve Clarke

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

- It is a departure from the Development Plan
- Councillor English has requested it be reported for the reason set out in the report

## **1. POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV35, ED2, T13  
Village Design Statement: N/A  
Government Policy: PPS1, PPS4, PPS5, PPS9, PPS22, PPS25, PPG13

## **2. HISTORY**

- 2.1 The site has been in industrial use since originally erected as a paper mill by the Whatman family. In more recent years the buildings on the site have been used for a number of separate and diverse business uses falling within Use Classes B1, B2 and B8, including some floorspace used for retailing cars, a use which ceased when the current owners took over the site.
- 2.2 As a result, the site has an extensive planning history, the most relevant of which is set out below:-

- MA/10/0283: Proposed Office development, installation of new river crossing, associated car parking and landscaping/river corridor enhancement-: UNDETERMINED and on the papers
- MA/07/2076: Change of use (Unit 6 Tolhurst Court) from B1 to cosmetic dental practice (Class D1):APPROVED 02/01/2008
- MA/05/1948: Change of use of suite 3 and 4 Tolhurst Court from class B1 office use to use as a consulting clinic (class D1): APPROVED 28/11/2005
- MA/04/0934: Erection of Class B1 office development, alterations to access, car parking and landscaping (amendments to planning permission MA/02/0202: APPROVED 09/07/2004
- MA/02/0202: Erection of class B1 office development (Revised scheme), alterations to access, car parking and landscaping: APPROVED 16/05/2003
- MA/91/0655: Erection of buildings for use within classes B1 & B8 (Use Classes order 1987) and provision of a footpath and footbridge: APPROVED 03/05/1994

2.3 Planning permission MA/02/0202 was subject to a s106 agreement that obligated the developer not to implement any remaining part of the MA/91/0655 permission (that had been implemented, see paragraph 2.4 below) on land on the north bank of the River Len but did not preclude further development on the part of the site south of the river.

2.4 The footpath and footbridge over the River Len (both now within the LNR) were constructed as part of planning permission MA/91/0655. The permission, subject to the exclusion secured through the s106 agreement relating to application MA/02/0202, is therefore still extant. This permission included the provision of a 3,250m<sup>2</sup> B1/B8 development on the site of the currently proposed office development.

### **3. CONSULTATIONS**

3.1 **Boxley Parish Council:** Have noted the submission of the application and do not wish to comment.

3.2 **Natural England (02/03/2010):** Commented in respect of protected species as follows;

**Bats:** Natural England is satisfied that the survey information provided by the applicants suggests that no bats are present with the application site. Consequently, we have no comments to make in relation to these species at present.

**Great crested newts:** Natural England is satisfied that the survey information provided by the applicants suggests that no great crested newts are present within the application site or any pond within 500 metres of the site. Consequently, we have no comments to make in relation to these species at present.

**Widespread reptiles:** Natural England is satisfied that the survey information provided by the applicants demonstrates that no widespread reptiles are utilising features within the application site that are to be affected by the proposals.

**Water vole:** Natural England would like to recommend that you consult the Environment Agency with regard to potential impacts on water voles and their habitats by the proposed development.'

### 3.3 **Environment Agency (19/04/2010):**

'We have no objection to the development provided the following conditions are implemented.

This site lies on the Hythe formation, which is classified as a principal aquifer in the Groundwater Protection: Policy and Practice. This site does not lie in a Source Protection Zone (SPZ).

#### Surface Drainage

If the applicant proposes to use soakaway then the following informatives applies.

The use of shallow soakaways in the Hythe Beds are not recommended as they can promote instability of the geology via washout of the sandier horizons, leading to the opening and enlargement of fissures within the Hythe Beds, and subsequent collapse.

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

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

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

#### Foul Drainage

All foul must be discharged to main sewer as stated on the application form.

#### Land contamination

##### Condition

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

##### Reason

To ensure that any risks relating to contamination discovered during development are dealt with appropriately as required under PPS23: Planning and Pollution Control.

#### Fuel/Chemical Storage

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

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

#### Flood Risk

Recent hydraulic modelling undertaken on the River Len suggests that the 1 in 100 year 20% climate change predicted flood level for the site is 10.8 metres above Ordnance Datum Newlyn (maODN). The proposed buildings are therefore situated outside of the high probability flood risk area.

Under the terms of the Water Resources Act 1991, and the Southern Region Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Len designated a 'main river'. The proposed surface water outfall and bridge will therefore require consent, in addition to the benefit of planning permission. For information, the soffit level of the bridge should be at least 300 - 600mm above the predicted flood level of 10.8maODN in order to ensure there is no obstruction to flood flows.'

3.4 **English Heritage (11/03/2010):** Do not wish to comment on the application and recommend that the application is determined on the basis of national and local policy guidance and the Council's own specialist conservation advice.

3.5 **KCC Heritage Conservation (26/03/2010):** Commented as follows

'The Turkey Mill complex is a site of industrial archaeological interest. The site of the application also lies on or immediately adjacent to a World War II anti tank trap, which probably takes the form of a series of ditches. Archaeological remains could be encountered during the proposed groundworks and I advise that the following condition be applied to any forthcoming consent:

*No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of 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 ensure that features of archaeological interest are properly examined and recorded.'

3.6 **Kent Highway Services (07/04/2010):**

'The application comprises a new day nursery and a separate application has been submitted for an office development on this site (application number MA/10/0283). A

Transport Assessment has been prepared which indicates that the traffic generated by these combined applications is likely to be in the region of 91 additional two way trips during the morning peak hour and 79 additional trips in the evening peak hour.

There is an extant permission on the site for 3252m<sup>2</sup> of B1 use which was expected to generate 66 two way trips in the morning peak hour and 53 trips in the evening peak hour. The new applications would lead to an estimated increase in vehicle movements of 25 two way trips during the morning peak hour and 26 in the evening peak hour, over and above that expected from the previously approved 1991 B1 application.

Access to the site is via a ghosted right turn junction of the A20 Ashford Road. A capacity assessment has been completed which indicates that the traffic generated by the proposed B1 office use and the day nursery can be adequately accommodated in the 2016 design year.

Parking at the site is in line with the Kent & Medway Vehicle Parking Standards which is acceptable.'

A number of conditions and informatives are suggested.

### 3.7 **Kent Wildlife Trust (29/03/2010):**

'The River Len passing through the application site falls within the recently designated (April 2009) Mote Park & River Len Local Wildlife Site - LWS, MA61. The citation for the Site refers to the "rich bank flora" of the river and confirms records of water vole and the white-legged damselfly, amongst other important fauna.

An experienced consultant has carried out the ecological survey of the site and assessment of the development proposals. The Trust has no reason to question the findings and recommendations contained in the report but, given the risk to protected species (for example, bats and water voles) arising from the development, we would urge the Council to test the proposal against the standing advice from Natural England.

The Trust has no objection, in principle, to the development, subject to planning conditions being used to secure the completion of avoidance, mitigation, compensation and enhancement measures recommended in the ecology and a complementary landscape appraisal report.

Given the LWS designation, the Council should also require, by condition or agreement, the submission of a fully-funded Ecological Enhancement and Management Plan that confirms where, when and what features will be provided at the site to achieve the declared aim of enhancing biodiversity and to act as a buffer to the River Len and the Len Valley LNR. The Plan should comply with the principles set down in the ecological and landscape appraisal reports.

We would expect the Plan to incorporate, amongst other measures:

- sustainable urban drainage features,
- management prescriptions for the existing hedgerow on the west boundary of the site,

- management prescriptions for the long grassland and riparian vegetation along the river banks,
- arrangements to mitigate the harmful effects of illumination at the site (buildings, access roads and parking areas),
- measures to ensure there is no disturbance to cold water and headwater species (including, potentially, the glacial relic species *Apatania muleibris*) at the point of issue of the spring, and
- a generous provision of bat and bird boxes.

The Plan should be responsive to the results of periodic key habitat and species monitoring.'

### 3.8 **Southern Water (24/02/2010):**

Have identified a public sewer lying close to the site and have stated that no development or tree planting should take place within the 3m of the centre line of the sewer. They has requested a condition be imposed on any permission requesting details of measures to protect the public sewer during the course of development.

They have indicated that they can provide foul sewage disposal to service the proposed development. They have advised that a formal application for connection to the sewer must be made and have provided contact details to be used as an informative to the applicant to this effect. They have also commented on the intention to use a SUDS based surface water drainage system and the need to ensure that this is properly designed and then managed and maintained to ensure no flooding problems occur. They recommend a condition is imposed requiring that details of foul and surface water drainage are submitted and approved before the development commences.

### 3.9 **EDF Energy (08/03/2010):** No objections

### 3.10 **MBC Conservation Officer:**

Has no objections to the proposals in terms of the setting of the nearby listed buildings within the site or the adjacent registered historic park. No objections are raised to the design of the proposed building which has been amended to overcome concerns expressed prior to the submission of the application.

### 3.11 **MBC Environmental Health (25/03/2010):**

'The site is about 50m from a local railway line and a similar distance from the nearest residences. The Turkey Mill Estate is a business park predominated by offices and light industry. I do not consider that this proposal is likely to impact negatively on the amenity of local residents. I note that the location was originally part of a paper mill business and although maps show the main buildings etc associated with the paper mill to be approximately 100m to the East of the proposed nursery location, there will be a vulnerable group of receptors (i.e. young children) on site, so I think it prudent that a contaminated land condition should be set. If the nursery will be providing food for the

children they will need to contact Environmental Health's Food-Health & Safety Team at least 28 days before they open for business.'

No objections subject to the imposition of a land contamination condition and the following informatives

'You are required to register your food business establishment with the Local Authority at least 28 days before food business operations commence, by virtue of Regulation (EC) 852/2004 on the hygiene of foodstuffs.

Prior to use, the Environmental Health Manager should be contacted to ensure compliance with the Food Safety Act 1990 and all relevant statutes.

Prior to use, Environmental Health should be contacted to ensure compliance with the Health and Safety at Work etc. Act 1974 and all relevant statutes.'

**3.12 MBC Landscape Officer (19/03/2010):** Commented as follows

'The site where the proposed Day Nursery is to be located is currently a car park in which there are a number of young mature Ash and Lime trees forming an avenue. It is shown on the proposed site plan that 4 trees will be removed at the western part of the existing car park, along with a number other young trees in the adjacent grassland which are to be transplanted. Given their size and location, it is fair to say that the removal of these trees would not pose a constraint to the proposed development.

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

**Conditions**

Where it is proposed to transplant any trees an arboricultural method statement should be provided stating how they will be removed from their current location and relocated. A detailed tree establishment programme should also be submitted providing information regarding ground preparation, future management and maintenance; the purpose of which is to ensure that the transplanted trees are successfully retained.

A Landscaping scheme should be submitted using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines.

Where any excavations are likely to be carried within the root protection area of retained trees, an arboricultural method statement is required, stating necessary measures required to ensure no unnecessary damage occurs to the retained trees. The method statement should identify whether any remedial work to the trees will have to be carried out prior to the commencement of the works, how the existing surface will be removed and, if any roots are encountered, how they will be severed so that the tree will not be harmed in any way. Any works to trees must be carried out by a suitable qualified arboriculturalist.'



## **4. REPRESENTATIONS**

- 4.1 **Cllr English** has requested that the application is reported to the Planning Committee on the grounds that;  
'The scale, form and design of the development will need careful consideration due to its sensitive location.'
- 4.2 Eight letters of representation have been received. Objections are raised on the following (summarised) grounds.
- Increased traffic on to the junction with the A20 and loss of visitors parking within the site
  - Unacceptable visual impact arising from the car parking and new building on the occupiers of properties in Blythe Road
  - Increased noise and disturbance
  - Loss of a pleasant walk along the River Len
  - If granted no further development should be allowed west of the proposed site and the existing car park should be further screened by tree planting

## **5. CONSIDERATIONS**

### **5.1 Site Description**

- 5.1.1 The application site is located within the Turkey Mill Business Park located on the south side of Ashford Road. The Business Park amounts to approximately 8.4ha in area and comprises some 11,667m<sup>2</sup> of business and conference facilities with a further 704m<sup>2</sup> floorspace of D1 medical/dental consultancies and a cafe/sandwich bar. The site lies between the Maidstone East to Ashford railway which forms its northern boundary and Mote Park which forms its southern boundary which is delineated by a 2m high ragstone wall.
- 5.1.2 Access to the site is gained from the A20 Ashford Road under the existing Grade II listed railway viaduct. The former mill owner's house (now in use as offices) located at the eastern end of the site and complex of buildings is Grade II\* listed and the adjacent drying loft and industrial buildings are Grade II Listed. All other buildings within the site that pre-date 1 July 1948 are listed by virtue of their status as curtilage buildings. The River Len runs from east to west roughly through the centre of the site. The land either side of the river, to its north and south, rises steeply.
- 5.1.3 There are a variety of buildings within the site of differing styles and sizes. The most recent is Tolhurst Court, completed in approximately 2005. This is located on the north bank of the River Len and has car parking to the front (south) and rear (north) of it.

- 5.1.4 The main part of the site is a designated Employment Area under policy ED2 of the Maidstone Borough-wide Local Plan (MBWLP) 2000. The western part of the site lies within an Area of Local Landscape Importance subject to policy ENV35 of the MBWLP 2000. The entire complex is located within the defined urban area of Maidstone. The site also forms part of the Mote Park & River Len Local Wildlife Site designated in April 2009. The area to the west of the Business Park is a Local Nature Reserve.
- 5.1.5 The site of the nursery lies outside the designated employment site but within the indicated area of the ALLI.
- 5.1.6 The nearest residential dwellings are located in Blythe Road (nos. 41 and 43) approximately 100m south west of the proposed nursery building, their rear gardens drop down to the River Len. The dwellings in Blythe Road are located on higher ground than the site and are visible from it.

## **5.2 Proposal**

- 5.2.1 The application is a full application and seeks permission for the erection of a day nursery. The nursery building would be located some 30m west of the existing office building 'Tolhurst Court' on the north side of the Len Valley. The application is not speculative it has been designed to be operated by 'Kids Unlimited'. It would accommodate 88 pre-school children with an initial staffing level of 8-10 full-time equivalent staff rising ultimately to 25 full time equivalent posts. The nursery would operate from 7:30am to 6:30pm.
- 5.2.2 The proposed building amounts to some 624m<sup>2</sup> in area with accommodation over two floor levels cutting into and utilising the existing slope/banking on the site. It would be 7.7m high at its tallest point. The roof is split at the ridge to allow high level natural lighting and ventilation to the first floor corridor. It has an eaves height of 5.5m. The building would be a maximum of some 14.4m in width and 23.1m (maximum) in length.
- 5.2.3 Externally, the building would be partly white rendered with extensive areas of pre-treated timber faced cladding panels and would utilise powder coated aluminium doors and windows. The roof and eaves would be metal.
- 5.2.4 Three external play areas are to be provided. Area 1 immediately to the north of and at the same floor level as the building would be used by babies attending the nursery this would be surfaced with artificial grass. Area 2 would be located on the western side of the building also at the same level as the building. Area 3 would be located on higher ground to the north of the building and accessed by two bridges on the north side of the building. This area would be between 2.5m and 3m higher than the ground floor level of the building and would comprise a mixture of grass and safety surfacing as would Area 2.

