

# AGENDA

## PLANNING COMMITTEE MEETING



Date: Thursday 30 June 2011  
Time: 6.00 pm  
Venue: Town Hall, High Street,  
Maidstone

### Membership:

Councillors Ash, Collins, Cox, English, Garland,  
Harwood, Lusty (Chairman), Nelson-  
Gracie, Newton, Paine, Paterson,  
Mrs Robertson and J.A. Wilson

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Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 7 July 2011

**Continued Over/:**

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**Issued on 22 June 2011**

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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 9 June 2011 1 - 12
11. Presentation of Petitions (if any)
12. Report of the Head of Development Management - Deferred Items 13
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21. Chairman's Announcements
22. 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 9 JUNE 2011**

**Present:** Councillor Lusty (Chairman) and Councillors Ash, Collins, Cox, English, Greer, Harwood, Newton, Paine, Paterson, Mrs Robertson and J.A. Wilson

**Also Present:** Councillors Hinder, B Mortimer and Springett

21. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Garland and Nelson-Gracie.

22. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Greer was substituting for Councillor Nelson-Gracie.

23. NOTIFICATION OF VISITING MEMBERS

Councillor Hinder indicated his wish to speak on the report of the Head of Development Management relating to application MA/10/1627.

Councillor B Mortimer indicated his wish to speak on the report of the Head of Development Management relating to application MA/10/1633.

It was noted that Councillor Springett had indicated her wish to speak on the report of the Head of Development Management relating to application MA/11/0385.

24. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

25. URGENT ITEMS

Update Report

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

26. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Ash disclosed a personal interest in the reports of the Head of Development Management relating to applications MA/10/2189 and MA/11/0385. He stated that he was a Member of Bearsted Parish Council, but he had not participated in the Parish Council's discussions on the applications and intended to speak and vote when they were considered.

Councillor Greer stated that as Cabinet Member with responsibility for regeneration, he had promoted the High Street redevelopment project and had pre-determined application MA/11/0606. He would leave the meeting when the application was discussed.

Councillor Harwood disclosed a personal interest in the reports of the Head of Development Management relating to applications MA/10/1627, MA/10/2065 and MA/11/0407. He stated that he was a Member of Boxley Parish Council, but he had not participated in the Parish Council's discussions on the applications and intended to speak and vote when they were considered.

Councillor Newton disclosed a prejudicial interest in the reports of the Head of Development Management relating to applications MA/11/0195 and MA/11/0196 by virtue of being a stonemason whose company maintained the war memorial on the Council's behalf. He had pre-determined the applications and would make representations as an objector before leaving the meeting when they were discussed.

Councillor J A Wilson disclosed a personal interest in the report of the Head of Development Management relating to application MA/11/0382. He stated that he was a Member of East Farleigh Parish Council, but he had not participated in the Parish Council's discussions on the application and intended to speak and vote when it was considered.

27. EXEMPT ITEMS

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

28. MINUTES OF THE MEETING HELD ON 19 MAY 2011

RESOLVED: That the Minutes of the meeting held on 19 May 2011 be approved as a correct record and signed.

29. PRESENTATION OF PETITIONS

It was noted that a petition might be referred to in relation to application MA/10/1633.

30. DEFERRED ITEMS

- (1) MA/10/2065 – DEMOLITION OF EXISTING BUILDING AND SHED AND ERECTION OF TWO NEW STORAGE BUILDINGS – HILLVIEW, OLD LIDSING ROAD, LIDSING, GILLINGHAM

See Minute 41 below

- (2) MA/10/1878 – ERECTION OF 1 NO. BUNGALOW (PLOT 2) WITH DETACHED GARAGE, ACCESS AND ASSOCIATED WORKS (RE-SUBMISSION OF APPLICATION MA/10/1149) – LAND ADJACENT TO THE RETREAT, WARE STREET, WEAVERING, MAIDSTONE

The Head of Development Management advised the Committee that this application was still subject to an ecological survey and assessment.

31. MA/10/1633 - CHANGE OF USE OF LAND FOR THE STATIONING OF TWO CARAVANS (ONE STATIC AND ONE TOURING) FOR RESIDENTIAL OCCUPATION BY A GYPSY FAMILY WITH ASSOCIATED HARDSTANDING - LAND ADJ AMSBURY COTTAGE, AMSBURY ROAD, COXHEATH, 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 Court, for objectors, Councillor Hughes of Coxheath Parish Council (against) and Councillor B Mortimer (against) addressed the meeting.

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report and the additional conditions set out in the urgent update report with the amendment of conditions 3, 7 and 10 and an additional condition and informatives as follows:-

Condition 3 (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 pursuant to policy ENV6 of the Maidstone Borough-Wide Local Plan 2000.

Condition 7 (amended)

Notwithstanding the details shown on drawing no. 729a received 03/05/2011, the development shall not commence until details showing a reduced bellmouth width of no greater than 4m at the site access to Amsbury Road and the reduction in the front boundary hedging to no less than 2m in height have been submitted to and approved by the Local

Planning Authority. The development shall be carried out in accordance with the subsequently approved details and maintained thereafter.

Reason: To ensure a satisfactory appearance to the development pursuant to policies CC1 and CC6 of the South East Plan 2009.

Condition 10 (amended)

Notwithstanding the details shown on drawing no.729a received 03/05/2011, the development shall not be commenced until a revised scheme of landscaping has been submitted showing in addition to the details already indicated on drawing no.729a, a minimum 7m depth of landscaping behind the retained hedgerow to the Amsbury Road frontage of the site. The submitted scheme shall use indigenous species and shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and include measures for the long term management of the landscaping within the site.

Reason: To ensure a satisfactory appearance to the development in accordance with policies CC1 and CC6 of the South East Plan 2009.

Additional Condition

Condition 12

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

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

Additional Informatives

To clarify, condition 6 of this permission prohibits the storage of any materials including those associated with the business of the applicant's son.

The applicant is advised to work closely with the Council's Landscaping Officers to ensure the satisfactory discharge of the condition in relation to landscaping.

Voting:        8 – For        4 – Against        0 – Abstentions

32. MA/10/1627 - ERECTION OF A NEW DWELLING - LAND OFF BEECHEN BANK, BOXLEY ROAD, WALDERSLADE

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 Crane, an objector, Councillor Spain of Boxley Parish Council (against), Mr Woodhead, for the applicant, and Cllr Hinder, on behalf of Councillor Mrs Hinder (against), addressed the meeting.

RESOLVED: That consideration of this application be deferred for one cycle for:-

- A fuller analysis of the impact upon the semi natural ancient woodland as a whole.
- An examination of the ecological interest of the site.
- The design of the dwelling to incorporate features which take inspiration from the woodland setting.

Voting: 11 – For 0 – Against 0 – Abstentions

33. MA/10/1221 - REMOVAL OF CONDITION 1 (TO ALLOW PERMANENT OCCUPATION) AND THE VARIATION OF CONDITION 3 (TO ALLOW NO MORE THAN 4 CARAVANS, AS DEFINED IN THE CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960 AND THE CARAVAN SITES ACT 1968 (OF WHICH NO MORE THAN 2 SHALL BE A STATIC CARAVAN OR MOBILE HOME) SHALL BE STATIONED ON THE SITE AT ANY TIME) OF PERMISSION MA/08/1919 - BLUE BELL FARM, GEORGE STREET, STAPLEHURST, TONBRIDGE

The Chairman stated that he had been lobbied.

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

Councillor Butcher addressed the Committee on behalf of Staplehurst Parish Council which objected to the site being made permanent.

RESOLVED: That permission be granted subject to the conditions set out in the report with the amendment of conditions 1 and 4 as follows:-

Condition 1 (amended)

The use hereby permitted shall be for a limited period of 4 years till 9 June 2015. At the end of this period, or when the site ceases to be occupied by gypsies or travellers as defined in paragraph 15 of ODPM Circular 01/2006, whichever shall first occur, the use hereby permitted shall cease and all caravans, hardstandings, structures, materials and

equipment brought on to the land in connection with the use, including any wash rooms, waste recycling enclosures and stables, shall be removed in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason: The scale of the development is considered to cause visual harm to the character and appearance of the area. In addition, due to the proximity of this site to the approved development on the adjoining site 'The Paddocks', the cumulative visual impact of the two sites would be unacceptable. This is contrary to policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and policies CC6 and C4 of the South East Plan 2009. This identified harm is considered to be outweighed by the need for accommodation for gypsies and travellers and there is a reasonable expectation that sites will become available through the production of a Gypsy & Traveller Development Plan Document by the end of the period specified. This is in accordance with advice contained within ODPM Circular 01/2006.

Condition 4 (amended)

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the next planting season (October 2011 to March 2012) and any trees or plants which within the life of this permission from the completion of the planting 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 EN6 and ENV28 of the Maidstone Borough-Wide Local Plan 2000 and C4 of the South East Plan 2009.