- 5.2.5 The majority of the car parking (11 spaces) and a drop-off zone for the nursery would be located immediately to the east of the building adjacent to Tolhurst Court. This area would be block paved. Staff car parking would be located in an extension to the existing car park that is situated to the north of Tolhurst Court.
- 5.2.6 A detailed wider landscape and biodiversity enhancement scheme for the site has been submitted as part of both current applications on the site. The strong existing hedge-line that forms the boundary of the site with the Local Nature Reserve (LNR) is to be retained north and south of the river.
- 5.2.7 North of the river adjacent to the nursery there would be areas of substantial planting introduced to the west and south west of the nursery to provide screening and additional security from the nature reserve to the west. The northern play area would also be screened by planting. The existing grass areas would be managed to create a varying height sward.
- 5.2.8 The application was accompanied by a design and access statement, a planning statement, a flood risk assessment, a tree survey, a landscape appraisal, ecological assessment and a transport statement. Also submitted as part of the application is a detailed landscape strategy that also relates to the application seeking permission for a new office building on the south side of the river valley (application MA/10/0283).

### **5.3 Principle of Development**

- 5.3.1 As stated earlier, the site is located in the defined urban area of Maidstone. However, it is acknowledged that the proposed building is located outside the designated employment area within the Turkey Mill site and that it is located within a designated ALLI. It is for these reasons that the application has been advertised as departure from the Development Plan.
- 5.3.2 The proposed use can be considered as a form of economic development within the definition contained within PPS4 as it is employment generating creating 8-10 full time equivalent staff when operations start increasing up to 25 full-time equivalent staff when fully operational and as a type of public or community use. I also consider that the proposed use is a use which would compliment the existing businesses on the Turkey Mill estate and could provide child-care opportunities for workers within the estate.
- 5.3.3 This should however be balanced against the fact that the site is in an ALLI and outside the designated employment site.
- 5.3.4 Development in an ALLI is not precluded by Policy ENV35 of the Borough-wide Local Plan 2000, but any development that takes place should maintain its

character and landscape. Tolhurst Court and the grassed valley-side slopes to its west where the nursery would be sited are clearly visible from properties in Blythe Road (100m to the south west) and also from within Mote Park. The proposed development would also be visible from the properties in Blythe Road and Mote Park.

- 5.3.5 The proposed development will reduce some of the current openness of this part of the Turkey Mill Estate. However, it has been designed to fit into the existing topography of the site and would be approximately 2.3m lower in terms of ridge height and sited 1.75m lower down the valley side than Tolhurst Court to its east thus in my view reducing its visual impact to an acceptable level. It is also considerably shorter than Tolhurst Court. The building would sit below the top of the existing valley slope and the background of the boundary planting along the Ashford Road and railway line. There would also still be open areas maintained around the building and these would be landscaped and managed in the interests of enhancing ecology and biodiversity on the site.
- 5.3.6 Therefore, whilst clearly more built development will be introduced onto the site and the overall openness reduced, I do not consider that the development would cause unacceptable harm to the character and appearance of the ALLI, a designation which 'washes over' the majority of the existing Business Park and buildings within it.
- 5.3.7 On balance therefore, I raise no objections to the development of a day nursery on the site.

## **5.4 Visual Impact**

- 5.4.1 The proposed building would be located on the north side of the Len Valley. It would be 30m from the existing Tolhurst Court building. Tolhurst Court is approximately 10m in height to the ridge and has a finished floor level of approximately 14.75mAOD and is approximately 55m in overall length. This compares to the proposed nursery building being 7.7m to ridge and at a finished floor level of 13.0m AOD. The currently proposed nursery building is therefore sited approximately 1.75m lower down the valley side and is 2.3m lower in overall height resulting in a difference overall of some 4.05m compared to the highest point of Tolhurst Court. The proposed building is also approximately 31m shorter than Tolhurst Court at 23.1m in length.
- 5.4.2 Whilst the nursery would be visible from properties in Blythe Road and from within the confines of Mote Park, I do not consider that it would be as visually dominant as Tolhurst Court due to its lower ridge height, shorter length and lower position on the valley side. The proposed landscaping to its west and south west sides and additional tree planting in the existing car park area to the south of the building will serve to further reduce the visual impact of the building.

- 5.4.3 As stated above, the building would be within a landscaped setting and would not in my view cause unacceptable harm to the character of this part of the site or the ALLI as a whole.
- 5.4.4 I also consider the design of the proposed building to be acceptable. It is a building varied in form with mono-pitched roof sections split at the ridge, eaves overhangs and a varied use of the proposed timber cladding, render and glazing on the elevations to provide visual interest. The building would compliment and not directly conflict with existing development elsewhere on the estate.
- 5.4.5 Members will be aware that neither the Conservation Officer nor English Heritage have raised objections to the proposals in terms of the impact of the development on the setting of the listed buildings within the site. I concur with this assessment.

## **5.5 Residential Amenity**

- 5.5.1 The proposed building is located approximately 100m north east of the nearest dwellings in Blythe Road to the south west. It is noted that their rear gardens run down to the river bank. The dwellings in Blythe Road are at a higher level than the site and the proposed building will be visible from them. However, in my view, given the separation distance and the differences in levels no unacceptable loss of privacy or disturbance will occur. The proposed screening and additional tree planting to the car park will further reduce the visual impact of the building as they mature. I do not consider therefore that the development will result in an unacceptable impact on residential amenity.

## **5.6 Highways**

- 5.6.1 Kent Highway Services have considered the Transport Assessment submitted with the application and assessed the highway implications of the proposal. As can be seen from paragraph 3.6 earlier in the report, no objections are raised from a highway point of view to the impact of the traffic likely to be generated by the proposal on the adjacent highway network or in relation to the capacity of the junction of the site access road with the A20 Ashford Road. Kent Highway Services have raised no objections to the parking provision.
- 5.6.2 The nursery building is to be provided with a total of 30 spaces at ratio of 1space/member of staff and 1space/4 children in line with KCC parking standards as there is no equivalent in PPG13. I have sought to reduce the level of car parking provision but the applicants have reiterated their wish to retain currently proposed levels for operational reasons.

- 5.6.3 Notwithstanding this however, the parking proposed is sensitively sited and located between the proposed nursery and Tolhurst Court with staff parking to the rear of Tolhurst Court as an extension to the existing car park in that area. The proposed parking adjacent to the building as well as the existing car park, would be screened by proposed additional planting west and south of the building.
- 5.6.4 The development is also below the threshold where a Travel Plan is sought as a matter of course. However it is considered that the applicants should be advised to contact KCC Sustainable Travel Planning team with a view to developing a Travel Plan for the estate as a whole.

## **5.7 Landscaping and Ecology**

- 5.7.1 As Members will have noted from earlier in the report, the ecological and landscape implications of the proposal have been subject to full assessment as part of the application. The ecological appraisal submitted with the application identifies the day nursery site currently as 'amenity grassland' with dispersed broadleaved trees. It is closely mown and offers little in terms of ecology or biodiversity.
- 5.7.2 A fully detailed Landscape Strategy has been submitted in respect of both current applications. This has been amended to take into account objections relating to the impact of the development on the biodiversity/ecology of the river and the existing springs etc. that pass through the site.
- 5.7.3 As stated earlier, north of the River Len extensive buffer planting will be introduced between the LNR and the proposed nursery and around the play area to the north. I consider that to emulate the existing planting within the LNR to the west that this buffer should be predominantly planted with hawthorn. The remaining existing 'amenity grassland' on the site will be managed to create a varying height sward. This will improve the ecological and biodiversity potential of the grassland from its current closely mown state. Existing tree planting in the existing car park on the north bank of the river will be extended.
- 5.7.4 The applicants are also proposing to install bird and bat boxes around the site as further enhancement.
- 5.7.5 Subject to appropriate conditions relating to the detailing of the proposals, I consider that the proposed landscape strategy has the potential to enhance the site and the biodiversity within it.

## **5.8 Flood Risk**

- 5.8.1 The application was accompanied by a Flood Risk Assessment assessing the impact of a potential 1 in 100 year flood event allowing an additional 20% for climate change. The Flood Risk Assessment which has been accepted by the Environment Agency shows that the flood for a 1 in 100 year +20% for Climate Change event would be at 10.54mAOD. The finished floor level of the nursery would be at 13.0mAOD. This effectively renders the development outside Flood Zone 3 and into Flood Zone 1. In terms of Flood Risk therefore, I raise no objections to the proposals.
- 5.8.2 Another area of concern has been the impact of potential inundation from a breach of the dam at Mote Park Lake. The site of the nursery does lie within the indicative area advised by the Environment Agency that would be potentially affected by a breach, in common with much of the existing Turkey Mill site.
- 5.8.3 Given this fact, discussions have taken place between the applicants, the Council, the Environment Agency and KCC Emergency Planning. The likelihood of a breach is remote and furthermore, I can advise Members that levels are within the Mote Park Lake are constantly monitored by telemetry that sends automatic warnings if lake levels rise beyond a certain point, thus enabling sufficient warning of potential problems to be given. There are also proposals to undertake further work within Mote Park to reinstate an existing spillway and to raise land levels where there are currently dips in the embankment between Mote Park and Turkey Mill. The management of the Turkey Mill Estate are also signed-up to the Environment Agency's early warning flood system and have an internal emergency contact system for tenants within the estate.
- 5.8.4 Despite the remote risk of a breach and the early warning systems currently in place, it is nevertheless considered expedient to recommend a condition requiring the submission of an evacuation management plan for the nursery in the unlikely event of a threatened breach of the dam.

## **6. CONCLUSION**

- 6.1 I consider the proposed development to be acceptable in terms of its principle as a form of economic development located adjacent to an allocated employment site and as a use which as well as providing employment opportunities in its own right, will compliment existing businesses within the estate. This should however be balanced against the fact that the site is in an ALLI and outside the designated employment site.
- 6.2 Tolhurst Court and the grassed slopes to its west where the nursery would be sited are clearly visible from properties in Blythe Road (100m to the south west) and also from within Mote Park. The proposed development would also be visible from the properties in Blythe Road. Development in an ALLI is not precluded by

Policy ENV35 of the Borough-wide Local Plan 2000, but any development that takes place should maintain its character and landscape.

- 6.3 The proposed development has been designed to fit into the existing topography of the site and would be approximately 2.3m lower in terms of ridge height and sited 1.75m lower down the valley side than Tolhurst Court to its east thus in my view reducing its visual impact to an acceptable level. It is also considerably shorter than Tolhurst Court. The building would sit below the top of the existing valley slope and the background of the boundary planting along the Ashford Road and railway line. There would also still be open areas maintained around the building and these would be landscaped and managed in the interests of enhancing ecology and biodiversity on the site. I do not consider therefore that despite the loss of some of the existing openness of the land to the west of Tolhurst Court, the development would not unacceptably harm the character and appearance of the ALLI, a designation which 'washes over' the majority of the designated employment site and existing Business Park.
- 6.4 The design of the building and layout of the site as proposed is also acceptable. There are no highway objections relating to the development.
- 6.5 Subject to appropriate safeguarding conditions I consider the following recommendation to be appropriate.

## **6 RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

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

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

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous



species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted and to ensure a satisfactory appearance to the scheme pursuant to policies ENV6 and ENV35 of the Maidstone Borough-wide Local Plan 2000.

4. 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 policies ENV6 and ENV35 of the Maidstone Borough-wide Local Plan 2000..

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

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development pursuant to policies ENV6 and ENV35 of the Maidstone Borough-wide Local Plan 2000.

6. Notwithstanding the details shown on Landscape Strategy drawing 030revE received 06/07/2010, Landscape Appraisal revD and the Biodiversity Enhancement Statement received 14/05/2010, the development shall not be commenced until a more detailed landscape management plan in conjunction with the details submitted pursuant to condition 3 above, including long- term design objectives, management

responsibilities and maintenance schedules for all landscaped areas adjacent to the river and River Len Local Nature Reserve and within the site, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

The scheme shall include the following elements:

- (i) The detailed extent and type of new planting (with planting to be of native species of local provenance)
- (ii) The extent of non-native tree removal
- (iii) Details of maintenance regimes
- (iv) Details of any new habitat created on site
- (v) Details of biodiversity enhancement measures such as bird and bat boxes
- (vi) Details of the location and extent within the site of a proportion of the cord wood arising from felled trees
- (vii) The use of predominantly hawthorn for the tree and shrub boundary screening to the western boundary of the day nursery
- (viii) An arboricultural method statement if excavation works are to be undertaken within the root protection areas of any retained trees stating the methods that will be used to avoid unnecessary damage to the trees. The method statement should identify whether any remedial works to the trees will have to be carried out prior to commencement of the works, how the existing surface will be removed and, if any roots are encountered how they will be severed so that the trees will not be harmed in any way. Any works to the trees must be carried out by a suitably qualified arboriculturalist
- (ix) An arboricultural method statement for any trees that are to be transplanted stating how they will be removed from their current location and relocated

Reason: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site pursuant to the advice in PPS9.

7. 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.

8. The development shall not commence until, the applicant, or their agents or successors in title, has secured the implementation of 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 ensure that features of archaeological interest are properly examined and recorded pursuant to the advice in PPS5

9. The finished floor level of the ground floor of the building hereby permitted shall not be lower than 13.00mAOD Newlyn.

Reason: To ensure adequate protection from identified flood risk levels for a 1 in 100 year +20% for climate change flood event pursuant to the advice in PPS25.

10. 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.

11. The day nursery building hereby permitted shall achieve a minimum BREEAM Education rating of at least Very Good. No part of the day nursery building shall be occupied until a final certificate has been issued for it certifying that a BREEAM Education rating of at least Very Good has been achieved.

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

12. The development shall not commence until, details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority;

- i) Details of the roof overhangs and eaves.
- ii) Details of windows and doors and recesses/reveals
- iii) Details of the junction between the rendered areas, timber cladding and glazing

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

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

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

Reason: In the interest of pollution and flood prevention pursuant to the advice in PPS25 and biodiversity pursuant to the advice in PPS9.

14. The building hereby permitted shall not be occupied until a detailed evacuation plan for the building in the event of a notified imminent breach of Mote Park Lake (which is categorised as a reservoir under the provisions of the Reservoirs Act 1975) has been submitted to and approved by the local planning authority in consultation with the Environment Agency and Kent County Council Emergency Planning. The submitted plan shall include details of emergency contacts and alerting arrangements for the occupiers of the building and shall once approved, be updated

at each time the occupancy of the building changes or in accordance with such time period as required by the Council in consultation with the Environment Agency and Kent County Council Emergency Planning.