Voting:        7 – For        4 – Against        0 – Abstentions

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

34. MA/10/1222 - REMOVAL OF CONDITION 1 (TO ALLOW PERMANENT OCCUPATION) AND THE VARIATION OF CONDITION 3 (TO ALLOW NO MORE THAN 4 CARAVANS, AS DEFINED IN THE CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960 AND THE CARAVAN SITES ACT 1968 (OF WHICH NO MORE THAN 2 SHALL BE A STATIC CARAVAN OR MOBILE HOME) SHALL BE STATIONED ON THE SITE AT ANY TIME) OF PERMISSION MA/08/1920 - THE PADDOCKS, GEORGE STREET, STAPLEHURST, TONBRIDGE

The Chairman stated that he had been lobbied.

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



Councillor Butcher addressed the Committee on behalf of Staplehurst Parish Council which objected to the site being made permanent.

RESOLVED: That permission be granted subject to the conditions set out in the report with the amendment of conditions 1 and 4 as follows:-

Condition 1 (amended)

The use hereby permitted shall be for a limited period of 4 years till 9 June 2015. At the end of this period, or when the site ceases to be occupied by gypsies or travellers as defined in paragraph 15 of ODPM Circular 01/2006, whichever shall first occur, the use hereby permitted shall cease and all caravans, hardstandings, structures, materials and equipment brought on to the land in connection with the use, including any wash rooms, waste recycling enclosures and stables, shall be removed in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason: The scale of the development is considered to cause visual harm to the character and appearance of the area. In addition, due to the proximity of this site to the approved development on the adjoining site Blue Bell Farm, the cumulative visual impact of the two sites would be unacceptable. This is contrary to policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and policies CC6 and C4 of the South East Plan 2009. This identified harm is considered to be outweighed by the need for accommodation for gypsies and travellers and there is a reasonable expectation that sites will become available through the production of a Gypsy & Traveller Development Plan Document by the end of the period specified. This is in accordance with advice contained within ODPM Circular 01/2006.

Condition 4 (amended)

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the next planting season (October 2011 to March 2012) and any trees or plants which within the life of this permission from the completion of the planting 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 EN6 and ENV28 of the Maidstone Borough-Wide Local Plan 2000 and C4 of the South East Plan 2009.

Voting:        11 – For        1 – Against        0 – Abstentions

35. MA/10/2189 - ERECTION OF 5 NO. DWELLINGS WITH GARAGING, PARKING PROVISION, NEW DRIVEWAY - AMENDED DESIGN TO THAT APPROVED UNDER REFERENCE MA/09/0760 - LITTLE ORCHARD, CHURCH LANE, BEARSTED, MAIDSTONE

All Members stated that they had been lobbied.

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

Mrs Bingham, an objector, and Councillor Mrs Marshall MBE of Bearsted Parish Council (against) addressed the meeting.

RESOLVED:

1. That consideration of this application be deferred for one cycle to enable negotiations seeking:-
  - A reduction in the level of hardstanding on the site.
  - A detailed landscaping scheme to be submitted incorporating additional landscaping within the site.
2. That Ward Members and the Parish Council should be consulted on the amended details.

Voting: 12 – For 0 – Against 0 – Abstentions

36. MA/11/0385 - ERECTION OF SINGLE STOREY REAR EXTENSION, PLUS LOFT CONVERSION WITH RAISED RIDGE HEIGHT, REAR DORMER, BALCONY AND VELUX ROOF LIGHTS AND ERECTION OF FRONT PORCH - 22 OTTERIDGE ROAD, BEARSTED, MAIDSTONE

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

Mr Beach, an objector, Councillor Mrs Marshall MBE of Bearsted Parish Council (against) and Councillor Springett (against) addressed the meeting.

Councillor Springett stated that she knew Mr Beach, the objector, but as an acquaintance rather than a friend.

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

Voting: 7 – For 4 – Against 1 – Abstention

37. MA/10/1971 - CHANGE OF USE OF BOTH BUILDINGS FROM CLASS B1 USE TO CLASS D1 WITH ANCILLARY OFFICE USE - BRISHING COURT BARN, BRISHING LANE, BOUGHTON MONCHELSEA, 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 Blundell, for objectors, and Councillor Smith of Boughton Monchelsea Parish Council (against) addressed the meeting.

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

Voting: 6 – For 3 – Against 3 – Abstentions

38. MA/11/0243 - RETROSPECTIVE APPLICATION FOR THE ERECTION OF A TWO STOREY DWELLING HOUSE - 67 HIGH STREET, HEADCORN

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

Mr Bingham, an objector, addressed the meeting.

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

Voting: 12 – For 0 – Against 0 – Abstentions

39. MA/11/0195 - AN APPLICATION FOR LISTED BUILDING CONSENT FOR INSTALLATION OF LOW PROFILE SKATE STOP DEVICES TO STEPS AT BASE OF BRENCHLEY GARDENS WAR MEMORIAL - BRENCHLEY GARDENS, STATION ROAD, MAIDSTONE

Councillor English stated that he had been lobbied.