Reason: In the interests of the safety of the occupiers of the building and in compliance with the responsibility upon Kent County Council, as required by DEFRA and the Civil Contingencies Secretariat (under the Civil Contingencies Act, 2004) to develop off-site emergency plans for water bodies categorised as reservoirs under the Reservoirs Act 1975.

### **Informatives set out below**

You are recommended to contact the Kent County Council Sustainable Transport Team (tel. 01622 696819 or 01622 696914) with a view to the joint preparation of a Travel Plan for the Turkey Mill Business Park.

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 applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Atkins Ltd. Anglo St James House, 39A, Southgate Street, Winchester SO23 9EH (tel 01962 858688) or via [www.southernwater.co.uk](http://www.southernwater.co.uk)

The proposed development is not in accordance with the policies of the Maidstone Borough-Wide Local Plan 2000. However, the development, subject to the conditions stated, is considered to comply with Government guidance contained within PPS4: Planning for Sustainable Economic Growth and which is considered to represent circumstances that outweigh the existing policies in the Development Plan. It is also considered that the development would not cause unacceptable harm to the character and appearance of the Area of Local Landscape Importance in which the site is situated 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/10/0424

GRID REF: TQ8752

**CHURCH HOUSE,  
MARLEY ROAD, HARRIETSHAM.**



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

APPLICATION: MA/10/0424 Date: 11 March 2010 Received: 20 May 2010  
APPLICANT: Mrs T Duffy  
LOCATION: CHURCH HOUSE, MARLEY ROAD, HARRIETSHAM, MAIDSTONE,  
KENT, ME17 1AX  
PARISH: Harrietsham  
PROPOSAL: Removal of condition 2 of planning permission MA/85/1604 to allow  
use of garages for purposes incidental to the enjoyment of the main  
dwellinghouse other than solely the parking of vehicles.  
AGENDA DATE: 22nd July 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 the Parish Council

## **1. POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV28, ENV33, ENV34, T13  
Government Policy: PPS1 Delivering Sustainable Development, PPS7 Sustainable  
Development in Rural Areas

## **2 HISTORY**

- 2.1 Planning permission was granted in 1985 for the erection of a three bay garage under MA/85/1604. The permission was granted subject to a standard time limit condition and a condition restricting the use of the building to the garaging of private motor vehicles. The wording of the latter condition is as follows:

The garage hereby permitted shall be used solely for the garaging of (a) private motor vehicle(s) and no cellulose spraying, panel beating, major repairs, trade or business shall be carried out in or from the garage(s).

- 2.2 The purpose of the condition was to prevent harm to the amenity of the area.
- 2.3 The structure permitted has been built and is sited to the rear (north) of the main dwellinghouse, adjacent to the boundary with Kingboro Farm, the neighbouring property to the east.

- 2.4 The site has been the subject of numerous other applications for householder development, including extensions to the main dwellinghouse and an annexe, however these are not relevant to the current application.

### **3 CONSULTATIONS**

- 3.1 **Harrietsham Parish Council:** Wish to see the application refused on the grounds that the development would have a “detrimental impact upon the neighbouring property.” The Parish Council confirmed by email (24<sup>th</sup> June 2010) that they wished the application to be reported to Planning Committee.
- 3.2 **Environment Agency:** Raise no objection to the proposal.
- 3.3 **Maidstone Borough Council Environmental Health Manager:** Raises no objection to the proposal.

### **4 REPRESENTATIONS**

- 4.1 Five representations were received. They raised the following concerns:
- Removal of the condition could result in unrestricted use of the building for commercial uses or the keeping of horses.
  - Harm to residential amenity with regard to noise and odours caused by the keeping of horses.
  - Increased traffic.

### **5 CONSIDERATIONS**

#### **5.1 Site Description & Setting**

- 5.1.1 The site is located in open countryside designated as being within the Kent Downs Area of Outstanding Natural Beauty (AONB) and North Downs Special Landscape Area (SLA).
- 5.1.2 The site comprises a rectangular residential plot to the north of Marley Lane. The main dwellinghouse is located centrally within the site, however this application relates to an outbuilding located approximately 20m to the east of the dwelling.
- 5.1.3 The outbuilding is a single storey three bay garage with a pitched roof. It is sited to the rear of the main dwellinghouse and is adjacent to the boundary with the neighbouring property to the east, Kingboro Farm. The distance between the outbuilding and the closest neighbouring dwellinghouse (Kingboro Farm) is approximately 13m. The boundary treatment between the two properties comprises a fence and hedge, and there is landscaping between the two buildings. The church of St John the Baptist is located to the west of the site,

and there is open countryside to the north. There are residential properties on the south side of Marley Lane, which are in excess of 50m from the outbuilding.

## **5.2 Proposed Development**

- 5.2.1 The current application is for the removal of condition 2 of MA/85/1604, and was submitted in response to an enforcement investigation (ENF/10882) which was opened in response to a complaint that the outbuilding was being used for the stabling of horses in breach of condition 2 attached to MA/85/1604, set out above. No details are recorded on the file as to whether there were issues of smells, noise, etc. at this time.
- 5.2.2 The application to vary the condition was originally submitted with wording suggesting that the use of the building would be solely for the stabling of horses. This was later amended to the current wording as at the time of the site visit it was clear that the building was not being used for stabling, and was in fact being used for general storage for purposes ancillary to the use of the main dwellinghouse. It was confirmed by the applicant that the use of the building for the keeping of animals was a temporary use during the winter, and furthermore that the animals in question belonged to the occupant of the dwelling. The use was therefore incidental to the residential use, and was not commercial.
- 5.2.3 Modifications to the exterior of the building have been undertaken, being the replacement of the existing garage doors to form stable doors.

## **5.3 Principle of Development**

- 5.3.1 Planning permission has been granted for the erection of the building, and the development has been in place some years. The removal of the condition would allow the use of the outbuilding for purposes ancillary to the use of the main dwellinghouse, including the keeping of animals, general domestic storage, etc.
- 5.3.2 The removal of the condition would not allow any commercial or other use not incidental to the use of the main dwellinghouse. Planning permission would be required for such a change of use.
- 5.3.3 Therefore, the only matter for consideration is whether the removal of condition 2 would result in harm to the visual amenity of the open countryside, AONB or SLA, or the residential amenity of the occupiers of the neighbouring dwellings, particularly those of Kingboro Farm which is the dwelling in closest proximity to the outbuilding.

## **5.4 Residential Amenity**

- 5.4.1 Concern has been raised with regard to the impact of removing the restrictive condition on the amenity of the occupiers of the neighbouring dwellings. These concerns primarily relate to the use of the building for the stabling of horses, and the potential for the building to be used for commercial purposes such as car repairs.
- 5.4.2 The building is located adjacent to the boundary of the site with Kingboro Farm, and is approximately 13m from this property. An Environmental Health Complaint was received in January 2010 with regard to the impact of the use of the building for the stabling of animals on the occupiers of this dwelling as a result of the planning enforcement case, however the case has now been closed with no further action and no subsequent complaints with regard to odour or noise have been received by Environmental Health.
- 5.4.3 Whilst the use of the building for the sheltering of horses incidental to the enjoyment of the dwellinghouse could be undertaken if the condition were to be removed, it is considered that the use of the building for this purpose on such a scale would not result in harm to residential amenity. In any case, issues such as noise nuisance and waste are covered by separate legislation.
- 5.4.4 The removal of the condition would allow the building to be used for the stabling of horses, providing that the use was incidental to the enjoyment of the dwellinghouse. It would not allow any such use that would constitute a commercial livery or stable use. The scale of the building is such that three horses could be kept in the building at any once time. Notwithstanding this, a condition may be attached to the permission requiring the building to be used solely for purposes incidental to the enjoyment of the dwellinghouse.
- 5.4.5 Members will be aware that other outbuildings could be erected within the curtilage of the dwellinghouse without the benefit of planning permission under the provisions of Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) in a closer position to the neighbouring dwelling, and the resultant buildings used for the keeping of animals incidental to the use of the dwellinghouse, and the Local Planning Authority would not be able to exert any control over such development as the use would not represent a breach of planning control.
- 5.4.6 In addition, it is by no means clear that the use of the buildings would be for the keeping of horses on a permanent or ongoing basis, as was observed at the time of the site visit.
- 5.4.7 Furthermore, as stated above, the use of the building for any commercial purpose including any equine business such as a riding school or livery would require planning permission for a change of use.

5.4.8 Given the above, it is not considered either reasonable or necessary to refuse the application to remove the condition on the grounds of harm to the amenity of neighbouring occupiers, in accordance with the tests for conditions set out in Circular 11/95 "The use of conditions in planning permissions".

## **5.5 Highways**

5.5.1 There is extensive on site parking to the east of Church House within the curtilage, and it is not considered that enabling the outbuilding to be used for purposes incidental to the use of the dwellinghouse other than the parking of vehicles would result in harm to highway safety or excessive generation of additional vehicular traffic.

## **5.6 Visual Impact**

5.6.1 The visual impact of the proposed development is extremely limited. No further operational development is proposed, and the works that have been so far completed do not require planning permission and are negligible in terms of their overall impact upon the character and visual amenity of the surrounding area.

## **6 CONCLUSION**

6.1 For the reasons set out above it is considered that the removal of condition 2 of MA/85/1604 to allow use of the garage building for purposes incidental to the use of the dwellinghouse other than the parking of motor vehicles is in accordance with the policies of the Maidstone Borough-Wide Local Plan 2000 and central government guidance.

## **7 RECOMMENDATION**

GRANT PLANNING PERMISSION SUBJECT TO THE FOLLOWING CONDITION:

1. The building shall only be used for purposes incidental to the enjoyment of the dwellinghouse. No commercial use, including any commercial stables or livery business may occupy the building;

Reason: To safeguard the residential amenity of the occupiers of neighbouring properties in accordance with PPS1 Delivering Sustainable 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.

**MA/10/0424**

An additional representation has been received, which raising the following points:

The site address is Marley Road, not Marley Lane.

The representation reiterates objections to the proposal relating to the use of the building for the keeping of horses, and contests the effectiveness of conditions in securing the residential amenity of the occupiers of neighbouring dwellinghouses.

The representation suggests that a condition be attached to the permission preventing the building from being used for the keeping of horses.

Officer Comment

The use of the term "Lane" instead of "Road" is a typographic error in paragraphs 5.1.2 and 5.1.3. The address as set out elsewhere in the report is correct, and I can confirm that the correct site was visited and assessed.

In this case, it is considered that the use of the building for keeping horses incidental to the enjoyment of the dwellinghouse is acceptable, and the arguments for this are set out in the report. It is considered that the condition proposed would protect the amenity of the neighbouring occupiers to a reasonable level, and to further restrict the use through condition would in effect be to exceed the powers of the development control system.

**RECOMMENDATION**

**My recommendation is unchanged:**

**GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS**

Kingboro Farm  
Marley Road  
Harrietsham, Maidstone  
ME17 1AX

19 July 2010

Dear Ms Slade

**Planning Application            MA/10/0424**  
**Proposal    Removal of Condition 2**  
**Planning Committee Meeting 22 July 2010**

My wife and I have seen the Committee Agenda concerning the above application. Due to work commitments we are unable to attend the meeting but feel there are some aspects contained in the report that require clarification and should be put to the Committee.

This is a retrospective application.

5.1.2 The property is in Marley Road, not Marley Lane.

5.2.1 When a site visit was made concerning this amended application the garages (now stables) were indeed being used for general storage and therefore there were no issues of smells, noise etc. The applicant still has the horses but there is no need for them to occupy the stables at this time of the year. However we wish the Committee to be aware that when the applicant submitted their original retrospective plans to convert the garages to stables and installed horses we have records of contact in the form of letters and telephone calls with specific members of MBC planning department on numerous occasions covering the period November 2009 to the end of May 2010 when horses were occupying the garages /stables virtually continuously. This mainly covered the smells of manure, noise from the horses kicking the stable doors, neighing and the keeping of hay and foodstuffs on site. With our bedroom window only 13 meters from the stables on many occasions it was impossible to sleep with the window open or sit in the garden without being subject to the smell of horses.

5.4.2 The building is indeed adjacent to the boundary fence and is 13 meters from our windows. The Environmental Health Complaint was as a result of the smell from a pile of horse manure next to the stables drifting into our property.

5.4.3 We dispute the suggestion that if the condition were to be removed it would not result in harm to residential amenity - please see above comments as it is abundantly clear in the planning officers report that the major reason for removal of the clause is to allow the garages to be used as stables as they were last winter and no doubt will be this winter.

By all means allow removal of condition 2 of planning permission MA/85/1604 to allow use of garages for purposes incidental to the enjoyment of the main dwellinghouse other than solely the parking of vehicles but as well as imposing the condition of no commercial use, (para 6.6.1) including any commercial stables or livery business, we urge the Committee to include the clause that the building is not to be used for the stabling of any horses due to grounds of harm to the amenity of neighbouring occupiers.

We would be grateful if the Committee could have sight of this correspondence before making their decision.

Yours sincerely  
David and Elaine Lowrey



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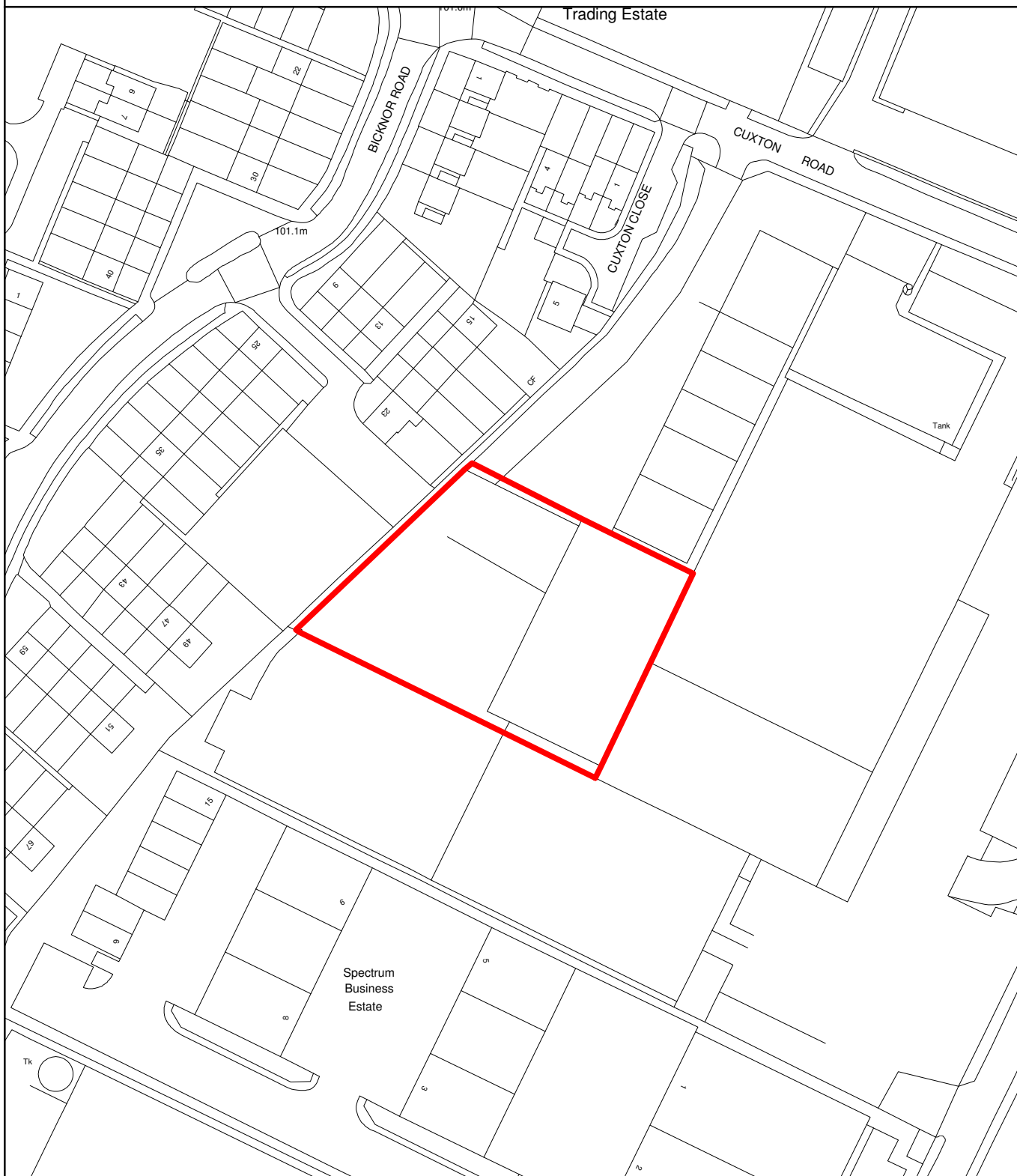
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# THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/10/0531

GRID REF: TQ7852

UNIT 3, PARKWOOD INDUSTRIAL ESTATE,  
CUXTON ROAD, PARKWOOD, MAIDSTONE.



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

APPLICATION: MA/10/0531 Date: 24 March 2010 Received: 29 March 2010

APPLICANT: Wear 'm Out

LOCATION: UNIT 3, PARKWOOD INDUSTRIAL ESTATE, CUXTON ROAD,  
PARKWOOD, MAIDSTONE

PARISH: Boughton Monchelsea

PROPOSAL: Planning application to remove condition 1 (the use hereby permitted shall be discontinued and the land/ building shall revert to its former use and condition on or before 31st November 2010 in accordance with an approved scheme of work submitted to the Local Planning Authority prior to the commencement of the development) of MA/05/1882 as shown on drawing no. DHA/7493/01 received on 29th March 2010.

AGENDA DATE: 22nd July 2010

CASE OFFICER: Richard Timms

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

- It is a departure from the Development Plan
- The Council has an interest in the application being the owner of the land

## **1. POLICIES**

Maidstone Borough-Wide Local Plan 2000: ED2, ED9, R18  
Government Policy: PPS1, PPS4

## **1. HISTORY**

MA/05/1882 An application to vary condition 1 of permission MA/03/1511 to extend the temporary consent for a change of use of cold store to D2 use with adjacent parking for a further 5 years – APPROVED UNTIL 31/11/10

MA/03/1511 Temporary (5 year) change of use of cold store to D2 use with adjacent parking – APPROVED UNTIL 31/12/2006

MA/01/1497 Temporary change of use to D2 – APPROVED UNTIL 06/12/2006

## **2. CONSULTATIONS**

- 3.1 **Boughton Monchelsea Parish Council:** No objection

## **3. CONSIDERATIONS**

### **4.1 Site & Setting**

- 4.1.1 The application relates to a two storey former cold store building once part of the large Booker Warehouse on the west side of the Parkwood Industrial Estate, which falls within the parish of Boughton Monchelsea. The estate is designated for B1 (offices and light industry) and B2 (general industry) uses under policy ED2 of the Local Plan, or car sales and showrooms under policy R18. The site is within the defined urban settlement boundary of Maidstone.
- 4.1.2 The building is of typical industrial appearance with red brick to the ground floor and grey steel cladding above with a blue steel roof. The building is accessed via a private access off Cuxton Road some 85m to the north and is adjoined by industrial buildings on three sides to the north, east and south. There is an open parking area to the west of the building and dwellings on Bicknor Road beyond. The nearest dwelling being some 42m away, although there is a 2m wall and tall conifers between which screen views of the site from this property.
- 4.1.3 The building is currently used by 'Wear 'M' Out' a company that provides a children's adventure play centre with various play equipment. It is for children up to the age of 12 and provides special areas for younger children and large play frames and slides etc. for older children. Some food and drink is also provided on the premises. The company have used the premises since September 2005 and they also have another play centre in a trading estate in Tonbridge.

### **4.2 Planning History & Proposed Development**

- 4.2.1 Temporary permission was granted for a D2 use (assembly and leisure) in 2001 under application MA/01/1497 for 5 years until 6<sup>th</sup> December 2006. Another temporary permission was granted for this use in 2003 under application MA/03/1511 until 31<sup>st</sup> December 2006. (These permissions essentially granted the same permission to December 2006). In 2005 an extension of the 2003 permission was granted until 31<sup>st</sup> November 2010 under application MA/05/1882.

4.2.2 This application seeks to remove condition 1 of the latest permission so that a permanent D2 use is allowed. No operational works are proposed. The applicant is proposing a permanent use because of the uncertainty of a temporary permission and the difficulty in securing loans and funding with such a situation. Investment is required for the continuous replacement of equipment and the renewal of the roof of the unit, required under the full repairing lease. The roof is understood to be in a poor state of repair and is starting to fail in a number of places with some leakage. It has also been put forward that 30 jobs are dependant on the renewal of temporary planning permissions.

### **4.3 Assessment**

4.3.1 The first consideration for the removal of a condition is the reason for originally imposing the condition. Condition 1 of MA/05/1882 states as follows:

*The use hereby permitted shall be discontinued and the land/building shall revert to its former use and condition on or before 31st November 2010 in accordance with an approved scheme of work submitted to the Local Planning Authority prior to the commencement of the development;*

*Reason: To enable the use to be reviewed in the light of employment land supply and to enable the use to revert to Class B2 (General Industrial) use upon expiry of the use hereby approved if necessary pursuant to policy ED2 of the Maidstone Borough-Wide Local Plan 2000.*

4.3.2 As such the use must be reviewed in light of current and future employment land supply and the aims of policy ED2 but the application must also be considered against more recent government advice contained within PPS4: Planning for Sustainable Economic Growth. There were regional policies relevant to the application, however the South East Plan was revoked on 6<sup>th</sup> July and is no longer part of the Development Plan.

### **4.4 Employment Land Supply**

4.4.1 The latest employment land review update from September 2009 concludes that given the current permission and allocation, the Council would need to identify an additional 5ha up to 2026 of employment land above and beyond the amount set by current allocations and commitments. Clearly there is still a need for additional land to meet employment needs and therefore logically a need to maintain the existing employment land supply.

### **4.5 Policy ED2 of the Local Plan and PPS4**

4.5.1 The objective of policy ED2 of the Local Plan as outlined in the explanatory text is to retain existing allocated employment sites,



*"in order to maintain a variety of accommodation available in the Local Plan area, and to reduce the pressures for additional allocations on fresh land that would arise if they were redeveloped for other uses."*

To my mind the main aim of this policy is to designate and maintain areas for employment use. Clearly, the D2 use would still maintain the building for employment use for 30 staff. Due to the relatively limited size of the building (some 1294m<sup>2</sup>) I do not consider the permanent change of use would significantly increase pressure for additional allocations on fresh land, especially bearing in mind that many buildings within the industrial estate are currently vacant.

- 4.5.2 Importantly under PPS4, economic development now includes not only development within the B Use Classes but public and community uses, main town centres uses and other development which either provides *'employment opportunities, generates wealth or produces or generates an economic output or product.'* As such, the proposed use is now classed as being economic development for policy purposes. So whilst the use would not comply with the restrictions for specific uses under policy ED2 of the Local Plan it does represent economic development providing employment within a designated employment area.
- 4.5.3 I also note that under national plan making policy EC2, PPS4 outlines that, *'policies should be flexible enough to accommodate sectors not anticipated in the plan and allow a quick response to changes in economic circumstances.'*
- 4.5.4 National policy EC10 states that Local Planning Authorities should adopt a positive and constructive approach towards applications for economic development. An assessment is required against impact tests including resilience to climate change, accessibility of the development, design, impact upon economic and physical regeneration and local employment.
- 4.5.5 In terms of the environmental impact, the applicant intends to make repairs to the building which would improve insulation etc. and thus reduce carbon emissions. The site is located on the edge of the urban area of Maidstone and so is accessible on foot and by cycle from nearby areas and by bus from further away. It therefore is accessible by a choice of transport. Any car access to the site can be adequately accommodated on local roads. There are no external changes to the building proposed so no design issues. Nor would there be any significant implications for residential amenity with the use being fully contained within the building.
- 4.5.6 In terms of economic and physical regeneration and employment impacts, the applicant is currently occupying the building and providing employment for 30

staff. Parts of the industrial estate are currently vacant and this represents a use that is providing both economic and employment benefits to the local area.

4.5.7 Also an important consideration to my mind is the fact that this type of use requires a relatively large tall and open building space due to the large play equipment including slides, climbing equipment etc. Typically such buildings tend to be mainly available at industrial or trading estates rather than in town centres.

#### **4.6 Conclusion**

4.6.1 Whilst the use does not accord with policy ED2 of the Local Plan, more recent national policies within PPS4 emphasise the need for adaptability and flexibility in the allocation of employment land. The use is now defined by PPS4 as falling within the scope of economic development and will provide continued employment within a designated employment area where many buildings are vacant. More prudent to my mind is that this specific use requires this type of building which is more typically found within an industrial or trading estate rather than a town centre.

4.6.2 Due to the specific needs of this type of business and for the above reasons, I consider the proposals represent circumstances where the application can be accepted contrary to policy ED2 of the Local Plan. Because my decision is based on this specific use requiring such a building, I consider the permission should be restricted to use as an adventure play centre use rather than any D2 use such as a gym, dance hall or other leisure uses which could more realistically locate within a more central location or outside an industrial estate. I therefore recommend that condition 1 of permission MA/05/1882 is removed to allow a permanent permission subject to the following conditions. (Delegated powers are sought to allow advertisement of the application as a departure from the development plan)

### **5 RECOMMENDATION**

Subject to the expiry of the site notice and advert publicising the application as a Departure from the Development Plan and the receipt of no representations raising new issues, I be given DELEGATED POWERS to GRANT PERMISSION subject to the following conditions:

1. The building or land shall only be used as an children's indoor activity centre, and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 or permitted under the provisions of the Town and Country Planning (General

Permitted Development) Order 1995 or any statutory instrument revoking and re-enacting those Orders with or without modification);

Reason: The development has been approved due to the specific needs of this use and an unrestricted assembly and leisure may not be acceptable within this designated employment area in accordance with policy ED2 of the Maidstone Borough-Wide Local Plan 2000.

The proposed development is not in accordance with the policies of the Maidstone Borough-Wide Local Plan 2000. However, due to the specific needs of the use and more recent Government guidance contained within PPS4: Planning for Sustainable Economic Growth , the development, subject to the conditions stated, is considered to represent circumstances that outweigh the existing policies in the Development Plan and there are no overriding material considerations to indicate a refusal of planning consent.

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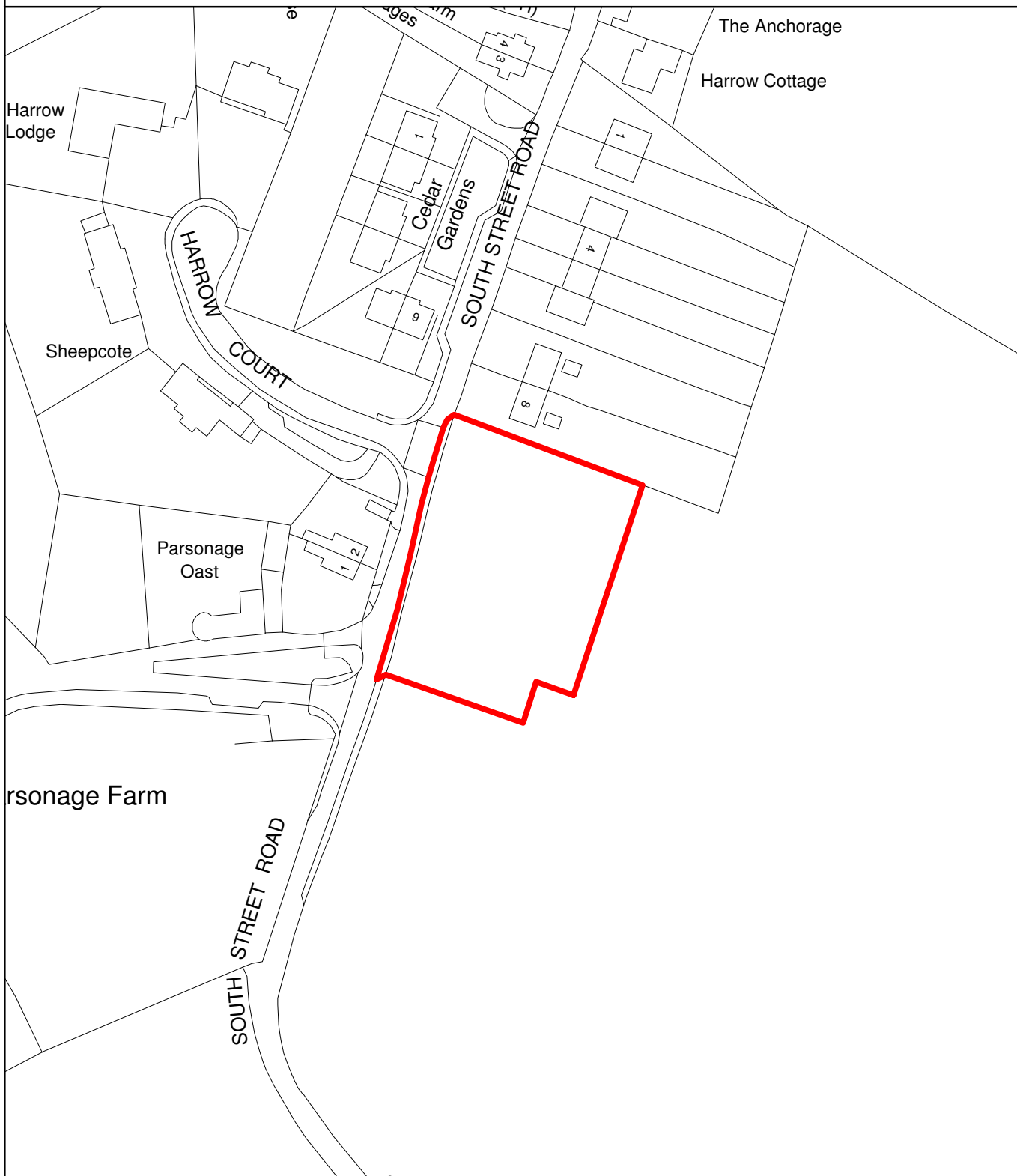
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**THE MAIDSTONE BOROUGH COUNCIL**

PLANNING APPLICATION NUMBER: MA/10/0612

GRID REF: TQ8461

LAND EAST OF SOUTH STREET ROAD,  
STOCKBURY.