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

Having disclosed a prejudicial interest, Councillor Newton addressed the Committee objecting to this application and application MA/11/0196. He then left the meeting whilst the applications were discussed.

Contrary to the recommendation of the Head of Development Management, the Committee agreed that subject to the receipt of no representations raising new issues as a result of outstanding consultation, the Head of Development Management be given delegated powers to refer the application to the Secretary of State for determination with the recommendation that listed building consent be refused.

In making this decision, the Committee considered that the proposed skate stops would, by virtue of the method of fixing to the memorial, adversely affect the fabric and historic appearance of the memorial contrary to policy BE6 of the South East Plan 2009 and the guidance contained within PPS5.

RESOLVED: That subject to the receipt of no representations raising new issues as a result of outstanding consultation, the Head of Development Management be given delegated powers to refer this application to the

Secretary of State for determination with the recommendation that listed building consent be refused for the following reason and informative:-

Reason

The proposed skate stops would, by virtue of the method of fixing to the memorial, adversely affect the fabric and historic appearance of the memorial contrary to policy BE6 of the South East Plan 2009 and the guidance contained within PPS5.

Informative

The applicant is advised to seek a more in keeping solution such as cobbled stones around the base of the monument.

Voting:        11 – For        0 – Against        0 – Abstentions

40. MA/11/0196 - INSTALLATION OF LOW PROFILE SKATE STOP DEVICES TO STEPS AT BASE OF BRENCHLEY GARDENS WAR MEMORIAL - BRENCHLEY GARDENS, STATION ROAD, MAIDSTONE

The Chairman and Councillor English stated that they had been lobbied.

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

Councillor Newton had already addressed the Committee objecting to this application and application MA/11/0195.

Contrary to the recommendation of the Head of Development Management, the Committee agreed that subject to the receipt of no representations raising new issues as a result of outstanding consultation, the Head of Development Management be given delegated powers to refuse this application. In making this decision, the Committee considered that the proposed skate stops would, by virtue of their modern design, result in an incongruous feature which would cause harm to the character and appearance of Brenchley Gardens and the historic appearance of the memorial contrary to policy BE6 of the South East Plan 2009 and the guidance contained within PPS5.

RESOLVED: That subject to the receipt of no representations raising new issues as a result of outstanding consultation, the Head of Development Management be given delegated powers to refuse permission for the following reason and informative:-

Reason

The proposed skate stops would, by virtue of their modern design, result in an incongruous feature which would cause harm to the character and appearance of Brenchley Gardens and the historic appearance of the memorial contrary to policy BE6 of the South East Plan 2009 and the guidance contained within PPS5.

Informative

The applicant is advised to seek a more in keeping solution such as cobbled stones around the base of the monument.

Voting: 11 – For 0 – Against 0 – Abstentions

41. MA/10/2065 - DEMOLITION OF EXISTING BUILDING AND SHED AND ERECTION OF TWO NEW STORAGE BUILDINGS - HILLVIEW, OLD LIDSING ROAD, LIDSING, GILLINGHAM

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 and informatives set out in the report.

Voting: 12 – For 0 – Against 0 – Abstentions

42. MA/11/0407 - ERECTION OF SINGLE STOREY SIDE EXTENSION AND STORM PORCH TO FRONT ELEVATION AND INSERTION OF FRONT DORMER WINDOW TO EXISTING DETACHED GARAGE - BURNSALL, WEAVERING STREET, WEAVERING, 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 and informatives set out in the report.

Voting: 12 – For 0 – Against 0 – Abstentions

43. MA/11/0147 - ERECTION OF A TWO STOREY REAR EXTENSION WITH JULIET BALCONY AND ERECTION OF A SINGLE STOREY FRONT EXTENSION (RE-SUBMISSION OF MA/10/2151) - 3 CORNWALLIS COTTAGES, HEATH ROAD, LINTON, 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

44. MA/11/0382 - ERECTION OF A SINGLE STOREY BUILDING TO PROVIDE ADDITIONAL LIVING ACCOMMODATION ANCILLARY TO ROCKWELL HOUSE - ROCKWELL HOUSE, NEW CUT, EAST 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 as amended by the urgent update report.

Voting: 12 – For 0 – Against 0 – Abstentions

45. MA/11/0606 - TEMPORARY CHANGE OF USE FROM A2 USE (FINANCIAL AND PROFESSIONAL) TO B1 USE (BUSINESS) - 40 KING STREET, MAIDSTONE

Having stated that he had pre-determined this application, Councillor Greer left the meeting when it was discussed.

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

RESOLVED: That subject to the expiry of the public consultation period and no new issues being raised, the Head of Development Management be given delegated powers to grant permission subject to the condition set out in the report.

Voting: 6 – For 1 – Against 4 – Abstentions

46. APPEAL DECISIONS

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

RESOLVED: That the report be noted.

47. TRAINING FOR PLANNING COMMITTEE

The Committee considered the report of the Head of Democratic Services regarding the minimum level and type of training required to be a Member/Substitute Member of the Planning Committee. It was noted that the Head of Development Management had drawn up a training programme designed to ensure that new Committee Members and Substitute Members had the necessary knowledge and understanding to undertake the role effectively and would be prepared to meet with any Member on a one to one basis if they were unable to attend the scheduled training sessions.

RESOLVED:

1. That the training programme which has been developed for this year be adopted as the minimum level of training required for new Members/Substitute Members of the Planning Committee and that failure to attend the sessions or one to one training with the Head of Development Management by the end of September 2011 will result in the Member ceasing to be a Member/Substitute Member of the Planning Committee until the training has been completed (sessions will be repeated if necessary).

2. That the training sessions should be open to Parish Councillors and new non-Planning Committee Members.
3. That a progress report should be submitted to the next meeting of the Chairman and Political Group Spokespersons.

48. CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded Members to exercise caution in responding to lobbying material.

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

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

50. DURATION OF MEETING

6.00 p.m. to 10.25 p.m.

## **PLANNING COMMITTEE**

**30 JUNE 2011**

### **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/10/1878 – ERECTION OF 1 NO. BUNGALOW (PLOT 2) WITH DETACHED GARAGE, ACCESS AND ASSOCIATED WORKS (RE-SUBMISSION OF APPLICATION MA/10/1149) – LAND ADJACENT TO THE RETREAT, WARE STREET, WEAVERING, MAIDSTONE 24 FEBRUARY 2011

Deferred for one cycle to enable the Officers to investigate ecological issues on the site, including reptiles.

- (2) MA/10/1627 – ERECTION OF A NEW DWELLING – LAND OFF BEECHEN BANK, BOXLEY ROAD, WALDERSLADE 9 JUNE 2011

Deferred to enable:

1. A fuller analysis of the impact upon the semi natural ancient woodland as a whole.
2. An examination of the ecological interest of the site.
3. The design of the dwelling to incorporate features which take inspiration from the woodland setting.

- (3) MA/10/2189 – ERECTION OF 5 NO. DWELLINGS WITH GARAGING, PARKING PROVISION, NEW DRIVEWAY – AMENDED DESIGN TO THAT APPROVED UNDER REFERENCE MA/09/0760 – LITTLE ORCHARD, CHURCH LANE, BEARSTED, MAIDSTONE 9 JUNE 2011

Deferred to enable negotiations seeking:

1. A reduction in the level of hardstanding on the site.
2. A detailed landscaping scheme to be submitted incorporating additional landscaping within the site.