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



APPLICATION: MA/10/0612 Date: 13 April 2010 Received: 16 April 2010

APPLICANT: Mrs A Thompson, English Rural Housing Association

LOCATION: LAND EAST OF, SOUTH STREET ROAD, STOCKBURY, KENT, ME9 7UH

PARISH: Stockbury

PROPOSAL: Erection of eight local needs affordable housing units, with associated access and car parking as shown on A4 site location and drawing no. LP01, Site Survey and Draft Drainage Layout received on 13th April 2010 and 5198/03 RevD and 5198/04 RevB received on 4th May 2010.

AGENDA DATE: 22nd July 2010

CASE OFFICER: Richard Timms

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

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

### **1. POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV33, ENV34, T13  
Government Policy: PPS1, PPS3, PPS7, PPS9, PPG13

### **1. HISTORY**

2.1 There is no planning history relevant to this application.

### **2. EXTERNAL CONSULTATIONS**

- 3.1 Stockbury Parish Council:** Have promoted this development. They wish to see the application approved and request the application is reported to Planning Committee.
- 3.2 Southern Water:** No objections subject to Environment Agency agreement, and suggest the imposition of a condition relating to surface water drainage details as follows:

*'Construction of the development shall not commence until details of the proposed means of surface water disposal have been submitted to and approved by the Local Planning Authority in consultation with Southern Water.*

**3.3 Environment Agency:** No objections subject to the imposition of conditions requiring further details of soakaways in relation to surface and foul water drainage and contamination.

"Surface Water Drainage

*There is no objection to the use of soakaways for the disposal of clean, uncontaminated surface water drainage providing the soakaways will not discharge into land impacted by contamination or land previously identified as being contaminated, or into made ground. Although no likely sources of contamination were identified on site during the site walkover, any visual or olfactory signs of contamination must be investigated when the soakaways are installed.*

*The use of deep bored soakaways is actually against our Groundwater Protection Policy (GP3). Policy P4-7 states that we will object to the use of deep bored soakaways unless the applicant can satisfy a number of criteria. It is considered reasonable that these criteria can be satisfied in this instance, but the soakaways will still need to be as shallow as possible, and no deeper than necessary into the upper chalk aquifer. It is not acceptable for them to be 40 metres deep as suggested within the drainage report.*

Foul Drainage

*We note that foul drainage is to be discharged via a package treatment plant to deep bored soakaways. As stated above, the soakaways will need to be as shallow as possible. The following is also applicable:*

Contamination

*We acknowledge receipt of the submitted desk study. Although the report has not identified the underlying aquifer as a potential receptor, we consider the current/previous use of this site to be of relatively low risk. The following condition is, however, still requested:*

Condition

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

Reason

*The site is underlain by the upper chalk principal aquifer, and is located within Source Protection Zone II for a number of potable water supply abstractions.*

**3.4 Natural England:** Satisfied there are no widespread reptiles on site and that that this proposal should not be detrimental to local breeding bird populations.

**"Protected species**

*Paragraph 98 of ODPM Circular 06/2005 states that 'The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat.' Paragraph 99 also states that 'It is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision.'*

**Widespread reptiles**

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

**Breeding birds**

Providing any site clearance works are conducted outside of the breeding bird season and replacement nesting opportunities are provided through the landscaping strategy at the detailed application stage, Natural England is satisfied that this proposal should not be detrimental to local breeding bird populations."

- 3.5 Kent Wildlife Trust:** No objections subject to planning conditions being used to secure the completion of avoidance, mitigation, compensation and enhancement measures recommended in the reports. (However, we would wish to see a secured buffer zone provided alongside the existing hedge (northern boundary) to the dimensions and specification of that to be installed to protect the proposed hedgerow along the southern and eastern boundaries)

*"Experienced consultants have carried out the ecological, reptile and tree surveys of the site and assessment of the development proposals. The Trust has no reason to question the findings and recommendations contained in the various reports but, given the risk to protected species arising from the development, we would urge the Council to test the proposal against the standing advice from Natural England.*

*We have no objection to the principles of the landscape scheme and management plan. However, we would wish to see a secured buffer zone provided alongside the existing hedge (northern boundary) to the dimensions and specification of that to be installed to protect the proposed hedgerow along the southern and eastern boundaries. Without this protection the proposed hedgerow along the western boundary may lose its essential connection to the established hedgerows to the north and north east.*

*Otherwise, the Trust has no objection, in principle, to the development subject to planning conditions being used to secure the completion of avoidance, mitigation, compensation and enhancement measures recommended in the reports. The Council should also require, by condition or agreement, the funding of an appropriate management regime for habitat enhancement features that is responsive to the results of periodic key habitat and species monitoring."*

- 3.6 Kent Highway Services:** No objections subject to tracking diagrams to indicate that refuse vehicles/fire engines and deliveries are able to access the site, turn round and leave in a forward gear. (The officer has since commented that this is achievable but request plans for confirmation). Conditions are recommended relating to dropped kerbs and tactile paving to allow access for all pedestrians, space for construction vehicles, securing parking provision, cycle parking, properly consolidated surfaces and visibility splays. Informatives relating to surface water drainage and construction vehicle washing facilities.

*"The application proposes 8 affordable homes with 16 parking spaces. This level of parking is acceptable for this size of development at this location.*

*A new single point of access is proposed from South Street 4.1m in width. Tracking diagrams are required to indicate that refuse vehicles/fire engines and deliveries are able to access the site, turn round and leave in a forward gear.*

*A footway link is provided into the site opposite an existing footway on the western side of South Street. Dropped kerbs and tactile paving are required to allow access for all pedestrians."*

### **3. INTERNAL CONSULTATIONS**

#### **4.1 MBC Housing:** Have promoted this development and are satisfied that a level of need for 15 households exists.

*"The attached draft s106 agreement is generally acceptable and follows our standard template for schemes of this nature. There might be the odd minor amendment or inclusion to make, but it would be substantially as set out in the attached draft document. The local connection and eligibility criteria (defined within the draft s106) for prospective applicants applying for a proposed scheme of this nature in Stockbury is what has been agreed between Housing and the Parish Council.*

*There were 15 households identified within the Local Housing Need Survey, undertaken by Action with Communities in Rural Kent, on behalf of Stockbury Parish Council (June 2006), that reported they were unable to rent or purchase a home suitable for their needs on the open market. The survey itself is based on one used by Rural Housing Enablers nationally and the methodology is well tried and tested and been in operation for several years.*

*A Village Information and Consultation Event was held in Stockbury in February 2009, and events such as this are often used as an opportunity to update original housing needs surveys. This is normal procedure and required as an evidence base to support any case for rural housing development, particularly if a lengthy period of time (usually three years) has elapsed since the original survey. Local people with a need for an affordable home were asked to complete a Registration of Interest Form indicating their housing needs, which also looks at the nature of their local connection, reasons for re-housing, and household incomes. These forms were then assessed by Action with Communities in Rural Kent to give an independent and impartial report on current levels of housing need, and to determine whether there had been a change in circumstances.*

*Analysis of the data identified 15 households, comprising of 28 individuals, who reported they were in housing need, the same number of households as reported in the original survey. An updated assessment of local housing costs within Stockbury has also been undertaken to determine affordability, which shows that prospective applicants are priced out of the open market. I am therefore satisfied that a level of need exists."*

#### **4.2 MBC Landscape Officer:** No objections subject to a revised landscaping scheme for the hedges being submitted using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and trees being laid out less formally.

*"The objectives of this report were to survey and identify any tree related constraints to the development, provide practical recommendations and address the matters raised by MBC in relation to the preliminary design. In addition to the tree survey an ecological scoping report was undertaken. There are no trees which are subject to TPO however the site is located within the Kent Downs AONB.*

*Referring to the tree survey, there are 3 Ash trees located on the highway (T4, T5 and T6) and the northern boundary consists of Berberis hedge with a single Holly tree (T2). The report has classed the Ash trees as high quality and the Holly tree as moderate quality. I consider the grading of the trees appropriate. However, given that they are hedgerow trees and the landscaping scheme*

*shows that T5 and T6 are to be integrated into the scheme I do not consider it expedient to make them subject to a TPO. The removal of T4, to improve the vision splay to the highway, will not have a detrimental effect on the amenity value of the landscape. A number of other trees have been noted however they do not pose a constraint to this scheme.*

*As part of the report the Root Protection Area (RPA) has been calculated and, as a result, two trees (T2 and T6) will encounter encroachment within their RPA. It has been calculated that T2 will experience 11% whilst T6 will have 15% encroachment to accommodate the car park to the front. The building footprint will be approximately 2.5m from T2 and therefore there may be a possibility that further damage to the tree will arise during the construction of the development. This may ultimately result in T2 having to be removed.*

*The landscaping scheme shows that the site will be enclosed on the western, southern and eastern boundary with a mixed hedgerow consisting of Hawthorn, Oak, Blackthorn, Hornbeam, Spindle and Dog Rose. Whilst the contents of the hedge are native they are not in keeping the Landscape Character Assessment and Landscape Guidelines document and therefore a revised scheme should be submitted. The hedge on the northern boundary is to be retained in its current form.*

*It is also proposed to have a variety of trees interspersed within the hedgerow including Wild Cherry, Oak, Wild Crab and Field Maple. Whilst the introduction of trees into this landscape is important in terms of visual appearance and improving biodiversity, I feel that the proposed layout will create a formal appearance to the site. I would prefer to see a reduced number of trees along the eastern boundary, for example only trees to the rear of each building. This will allow the trees to reach their full potential, whereas the previous scheme would not have allowed the trees to grow into their natural shape. The number of trees (Wild crab) along the southern boundary should also be restricted to two, again to allow them to reach their potential.*

*The ecological scoping survey concluded that the site contained typical plants associated with this area and no reptiles were observed on the site.*

#### **Recommendation**

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

*A revised landscaping scheme for the hedges should be submitted using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines."*

### **4.3 Environmental Health Manager:** No objections subject to the imposition of a condition regarding foul sewage and standard informatives relating to construction.

*"The site is in a semi rural area, and although approximately 600m from the busy A249 and 1km from the M2 I do not consider that traffic noise is likely to be a significant problem. Any demolition or construction activities will definitely have an impact on local residents and so the usual informatives should apply in this respect.*

*There is no indication of land contamination based on information from the Maidstone Borough Council's contaminated land database and historic maps databases; however, both a Contamination Desk Study report and an Envirocheck Report have been submitted with this application. The reports conclude that there is unlikely to be any significant contamination, but note that the site is in a radon affected area. The Contaminated land report states that no radon protection measures are necessary in the construction of new homes, but this is not strictly true. According to the Health Protection Agency "Indicative Atlas of Radon in England and Wales" (2007), the percentage of homes at or above the Action Level in the Stockbury area is 1-3%.*

*Having conferred with building control on this matter I would therefore recommend that radon protective measures are implemented during the build.*

*The application form and the drainage report state that foul sewage will be dealt with via a package treatment plant but there are no further details other than that provided so further information will be required."*

#### **4. REPRESENTATIONS**

5.1 13 letters have been received with 8 objecting to the development and 5 offering support. One letter has questioned notification of the application. I summarise the issues that have been raised in these letters as follows:

- Detrimental impact upon visual appearance and encroachment into landscape in nationally protected AONB on Greenfield site.
  - No need has been established/overstated need/survey is weak/rental property is readily available with 500 affordable homes being built less than 10 miles away.
  - Stockbury is not a 'sustainable village'/people will need cars/no public transport.
  - Roads unsuitable for increased traffic and highway safety issues.
  - Will attract undesirable people.
  - No rural exception policy/does not comply with PPS7.
  - Parish Council's strange approach by not discussing the application.
  - Not an infill site and alternatives available at Bull Lane.
  - Loss of privacy
  - Could open the door for further development.
  - Some residents do not wish to comment as they don't want to upset the Parish Council.
  - Demographic inevitably changes over time.
- 
- Homes will enable people with strong connections to Stockbury to remain or move back which benefits the community.
  - Will help keep the community balanced and diverse and enable families to continue to support each other and support the farm shop, public house and village hall.
  - Families have had to move away due to high prices.
  - Risk of becoming a dormitory village where people have no local connection.
  - Will help sustain village life.
  - Site is acceptable and housing design is attractive.
  - Village has post office, vehicle garage, fancy dress shop, sports and social clubs and working farms.
  - Natural extension of existing row of houses.

5.2 **The Stockbury Parish Residents Group:**

- Concerned over scale and location within the AONB.
- No rural exception policy exists and conflicts with PPS7.
- Site adjacent to existing affordable housing has not been fully researched.
- Demographics of community inevitably change.
- Not a 'sustainable village'. Not Headcorn, Staplehurst or Lenham. No doctor's surgery, no school or nursery facilities, no offices/small bank branches, shops, library etc. No large number of retails or other employment opportunities and no public transport.
- No evidence produced of severe overcrowding.
- Stockbury does not have family businesses where housing is essential to support ongoing livelihoods.
- Only 9 UBR-paying businesses in Parish.
- Much more affordable rental accommodation has become available with 500 affordable homes in Swale.

**5.6 CPRE (Maidstone):** Supportive of application.

- Application satisfies most of criteria for affordable local rural housing on exception sites.
- Thriving local community with a large shop come post office, pub and village hall,
- Stockbury is a sustainable community.

**5.7 CPRE (County Branch):** Wish to point out that they have received some local objection to the application.

*"Subsequent to the submission on the above application by our Maidstone Committee, the CPRE county branch has been contacted by residents who have a number of concerns about the proposals put forward in the application. We ask that the planning committee are made aware that there is some local disagreement with the proposal and that the matters have been raised by this debate are given due consideration."*

## **6. CONSIDERATIONS**

### **6.1 Site location & Description**

- 6.1.1 The site is located outside but immediately south of the defined 'village envelope' of Stockbury as set out in the Maidstone Borough-wide Local Plan Proposals Map 2000. It falls within the nationally protected Kent Downs Area of Outstanding Natural Beauty (AONB) also designated as a Special Landscape Area (SLA) in the Local Plan.