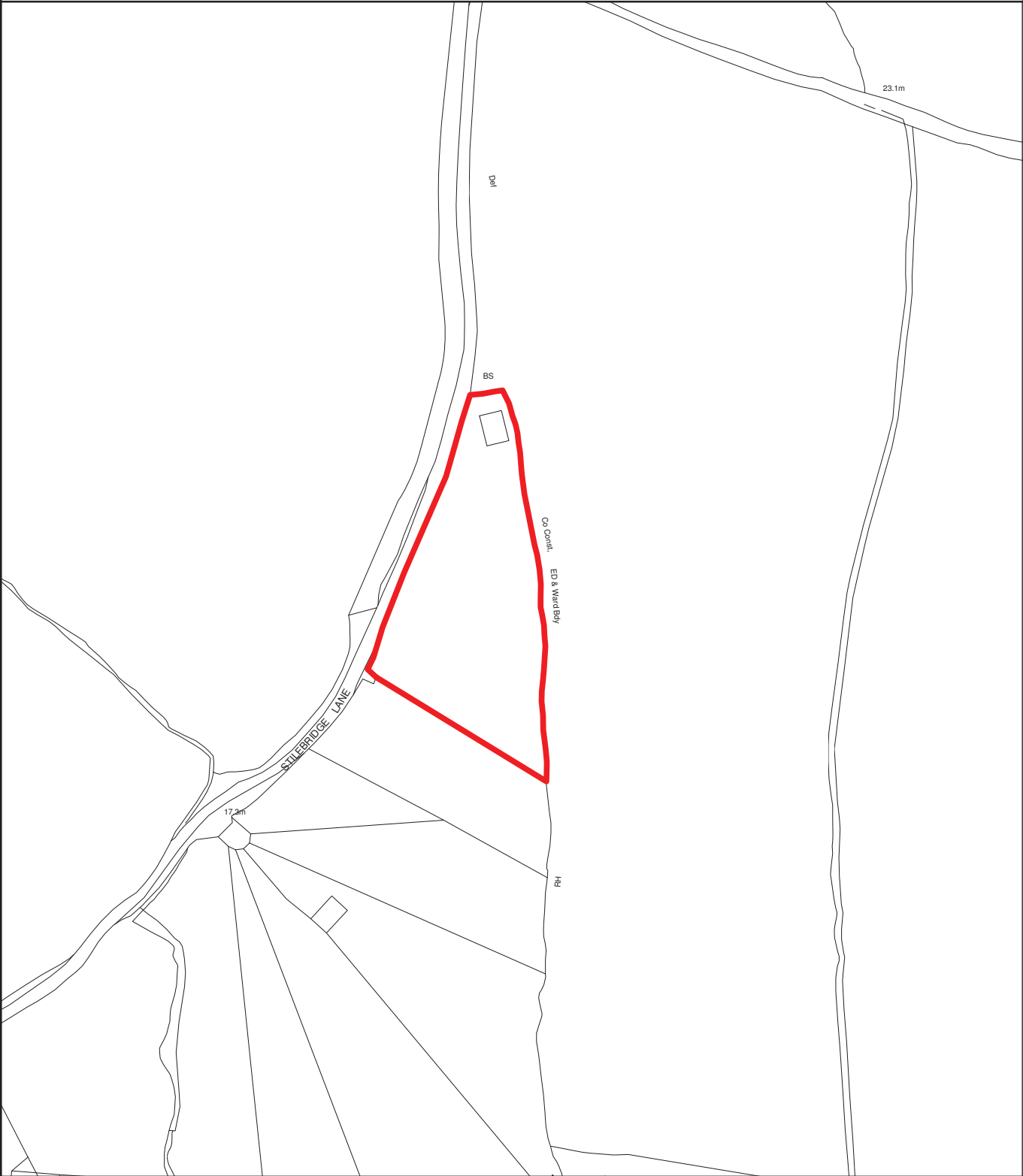


**THE MAIDSTONE BOROUGH COUNCIL**

**PLANNING APPLICATION NUMBER: MA/10/1555**

**GRID REF: TQ7648**

**STILEBRIDGE PADDOCK,  
STILEBRIDGE LANE, LINTON.**



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

APPLICATION: MA/10/1555 Date: 1 November 2010 Received: 8 April 2011  
APPLICANT: Mr Bill Lee  
LOCATION: STILEBRIDGE PADDOCK, STILEBRIDGE LANE, LINTON, KENT  
PARISH: Boughton Monchelsea, Linton  
PROPOSAL: Use of land for the stationing of two mobile homes and two touring caravans for gypsy/traveller occupation and the keeping of horses plus erection of stables, two utility/day rooms, hardstanding and septic tank as shown on drawing nos. MAI/10/PL/01, 02, 03 and 04 received on 30/9/10.  
AGENDA DATE: 30th June 2011  
CASE OFFICER: Geoff Brown

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

- it is contrary to views expressed by Linton Parish Council which has requested Planning Committee consideration

**1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV46
- The South East Plan 2009: CC1, CC6, C4, H4, NRM5
- Government Policy: PPS1, PPS3, PPS7, PPS9, Circular 1/2006

**2. HISTORY**

None directly relevant to the type of application proposed. There is a substantial planning history but that involves a series of applications for agricultural/equestrian usage by a previous owner.

**3. CONSULTATIONS**

LINTON PARISH COUNCIL OBJECTS and requests committee consideration. The comments read:

“The members of the Linton Parish Council have now had the opportunity to see this Application and have visited Stilebridge Lane to see this development and others along the lane. They are very concerned at the work that has ALREADY BEEN UNDERTAKEN on the site without as far as they are aware any

authorisation. There is little or no justification for such a development .... the entire character of the area is being changed ..... before too long the whole lane will be a caravan park.

The Linton Parish Council STRONGLY recommends that this application in FIRMLY REFUSED and wishes it to be referred to the Planning Committee"

BOUGHTON MONCHELSEA PARISH COUNCIL (THE NEIGHBOURING PARISH) OBJECTS. The comments read:

"The Boughton Monchelsea Parish Council would like to see the above application REFUSED because the proposed development would cause significant and irreversible harm to the character and appearance of the open countryside. The proposal is therefore contrary to policy ENV28 which is the sole applicable policy of the development plan.