- 6.1.2 The site is roughly rectangular with an area of some 0.27ha and located upon generally level arable farmland on the eastern side of South Street Road. There are dwellings to the north and west of the site with farmland to the south and east, undeveloped and open. It has a frontage length to South Street Road of some 73m and extends eastwards into the field by some 35-40m. It is at a similar level to the road with a grassed verge, post and wire fence and three mature ash trees along the road frontage. There is an informal farm access formed by a gap in the fence towards the south end of the site.
- 6.1.3 There is a Berberis (evergreen) hedgerow between 2-2.5m in height along the northern boundary with no. 8 South Street Road. Nos. 1-8 South Street Road to the north are 1960's dwellings including semi-detached and terraced two storey buildings. Opposite the site to the west are Parsonage Oast and Cottages all in residential use. Parsonage Farm and its access is also to the west of the site set well back from the road with a group of farm buildings and the Grade II listed dwelling. A farm shop operates from this farm, which will be referred to later in this report. Harrow Court also lies opposite and is a small 1980's cul-de-sac. Buildings within the vicinity are of different ages with a subsequent mix of design, form and materials.
- 6.1.4 The attached site location plan indicates where the 'village boundary' is located in relation to the application site.

## **6.2 Proposed Development**

- 6.2.1 The proposals is a full application for the erection of 8 two storey dwellings with associated access, parking and landscaping. There would be four flats and two semi-detached dwellings. The application seeks to provide affordable 'local-needs' housing to meet a need identified in the Parish of Stockbury. Two of the dwellings would be for shared ownership with the others for rental which would be secured through an appropriate s106 obligation for the benefit of the area in perpetuity through local connections criteria (draft submitted). Local connection criteria include having lived or having close family who have lived in the Parish for at least 5 years, having employment in the Parish for at least 1 year or having been forced away from the Parish due to a lack of suitable accommodation. If these criteria cannot be met then the same criteria would be applied to an applicant from a neighbouring Parish (Thurnham, Huckling, Bicknor and Detling). The Council's housing section is satisfied with the s106 as can be seen from their comments at paragraph 4.1 above.
- 6.2.2 The development would comprise:

- 1 staggered two storey terrace of four flats (two 1bed units/two 2bed units): The flats would be on the ground and first floors (4.5 - 4.7m to eaves and 7.8m -8.3m to ridge)
- 2 two-storey semi-detached dwellings (each with a 2 bed unit & 3 bed unit) (5.1m to eaves and 8.7m to ridge)

- 6.2.3 The dwellings would essential be split into two blocks. Plots 1-4 (all flats) in a terrace at the north end of the site and plots 5 to 8 being two semi-detached properties with a first floor link between. The terrace would be staggered in height with gabled sides. The semi-detached dwellings would have two storey gables to the front and rear with fully hipped sides. The central first floor link would be set down lower than the main ridges with parking beneath. The mix of units has been tailored to meet the needs identified in the village housing needs surveys that have been undertaken.
- 6.2.4 The indicated materials for Plots 1-4 predominantly comprise red/brown multi stock brickwork with the roofs indicated to be finished in plain tiles. Plots 5-8 would be yellow stock brick with slate roofs. Windows would be white painted timber. The density of the development equates to approximately 30 dwellings/ha.
- 6.2.5 The development would be accessed in the southwest corner where the field access exists but this would be widened to facilitate the development, which would necessitate the removal of a mature ash tree. The access road would be 4.1m wide and head northwards to a turning head. The southern part of the roadway would be tarmac with the northern part block paved with grey granite setts to demarcate the change in surface. There would also be granite setts near the access to allow for vehicle to overrun. There would be a paved parking area to the front of dwellings at the northern end of the site with other parking between dwellings. The farmer's access would also be maintained with hard surfacing extending along the south edge of the site to a new gated entrance to the field. A total of 16 parking spaces are shown to serve the development.
- 6.2.6 The roadway would be on the west side of the site with the dwellings in a linear form from north to south in the middle and their rear gardens on the east side. There would be a landscaped strip along the site frontage narrowing in depth from 10m at the south end of the site to 5m at the north end. Other landscaping and lawned areas would be provided to the front of the dwellings. There would be a new footpath link at the northern end of the site to South Street Road.

6.2.7 The scheme has been designed to meet Lifetime Homes Standards, Code for Sustainable Homes Level 4 and also comply with the HCA Housing Quality Indicators.

### **6.3 Policy background**

6.3.1 The site is located within the Kent Downs AONB a nationally designated area. Paragraph 21 of PPS7 states:

*'Nationally designated areas comprising National Parks, the Broads, the New Forest Heritage Area and Areas of Outstanding Natural Beauty (AONB), have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. **The conservation of the natural beauty of the landscape and countryside should therefore be given great weight in planning policies and development control decisions in these areas.***

6.3.2 Local Plan policy ENV33 relates to the AONB and states:

*'Within the Kent Downs Area of Outstanding Natural Beauty as defined on the proposals map, the conservation of the natural beauty of the landscape will be given priority over other planning considerations.'*

6.3.3 Planning Policy Statement 3 (Housing) states as follows in paragraph 30:

*'In providing for affordable housing in rural communities, where opportunities for delivering affordable housing tend to be more limited, **the aim should be to deliver high quality housing that contributes to the creation and maintenance of sustainable rural communities in market towns and villages.** This requires planning at local and regional level adopting a positive and pro-active approach which is informed by evidence, with clear targets for the delivery of rural affordable housing. Where viable and practical, Local Planning Authorities should consider allocating and releasing sites solely for affordable housing, including using a Rural Exception Site Policy. This enables small sites to be used, specifically for affordable housing in small rural communities that would not normally be used for housing because, for example, they are subject to policies of restraint. Rural exception sites should only be used for affordable housing in perpetuity. A Rural Exception Site policy should seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection, whilst also **ensuring that rural areas continue to develop as sustainable, mixed, inclusive communities.***

6.3.4 Planning Policy Statement 7 (Sustainable Development in Rural Areas) states as follows at paragraph 8:

*'The Government's planning objectives and policies for housing are set out in PPG3, Housing. The key aim is to offer everyone the opportunity of a decent home. **The needs of all in the community should be recognised, including those in need of affordable and accessible, special needs housing in rural areas.** It is*

*essential that local planning authorities plan to meet housing requirements in rural areas, based on an up to date assessment of local need. **To promote more sustainable patterns of development and make better use of previously developed land, the focus for most additional housing in rural areas should be on existing towns and identified service centres. But it will also be necessary to provide for some new housing to meet identified local need in other villages.***

- 6.3.5 The Maidstone Borough-wide Local Plan (Policy H30) contained an exceptions site policy but this was not saved. The Council's Affordable Housing DPD December 2006 makes no specific reference to affordable housing in rural areas under policy AH1 but refers to it being provided through policy H30 of the Local Plan which has not been saved. The Core Strategy preferred options document (2007) in relation to affordable housing aims to "*address the needs of the rural areas by allowing development that specifically meets local community need, through the use of Rural Exception sites and specific plan allocations **in appropriate locations** in order to provide affordable housing to meet local needs in perpetuity.*" The South East Plan contained policy H3 relating to affordable housing but the Plan was revoked on 6<sup>th</sup> July 2010 and no longer forms part of the Development Plan.
- 6.3.6 There is therefore no longer a local or regional policy on which to consider the application. I note that the Council's Housing Strategy (2005-09) provides clear support for affordable rural housing for local people where there is a demonstrated need. This is largely based upon maintaining a demographic balance within the rural community and allowing local people to remain where they have strong family or employment ties. However, the Strategy does not provide any detailed consideration of site location in terms of sustainable access to key services, a fundamental principle of modern spatial planning.
- 6.3.7 I consider there is government support for the provision of affordable rural housing including for 'exceptions sites' where a need has been demonstrated. The general view being that such development can help to maintain a mix and a balance in a rural community and help to support local infrastructure and services. However, as outlined in PPS3 this is where such development '*contributes to the creation and maintenance of sustainable rural communities in market towns and villages*'. Clearly there must be a sustainable community with local infrastructure and services for such development to support, and to my mind this implies a need to ensure that housing is developed in suitable locations which offer a range of community facilities and with good access to jobs, shops, key services and infrastructure.
- 6.3.8 I therefore consider the main issues to be as follows:
- The effect upon the character and appearance of the Kent Downs AONB.

- The need for affordable housing in the locality.
- The location of the site with respect to the availability of, and distances from, local services and facilities and whether the development would contribute to the creation and maintenance of a sustainable rural community.

#### **6.4 Impact upon the AONB & general design**

- 6.4.1 The proposals would cover an area of 0.27ha (some 73m x 40m) introducing a near continuous 55m long row of two storey buildings with hard surfacing covering much of the site through the access road and parking areas. The layout of the development has quite a suburban appearance with the rather formal layout of the roadway and the use of tarmacadam and block paving. Clearly, this would result in a dramatic change to the current open and undeveloped rural farmland character of the site. Whilst new hedge and tree planting is proposed this would not screen or satisfactorily assimilate the development into the landscape and it would inevitably take on a more formal and domestic character. The proposals would further extend development southwards on this side of South Street Road and encroach into undeveloped countryside.
- 6.4.2 There are clear, close views of the site from South Street Road to the north and in front of the site, and longer range views further south from this road over the fields and hedges between to a distance of some 400m away. The development would be prominent from a considerable stretch of South Street Road here. When approaching the village from the south along this road, particularly in the summer when trees and hedges are in leaf, the short row of two storey houses to the north of the site are prominent but many other buildings in the village are largely screened. This confirms my view that the proposals would have a significant harmful impact, adding considerably to the amount of visible built development on this approach to the village and resulting in a major change. I also note there would medium range views of the development over fields from Church Lane some 260m north of the site. From here the development would be visible because it is set further back from the road than existing dwellings to the north and so is not screened by these buildings and projects further into the arable field. On this basis, the development would undoubtedly cause harm and have a damaging effect on this part of the AONB due to its site coverage, height and prominence contrary to policies designed to protect the AONB's landscape and scenic beauty.
- 6.4.3 In terms of the design of the development, I consider this to be generally acceptable but not of any exceptional quality. The dwellings are of a size and design generally in-keeping with the mix of buildings within the area. Landscaping is provided to the front of the dwellings with a buffer strip to the

site frontage. Hedgerows and trees would be provided along the south and east boundaries of the site to soften the development. Suitable amenity and private gardens would be provided for the properties. I note the gardens of the flats would be somewhat overlooked by one another, however this is common for such properties. Being over 130m from the Parsonage Farm, the Grade II listed building, I do not consider there would be any significant harm to its setting. Whilst the design is not considered to be unacceptable obviously it does not negate the visual intrusion of the development or the harmful erosion of open countryside within the AONB.

## **6.5 Need for the Development**

- 6.5.1 The need for the development has been put forward in the form of a parish wide housing needs survey (questionnaire) and details of open market prices in Stockbury from February 2010. This is the generally accepted format for demonstrating rural housing need.
- 6.5.2 Stockbury Parish Council with Action with Communities in Rural Kent conducted a parish wide housing needs survey in June 2006 to ascertain whether there are shortfalls in affordable housing provision. A Village Information and Consultation Event were held in Stockbury in February 2009 to update original housing needs survey. The Council's Housing section accept this as a normal procedure and required as an evidence base to support any case for rural housing development, particularly if a lengthy period of time (usually three years) has elapsed since the original survey.
- 6.5.3 The original survey identified 15 households that reported they were unable to rent or purchase a home suitable for their needs on the open market. The update information identified 15 households, comprising of 28 individuals, who reported they were in housing need, the same number of households as reported in the original survey. The survey recommends that up to 7 properties would fulfil the existing and future affordable housing needs of local people in Stockbury. A mixture of properties with 1, 2 and 3 bedrooms are considered appropriate with a least 5 available for rent.
- 6.5.4 The survey and updated information is the accepted format for demonstrating the need for affordable housing in rural communities. In this case 15 households have stated that they are unable to rent or purchase a home suitable for their needs on the open market. This information does demonstrate a need for affordable housing, as is the case for most villages in Maidstone to a lesser and greater degree, and I consider the proposed development meets some of that need and provides the appropriate type and tenure.

**6.6 Location of the site, services and facilities and whether the development would contribute to the creation and maintenance of a sustainable rural community.**

- 6.6.1 Within the defined settlement boundary of Stockbury is a public house and village hall and there is a farm shop with post office counter outside the boundary at Parsonage Farm, all of which are within walking distance of the application site. There is a small group of businesses at Church Farm some 700m by road from the site where there is a car MOT and repair garage, a drainage pipe supplier, an agricultural vehicles supplier, a fancy dress shop and a climbing frame manufacturer's workshop. There is also a church to the south of this site. The farm shop does sell some convenience goods and has a post office counter but is restricted by condition for the majority of annual sales (75%) to be poultry and game meat. It was essentially granted planning permission as a farm shop to sell meats with some supplementary sales of other items as a destination shop.
- 6.6.2 The village therefore lacks any doctor's surgery, pre-school or primary school education services or significant employment, to my mind key services needed on a day to day basis. The farm shop is restricted to meat sales with some limited shopping, but residents must again travel for essential weekly food shopping etc. The public house and village hall, whilst potentially important for the community, do not provide essential day to day services. Nor is there any public bus service to the village that can provide sustainable links to other services, facilities or jobs nearby. However, I am aware that a private bus services is running for some school children.
- 6.6.3 As such, existing and future occupants must clearly drive some distance to essential daily services including shops, jobs, schools and health care facilities, which demonstrates that the village is not a self-sustainable village nor is it at a sustainable location. Such key services are available at Maidstone (10km), Sittingbourne (8km) and Medway (4km). I therefore conclude that the site is an unsustainable location for new housing.
- 6.6.4 It could be argued that additional residents would help to sustain existing services and may increase the population enough to sustain a new village shop or business for example and thus contribute to the creation of a sustainable rural community. However, no evidence has been put forward to support this and I do not consider 8 new houses would have any significant affect bearing in mind the Parish has a population of between 600-700. I am also mindful that 6 affordable houses were provided under a rural exception policy on the north edge of the village in the 1990's, and if more housing is now being proposed one would assume this did not make any significant difference. Therefore, I consider the provision of more housing at Stockbury would basically increase and exacerbate unsustainable car usage to essential



services, which goes against the aims of delivering sustainable development. This development can be expected on average to result in 6-8 movements per property a day and so 48-64 movements per day as a result on this development.

- 6.6.5 I acknowledge the social argument for affordable housing in rural communities to maintain a 'mixed and inclusive community' as outlined in PPS7, however a blanket approach is too simplistic in spatial planning terms. This is just one aspect and I do not consider this is sufficient to outweigh the unsustainable location in terms of services and reliance on the private car.
- 6.6.6 Therefore in a balancing exercise, I consider that whilst there is an identified 15 households that reported they were unable to rent or purchase a home suitable for their needs on the open market in the Parish, and that the development can help to maintain a mixed community, the significant visual damage to the nationally protected AONB and unsustainable nature of the location and thus the development, outweighs these arguments.
- 6.6.7 I have attached an appeal decision from June 2010 for 10 rural exception affordable houses in the Metropolitan Green Belt at Meopham, Gravesend, Kent. Whilst each case must be judged on its own merits, in this case the Inspector considered there was a demonstrated urgent need for the housing but a vital requirement is that it should be suitably located. He considered the need was outweighed by the seriously damaging effect of the proposed development upon the openness of the Green Belt and its visual amenities and the distance and dispersed nature of key services and various amenities from the appeal site. It is notable in this case that there is a secondary school, leisure centre, day nursery, doctor's surgery and village hall all around 1km from the site but these services were considered too distant so that private car usage would be the most likely form of transport. In the case of Stockbury only the village hall, farm shop and public house are within walking distance and other key services are a considerable distance away.
- 6.6.8 I will now assess other considerations relating to impact upon neighbouring properties, highway safety, ecology, drainage and matters raised by local residents.

## **6.7 Impact upon neighbouring properties**

- 6.7.1 The terrace block at the north end of the site would extend beyond the rear of no. 8 South Street Road. There is a first floor window facing this property but it would serve a stairwell and could be obscure glazed so no loss of privacy would occur. Whilst the terrace would overlap the rear of this property, due to the distance (6.3m) from the side of this property, I do not consider it would result in any unacceptable loss of light to rear windows, the

nearest serving a kitchen. Also due to this distance and an existing holly tree between, I do not consider it would have an unacceptable overbearing impact upon this property. No. 8 has a long rear garden and its aspect to the east would be largely maintained and open. Due to the distance from properties opposite (some 29m) I do not consider there would be any unacceptable loss of privacy or light. Any noise and disturbance associated with the properties or use of the site would not be to an unacceptable level.

## **6.8 Highway safety & parking**

6.8.1 No objections have been raised from Kent Highways in respect of highway safety on surrounding roads. The access and its visibility are considered sufficient as is the parking provision of 2 spaces per property. Whilst the proposals would result in an increase in traffic on surrounding roads it is considered that this can be safely accommodated. I note that the Highways Engineer has requested tracking diagrams to indicate that refuse vehicles/fire engines and deliveries are able to access the site, turn round and leave in a forward gear. I have discussed this with the engineer who has checked the plans and considers there is sufficient space, however plans have been requested to confirm this.

## **6.9 Ecology**

6.9.1 An ecological scoping survey and specific reptile survey has been undertaken. The site is used for growing crops and the reports conclude that it presents limited ecological interests and the plant community is typical of ruderal and farmland habitats in this area of Kent. The hedge areas offer some potential for bird species and it is recommended that any works to hedge areas are carried out outside the bird nesting season or only after a bird nesting survey has been carried out and under a watching brief or suitable ecologist. There is some limited reptile habitat running along the western and northern boundaries of the site. However, the reptile survey did not find any species on site and concludes that there is currently not or only a very limited population utilising the area. As such, I consider development of the site would not cause any significant harm to biodiversity and ecology interests and note that the Kent Wildlife Trust and Natural England have not raised objections to the development.

## **6.10 Drainage**

6.10.1 Surface water drainage would be dealt with by deep bored soakaways and foul water discharged via a package treatment plant to deep bored soakaways. The Environment Agency have stated that there is no objection to the use of soakaways, however the use of deep bored soakaways is actually against their Groundwater Protection Policy (GP3). However they

state that the applicant is likely to be able to comply with their criteria for their use but they would still need to be as shallow as possible, and no deeper than necessary into the upper chalk aquifer. I therefore consider that suitable drainage can be provided for the development that would not lead to contamination of public water supplies.

## **6.11 Other Matters**

- 6.11.1 Other issues raised by local residents and not considered as part of the assessment above include that alternative sites have not been fully explored and the notification procedure on the application.
- 6.11.2 I note that 11 sites were explored by the Parish with this being selected as the most appropriate and one that is clearly available. I have not assessed the acceptability of the other sites mainly because I do not consider anywhere within the parish to be acceptable for 8 new houses for the reasons outlined above and secondly because there is no specific requirement for a sequential test to be undertaken for rural exception sites.
- 6.11.3 In terms of notification, two sites notices were erected outside the site, one on a telegraph pole in the northeast corner of the site on South Street Road and another on a fence to the south of the site. Immediate neighbours to the site were also notified directly by letter. I am satisfied that the correct notification procedure has been carried out for this application.

## **6.12 Conclusion**

- 6.12.1 Whilst there are 15 households that have reported they are unable to rent or purchase a home suitable for their needs on the open market in the Parish, that affordable housing in rural areas can help to maintain a mixed community, and that the provision of affordable housing is one of the Council's clear priorities, this must still be provided at the right location. In this case, it is considered that the significant visual damage to the nationally protected AONB caused by the development and fundamental unsustainable nature of the location and thus the development is so great that it outweighs other considerations. In balancing all considerations, I therefore recommend that the application is refused for the following reasons.

## **RECOMMENDATION**

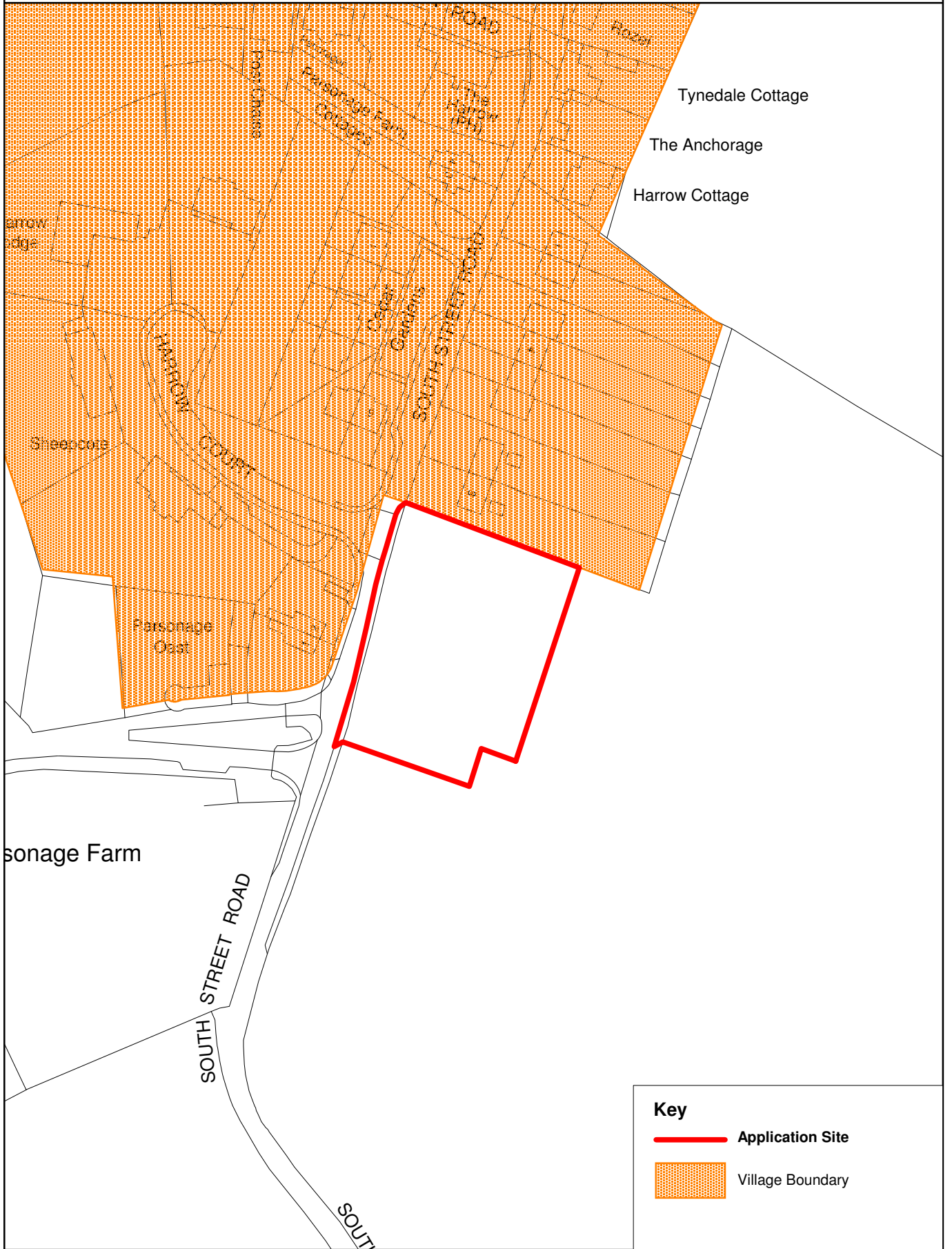
REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS:

1. The proposals would result in an unsustainable form of housing development at an unsustainable rural community where future occupants would be reliant on the

private car for access to shops, employment and key services contrary to advice within PPS1 and PPS3.

2. Due to the extent and scale of the development the proposals would result in significant visual harm to the character and appearance of the countryside hereabouts designated as part of the Kent Downs Area of Outstanding Natural Beauty contrary to policies ENV33 and ENV34 of the Maidstone Borough-Wide Local Plan 2000 and PPS7.

# APPLICATION SITE and VILLAGE BOUNDARY



Personage Farm

**Key**

- Application Site
- Village Boundary

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# Appeal Decision

Site visit made on 11 May 2010

by **Richard E Hollox** BA(Hons) BSc(Econ)  
MPhil FRTPI FRICS

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

The Planning Inspectorate  
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**Decision date:**  
**15 June 2010**

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## Appeal Ref: APP/K2230/A/09/2116096

### Land on the north side of Steele's Lane, south of the Pitfield Reservoir entrance, Wrotham Road, (Meopham Green), MEOPHAM, Kent.

- 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 G B Tatham & Company Limited against the decision of the Gravesham Borough Council.
- The application Ref GR/20090570, dated 16 July 2009, was refused by notice dated 12 October 2009.
- The development proposed is the erection of 2 pairs of semi-detached, 2-storey, 3-bedroom rural affordable dwellings and 2 2-storey terraces each comprising one 3-bedroom and 2 3-bedroom rural affordable dwellings, the laying out of 16 associated car parking spaces, road improvements to Steele's Lane for a new access road and associated highways works to the A227 Wrotham Road.

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## Decision

1. The appeal is dismissed.

## Procedural matters

2. The Appellant provides a copy of a Section 106 Agreement with the Gravesham Borough Council dated 28 January 2010 concerning affordable housing obligations. I have treated it as a material consideration in my determination of the appeal.

## Main issues

3. From my reading of the representations, including letters received from local people, and from my inspection of the site, its surroundings and the wider locality, 3 main issues arise in the determination of the appeal. They are:
  - a) the effect upon the openness and visual amenity of the Metropolitan Green Belt (MGB);
  - b) the need for affordable housing in the locality; and
  - c) the location of the appeal site with respect to the availability of, and distances from, local services and facilities.

## Reasons

### The effect upon the MGB

4. Both national and local planning policies provide for the protection of the Green Belts, their fundamental aim being to prevent urban sprawl by keeping land permanently open. The most important aspect of Green Belts is their openness, and there is a general presumption against inappropriate development within a Green Belt. That presumption is set out in Policy GB2 in the adopted (1994) Gravesham Borough Local Plan First Review. The construction of new buildings inside a Green Belt is inappropriate unless it is for certain purposes. These can include, in principle, limited affordable housing schemes for local community needs. The main parties agree that the proposed development is not inappropriate development in the MGB, and that is my starting point in the examination of this first main issue.
5. The appeal site is about 0.273 ha in area and is part of a larger agricultural field. It lies outside the village envelope and has a frontage to Wrotham Road of about 56.5 m and a depth of about 48 m. Its extent, coupled with its position to the south, and just beyond the main built-up parts, of Meopham Green, gives it a pronounced open appearance. There are views beyond it towards and into the open countryside beyond it, and this draws further attention to its rural character. There is mainly residential development to the immediate south of Steele's Lane, and so the appeal site has the added attraction and function of separating 2 extensive areas of existing development and allowing the countryside to sweep into what could reasonably be described as the heart of a larger, overall, mainly built-up area. The openness and landscape quality of this highly visible appeal site is acknowledged by its inclusion in both the MGB and the North Downs Special Landscape Area.
6. The appeal scheme comprising 10 dwellings and associated works would be an attractive development in principle within some urban and similar surroundings. The dwellings would be of modest proportions with a style and use of traditional materials of construction which would be in sympathy with many of the surrounding buildings, especially the 2 pairs of cottages to the north. The landscaped front gardens would include hedgerows. Internal room sizes of both the 2- and 3-bedroom dwellings would meet the Council's adopted standards other than the kitchen/diner of the 2-bedroom dwelling which is below the relevant standard, but only by one sq m. All but 2 of the dwellings (units 3 and 8) have garden depths in accordance with the Council's residential layout guidelines, but these exceptions have gardens which meet the adopted standard for the extent of these private amenity areas. The scheme would comply with the Code for Sustainable Homes Level 3 with energy and water efficiency measures at a higher level than those required under current Building Regulations. In these matters of design and construction, therefore, there are considerable advantages to the scheme.
7. In terms of the principle of residential development, there is no doubt that a scheme of the type put forward, with a density of about 36.6 dwellings per hectare, would have a damaging effect upon the openness of the MGB. It



would substantially erode it, conflicting with certain purposes of including land in a Green Belt, especially that of safeguarding the countryside from encroachment. Whilst this would not be a case of neighbouring towns merging into one another, it would result in 2 mainly built-up areas coming together and the consolidation of ribbon development along the Wrotham Road frontage. The visual amenity of the MGB hereabouts includes the attractiveness of the rural scene and its landscape quality, and the intrusion of the development into these natural and unspoilt surroundings would constitute serious harm to it. Any views through the development to the countryside beyond it would not much lessen the impact of the presence of the development. The associated works, particularly the upgrading and widening of Steele's Lane and the proposed highway improvements to Wrotham Road, would draw yet more attention to the urban intrusion into the MGB and emphasise the harm. The proposal therefore conflicts with Local Plan Policy GB2 which seeks to protect the MGB and its Policy C4 which gives priority to the conservation and enhancement of the landscape over other planning considerations.

*The need for affordable housing*

8. There is a genuine identified local housing need in this part of Kent, and in its Local Plan Policy H6 the Council in principle supports the provision of affordable housing. The need in the Council's Rural Housing Needs Survey for Meopham is estimated to be for up to 35 dwellings. So far only 10 affordable homes have been built in Meopham comprising 6 2-bedroom houses and 4 one-bedroom flats. There is no evidence before me of a realistic prospect of any additional affordable homes being built in Meopham within the foreseeable future. The number, type and mix of dwellings of the current scheme stem from the Appellant's discussions with the Council's Housing Officer, and occupancy could be controlled by way of the planning obligation to ensure that the development remained as an affordable housing scheme in perpetuity for the identified local housing need. The Gravesham Borough Local Plan Second Review (Deposit Version) (2000) has not been adopted and so less than substantial weight should be accorded to it. Nevertheless, it was published more recently than the adopted Local Plan, it is a material consideration of some moment and in the matters outlined in this paragraph the proposal accords with its Policy RA12.