We also consider the proposed development is clearly not in accordance with the development plan. Policy ENV28 states that planning permission will not be granted for development which harms the character and appearance of the area, and that development on countryside will be confined to specific types of development. The proposed development does not satisfy any of these exception criteria set out in the policy.

The development thereby constitutes a departure from the development plan. The consultation on the application should therefore be recommenced and advertised as a departure from the development plan, and the application should be referred to the Secretary of State.

Specifically, the Boughton Monchelsea Parish Council objects because:

1. Development for gypsy and traveller sites on countryside land is not appropriate under the Development Plan except under exceptional circumstances and those circumstances do not apply to the current application as the proposals are contrary to policy ENV28 of the Maidstone Borough –Wide Local Plan 2000.
2. The development, if permitted, would result in visually intrusive and unjustified residential development within open countryside, contrary to Policy ENV28 of the Maidstone Borough Wide Local Plan 2000 and Policies CC1,CC6 and C4 of the South East Plan 2009.
3. The Council is aware of Circular 01/2006 which refers to gypsy and traveller caravan sites. The Circular is a material consideration but does not form part of the development plan, is not planning policy and does not over-ride, supersede or circumvent planning policy. The Circular provides non-statutory advice and guidance on the application of planning policy. The Circular is also under review by the Secretary of State who is concerned that it is unfair, and inappropriate application of the Circular has resulted in local planning authorities being

“forced” to grant planning permission for development of greenfield land. The Secretary of State also acknowledges that gypsies and travellers have abused the planning system and greater enforcement powers are required to enable action to be taken where the system is abused. We therefore consider limited weight should be applied to the policy and that approval of permission on the grounds of the Circular would be entirely unreasonable.

4. The applicant moved in without discussing with the local planning authority the likelihood of planning consent being obtained. This is contrary to advice that applicants are required to seek to establish good communications with members of the local community and obtain planning permission first. The Secretary of State has made public his view that this type of underhand tactic is unacceptable and should not be rewarded by special treatment; that the planning system is being taken advantage of by people who deliberately develop without permission and seek retrospective permission on the assumption that applications are viewed differently once the use is established.
5. The proposed development fronts onto Stilebridge Lane which is a quiet rural lane. Any development with permitted access onto Stilebridge Lane would significantly harm the character and appearance of the lane and would be contrary to Policy ENV36 of the Maidstone Borough Wide Local Plan 2000. The proposed development would introduce unjustified additional traffic onto a rural lane which will affect its character contrary to Policy NRM10 of the South East Plan 2009.
6. The effect of the development on the ecology of the area has not been properly considered, but there will certainly be some negative impacts. Large areas of impermeable surfacing have been laid where previously there were none which may affect the local eco-system. No investigation has been carried out to establish the effect of this. Permission cannot be granted until more evidence is submitted on the potential impacts and what mitigation can be offered to ensure no significant harm is caused.
7. The Parish Council expects the planning authority to rigorously vet the status of the applicants and their partners to determine if they fully qualify for the gypsy status they claim.
8. The availability of alternative accommodation for travellers is being addressed by the local authority and the provision of this should be awaited before any decision which would cause irreparable harm to the open countryside is taken.
9. The Parish Council acknowledges the need for accommodation to be found for travellers but urges the Borough Council to be circumspect, especially given the recent publicity regarding Circular 01/2006 and the weight that should be applied to it. The granting of planning permission for this application would cause irreversible loss of rural land.”

KENT HIGHWAY SERVICES comments that the traffic generated by the proposed use would not be high and speeds along Stilebridge Lane are low due to its narrow width. The development would not lead to capacity or safety problems and there are no objections provided the entrance gates are set back from the

carriageway. Visibility at the point of access could be improved by the trimming back of vegetation.

THE KCC BIODIVERSITY PROJECTS OFFICER agrees with the ecological statement submitted with the application that the development is unlikely to have resulted in adverse ecological impacts and further surveys are not required. Biodiversity enhancements are possible through the proper management and enhancement of hedgerows.

#### **4. REPRESENTATIONS**

LETTERS OF OBJECTION HAVE BEEN RECEIVED FROM PROTECT KENT AND ONE LOCAL HOUSEHOLD. The following points are raised:

- a) The development would spoil the character of the countryside and contribute to an over-concentration of caravans in this area.
- a) There would be an adverse impact on community harmony.
- b) It is not clear what kind of horses would be kept or for what purpose.
- c) Stilebridge Lane could not cope with the additional traffic. Loose animals from the site already cause a traffic hazard.
- d) The site generates noise and disturbance.
- e) How would services be provided?