*Location, services and facilities*

9. Part of my site inspection included a tour of the mainly built-up areas within a 2-3 km radius of the appeal site and the services and facilities which they offer. Meopham Green includes a secondary school, day nursery, leisure centre, doctors' and dentists' surgeries, library, church, public houses, shop, village hall and social club. Some employment opportunities are to be found on the several small industrial estates. The appeal site is at the southern edge of Meopham Green, however, and is therefore at some distance from many of these facilities. For example, it is about 785 m from the village hall, about one km from the secondary school, leisure centre, day nursery and doctors' surgery and as much as 1.9 km from the primary school. These particular distances are comparable with the *under 2 km* to which Planning Policy Guidance (PPG) 13 refers as offering the greatest potential to replace short trips by car. Some residents and their children might be willing to walk

to these destinations on a regular basis, especially during the day and in good weather, but in my opinion they are for the most part too far away for walking to be the usual mode of transport. They are well in excess of the 400 m or so in the Department of the Environment, Transport and the Regions advice note *Encouraging Walking – Advice for Local Authorities 2000* beyond which people are seldom prepared to walk to their intended destinations, and this seems to me to be a useful guideline in this case. At the time of my inspection, during a Tuesday mid-morning, the road was busy, and I have no doubt that it is even busier and noisier at peak times. This would further discourage walking to shops, schools and the like.

10. At Hook Green, about 3.2 km to the north of the appeal site is Meopham Rail Station with trains to London Victoria and Chatham. Attractions include a post office, restaurants, a public house, primary school and various shops including a local retail centre. At Culverstone Green, about 2.3 km to the south of the appeal site, there is a primary school, shop, post office and a petrol filling station. The generally dispersed nature of these facilities is aggravated by the position of all too many of them on the opposite, western, side of the A227 Wrotham Road, a classified road which does not have the benefit of continuous footways. This involves the crossing of a road described by some local people as dangerous. There are bus services along Wrotham Road with bus stops close to the appeal site. The buses are, however, infrequent being generally no more than hourly in both directions during the main part of the day and even less frequent on Sundays. This is a not unusual level of service in many rural areas. No doubt they are important to the people who use them, but I think it unlikely that they would be much used by the prospective residents of the scheme. They would find their cars a far more convenient mode of transport.
11. The Government is committed to providing high quality housing for people who are unable to access or afford market housing. In providing for affordable housing in rural communities, where opportunities for delivering affordable housing tend to be more limited, the aim should be to deliver high quality housing that contributes to the creation and maintenance of sustainable rural communities in market towns and villages. This implies the need to ensure that housing is developed in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure. Meopham, regarded as the linear arrangement of 3 main settlements along Wrotham Road, has a good range of services and facilities, but the distance of many of them from the appeal site, their dispersal and position and the infrequency of the buses which link them lead me to conclude that the appeal site is not a good location for affordable housing. Although the road fronting the site is subject to a 30 mph speed restriction, these considerations would inevitably lead to more travelling, especially by car, contrary to national policy in PPG 13. Nor does the proposal meet Criterion iv of the aforementioned Policy RA12 which seeks suitable locations for affordable housing with respect to its relationship with village services and proximity to public transport services.

## **Conclusion**

12. As with most decisions in town and country planning, a judgement must be made on competing policies and objectives with regard to the particular

circumstances of the case. As I accept, there is an urgent need for land to be found for affordable housing in Meopham, but a vital requirement is that it should be suitably located. In my judgement, the need in this case is outweighed by the seriously damaging effect of the proposed development upon the openness of the MGB and its visual amenities and the distance and dispersed nature of key services and various amenities from the appeal site. The quoted policies which tell against the scheme should prevail. It is in this context that I have accorded limited weight to the Section 106 Agreement.

13. I have taken into account all the other points raised, including the Council's officers' report to the Planning Committee, especially their recommendation in favour of the proposal and the absence of any objection from the Highways Authority. They do not, however, outweigh those planning considerations which have led to my decision to dismiss the appeal.

*Richard E Hollox*

RICHARD E HOLLOX

Representation

**Councillor Daphne Parvin:**

Councillor Parvin is unable to attend the Committee Meeting but had intended to speak in support of the application. The following statement, taken from a letter from the Chairman of the CPRE Maidstone, would have been read by, and is fully supported by Councillor Parvin.

*"It is recognized that Stockbury village is in the environmentally sensitive area of the countryside that is within the North Downs Area of Outstanding Natural Beauty and Special Landscape Area and so is protected from inappropriate built development by Maidstone Borough-Wide Local Plan 2000 saved policies ENV28, ENV33 and ENV34 and by Central Government's PPS7 paragraph 9 (ii). Generally additional dwellings in such a highly protected area would be deemed inappropriate development.*

*However there is provision for additional dwellings in such an area as long as any development scheme is part of a Rural Exception Site Policy designed to provide affordable housing in rural communities for local people as promulgated in PPS3 paragraph 30. "This enables small sites to be used specifically for affordable housing in small rural communities that would not normally be used for housing because, for example, they are subject to policies of restraint." The paragraph also states that such housing should be 'in perpetuity' and should seek to address the needs of the local community by accommodating households who have a local connection, "whilst ensuring that rural areas continue to develop as sustainable, mixed, inclusive communities." Such rural affordable housing is also accommodated in the North Downs AONB Management Plan.*

*It appears that this application satisfies most of the criteria for affordable local rural housing on exception sites.*

- *Need has been established by several surveys which have sought to determine local affordable housing requirements;*
- *The involvement of a housing association has been established – the English Rural – to ensure funding and that the dwellings will remain affordable in perpetuity;*
- *The proposal is for a small number of dwellings which will be built to a relatively high standard, Level 4 of the Code for Sustainable Homes and with attractive exteriors and so will not be seen as 'council housing' and English Rural has devised a landscape management and maintenance plan to ensure the attractiveness of the site remain over time;*
- *The site is just outside the Stockbury village settlement area but sufficiently close to the local facilities to be within walking distance for most of the likely occupants.*
- *There have been surveys to establish that any serious contamination of the site is very unlikely, and that the underlying chalk aquifer is unlikely to be*

*damaged by the proposed built development providing the disposal of effluent scheme is agreed with the Environment Agency;*

- *Most importantly there has been the involvement of Stockbury Parish Council with the proposal for additional local affordable housing. It is very important that this involvement continues and it has now been established that the Parish Council will be involved in the vetting of potential occupants identified by Rural Housing as seemingly suitable for the new rural affordable housing on the land east of South Street Road in Stockbury.*

*Given the apparent suitability of the application site for the proposed 8 local needs housing unit the attitude of MBC Planning to the development proposals seem contrary to policies and to the situation of Stockbury village, which is a thriving local community with a large shop cum post office, a pub and a village hall which accommodates a considerable number of activities with a local following, the essence of a sustainable rural community within the very attractive landscape of the North Downs AONB. Therefore CPRE Maidstone strongly refutes the opinion apparently held by MBC Planners that Stockbury is not a sustainable community, and fully supports the views of Stockbury Parish Council which indeed has shown that it wishes to continue to support the community of Stockbury."*

#### Officer Comment

I wish to confirm that Councillor Parvin was notified of this application initially on 26<sup>th</sup> April and again on 5<sup>th</sup> May with amended plans. Notification of the Committee Meeting was carried out on 14<sup>th</sup> July.

As outlined in the main report, it is acknowledged that there is national policy support for affordable rural housing, the general view being that such development can help to maintain a mix and a balance in a rural community and help to support local infrastructure and services. However, due to the lack of basic key services within the village or nearby, it is considered that Stockbury is not a sustainable village and therefore not a suitable location for additional housing. The provision of more housing at Stockbury would basically increase and exacerbate unsustainable car usage to essential services, which goes against the aims of delivering sustainable development.

In this case, it is considered that the significant visual damage to the nationally protected AONB caused by the development and fundamental unsustainable nature of the location and thus the development is so great that it outweighs other considerations.

#### Refuse & Emergency Vehicles

Tracking diagrams for refuse and emergency vehicles have been provided which demonstrate that there is sufficient space for a fire engine to enter the site and turn. However, it is apparent that a refuse vehicle would not be able to turn adequately into the site. As such, refuse vehicles would either have to wait on South Street Road outside the site for collection, or potentially reverse on or off the site using the farmer's access at the south end of the site.

The Kent Highways Engineer has inspected the tracking diagrams and has stated that, *"as the traffic flows along South Street Road are low and speeds are not*

*high, the vehicle could collect from South Street Road or reverse into the access without causing a safety problem.”*

Officer Comment

I agree that due to the limited speeds and traffic along South Street Road, its relative straightness and good visibility at the access to the site, any refuse vehicle waiting on the road, which would happen at present for other properties, or reversing into or out of the site, would not be unsafe or warrant grounds for refusal.

**RECOMMENDATION**

**My recommendation is unchanged:**

**REFUSE PLANNING PERMISSION**

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02.06.2010



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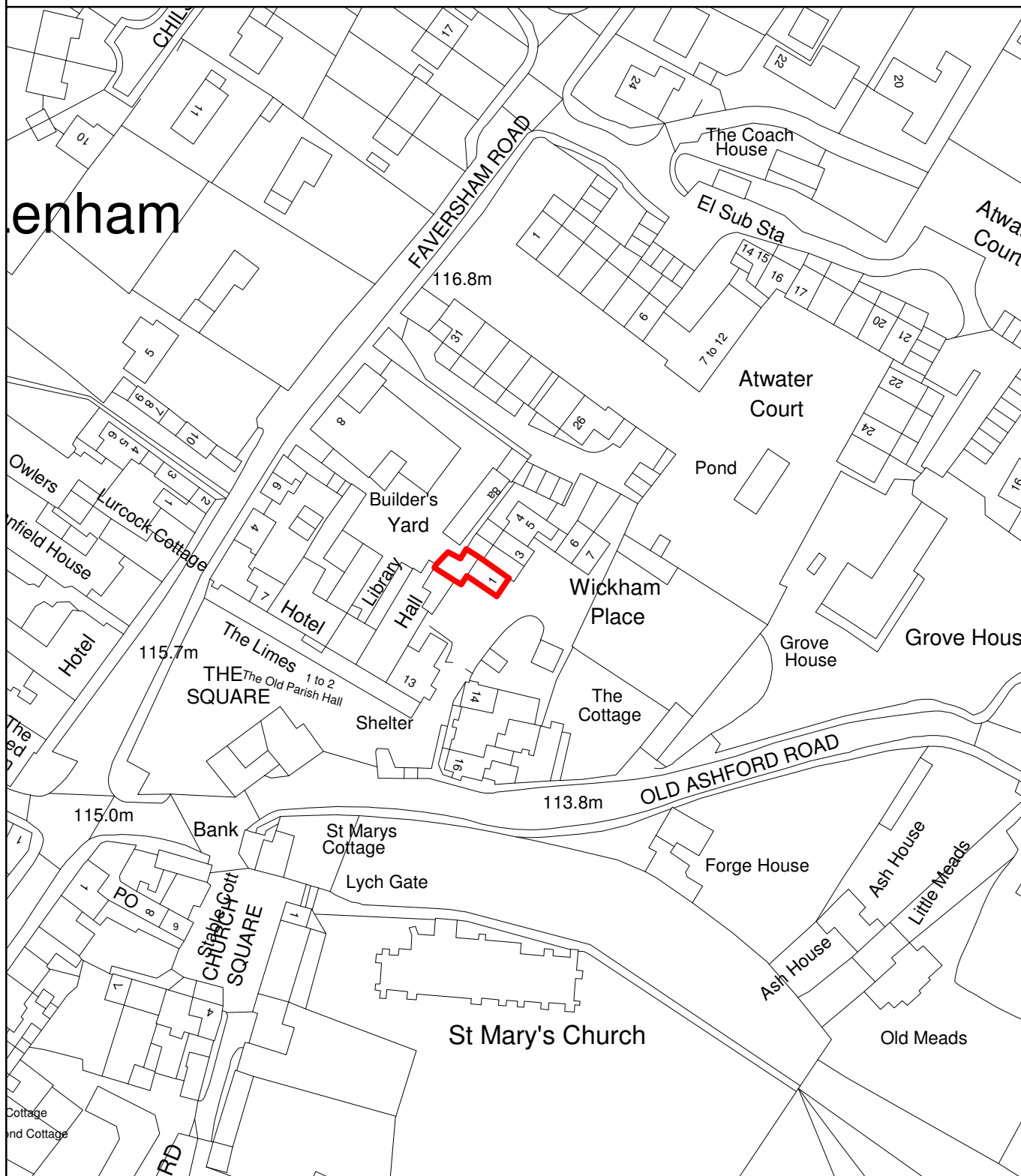
# Agenda Item 21

## THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/10/0832

GRID REF: TQ8952

1 WICKHAM PLACE,  
LENHAM.



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**Rob Jarman**  
Head of Development Management

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

APPLICANT:            Mrs Boorman

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

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

AGENDA DATE:        22<sup>nd</sup> July 2010

CASE OFFICER:        Kathryn Altieri

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

- It is contrary to views expressed by Lenham Parish Council

### **POLICIES**

Maidstone Borough-Wide Local Plan 2000: H18, ENV34

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

### **HISTORY** (relevant)

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

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

### **CONSULTATIONS**

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

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

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

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

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

## **REPRESENTATIONS**

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

## **CONSIDERATIONS**

### **1. The Site**

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

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

### **2. The Proposal**

2.1 The proposal is for the erection of a conservatory that would project 4m from the rear flank and in total, measure 4.3m wide (including the porch section). With its 'L' shaped hipped roof, the proposal would have a ridge height of 3.3m from ground level and an eaves height of 2.5m. The total floor area of this proposal would be some 14m<sup>2</sup>.

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

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

### **3. Planning Issues**

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

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

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

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

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

#### *Impact upon the property and streetscene*

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

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

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

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

#### *Impact upon the neighbours*

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

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

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

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

#### Impact upon the parking

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

#### **4. The conclusion**

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

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

#### **RECOMMENDATION**

**APPROVE PLANNING PERMISSION** subject to the following conditions:

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

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

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

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

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

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

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

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

### **Informatives set out below**

None

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



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# Agenda Item 22

## **THE MAIDSTONE BOROUGH COUNCIL** **PLANNING COMMITTEE – 22-07-10**

### **APPEAL DECISIONS:**

#### **1. MA/09/1222 -**

**Erection of a detached four bedroom chalet bungalow as shown on drawing nos. 5129/08 and 1400.P01 received on 13/7/09; and drawing nos. 1400.SP/A and 1400.BP/A received on 22/7/09.**

**APPEAL: DISMISSED**

THE THREE ASHES, BOXLEY ROAD, WALDESLADE,  
CHATHAM, KENT, ME5 9JG

**(Delegated Powers)**

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#### **2. MA/09/1226-**

**Erection of one detached, one bedroom dwelling as shown on drawing nos. 01B and 04A received on 14/7/09.**

**APPEAL: DISMISSED**

DELAMERE, 109, THE LANDWAY, BEARSTED,  
MAIDSTONE, KENT, ME14 4LF

**(Delegated Powers)**

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