#### **5. CONSIDERATIONS**

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

- 5.1.1 The application site is located in open countryside (wholly within Linton Parish) off the east side of Stilebridge Lane approx. 500m east of the A229. The land here is not the subject of any particular landscape designation. The site is roughly triangular in shape and, before development commenced, involved simply a vehicular access at the northern end leading to an agricultural barn with grassed paddocks south of that barn. Land hereabouts is gently undulating farmland.
- 5.1.2 The area of the whole application site (including that earmarked for the keeping of horses) is approx. 0.8ha. The development has already commenced with a mobile home and a tourer (both seem occupied) on site at present on a hardstanding of roadstone at the northern end of the site, with grassed paddocks in the southern half grazed by horses. There are tall, thick, well-established hedgerows to the east and west sides of the application site. Open agricultural land lies to the north and east, with paddocks to the south and the lane to the west.

## **5.2 Proposal**

- 5.2.1 This application proposes a change of use of agricultural land to the establishment of a caravan site for occupation by two gypsy families. This involves a utility block, a mobile home and a touring caravan for each family arranged in two lines, aligned north/south, on a hardstanding area in the northern half of the site. To the south of the caravans would be a small, 'L-shaped' stable block (three stable units and a tack room) of weatherboarding under a tiled roof. The stable block would be approx. 2.4m to eaves and 3.7m to ridge. The application also seeks permission for the keeping of horses, hence the inclusion of grassland in the southern part of the site within the application site.
- 5.2.2 The heads of the two families are two brothers: Bill and Wes Lee. Bill has a wife and four young children; Wes a wife and two young children. The application states that the family has links to Kent and have always travelled as their way of life. They carry out landscaping works and buy and sell horses. They have been searching for sites for several years, having 'doubled up' on sites on occasion.

## **5.3 Principle of Development**

- 5.3.1 There are no saved Local Plan policies that relate directly to this type of development. Policy ENV28 of the Local Plan relates to development in the countryside stating that:
- "Planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers"
- 5.3.2 ENV28 then outlines the types of development that can be permitted. This does not include gypsy development: this was previously formally covered under housing policy H36 but this is not a 'saved' policy.
- 5.3.3 There is no specific gypsy accommodation policy in The South East Plan 2009 although Policy H4 makes reference to providing accommodation for gypsies and therefore there is no need to advertise this application as a departure from the Development Plan. Policy CC1 concerns sustainable development and ensuring the physical and natural environment of the South East is conserved and enhanced. Policy CC6 outlines that actions and decisions associated with the development and use of land should respect, and where appropriate enhance, the character and distinctiveness of settlements and landscapes. Policy C4 concerns landscape and countryside management, essentially outlining that outside nationally designated landscapes, positive and high quality management of the region's open countryside will be encouraged, protected and enhanced, securing appropriate mitigation where damage to local landscape character cannot be avoided.

5.3.4 PPS7: Sustainable Development in Rural Areas outlines at paragraph 15 that:

“Planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced.”

5.3.5 PPS4 is also considered relevant, as whilst it relates to economic development, it provides the Government’s most recent stance on the protection of the countryside at Policy EC6 –

“Local Planning Authorities should ensure that the countryside is protected for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all.”

5.3.6 Also key in the determination of this appeal is Central Government Guidance contained within Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites. This places a firm emphasis on the need to provide more gypsy sites, supporting self-provision and acknowledging that sites will need to be found in rural areas.

5.3.7 Work on the Local Development Framework is progressing; however there is, as yet, no adopted Core Strategy. Now that the Government intends to abolish the South East Plan, local authorities have the responsibility for setting their own target for the number of pitches to be provided in their areas. The Core Strategy will set the target pitch figure for the Borough for the period 2006 to 2016. The Core Strategy will contain a gypsy and traveller policy to assess any windfall sites.

5.3.8 The Local Development Scheme Priority Documents were considered by Cabinet on 8<sup>th</sup> June. In relation to the Gypsy and Traveller Pitch Allocations DPD, Cabinet agreed to no longer pursue this as a specific DPD but instead to merge it with, and allocate pitches within the overall Land Allocations DPD (under a new title of Development Delivery DPD). (The Land Allocations DPD will allocate the specific sites for residential and non-residential development, as well as dealing with landscape designations and village boundaries).

5.3.9 Issues of need are dealt with below but, in terms of broad principles, Development Plan Policy and Central Government Guidance clearly allow for gypsy sites to be located in the countryside as an exception to the general theme of restraint.

## **5.4 Gypsy Status**

5.4.1 Circular 01/06 defines gypsies and travellers as: “Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of

their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such."

5.4.2 I am satisfied that the two Lee families comply with the above definition. They carry out landscaping work and trade in horses which involves travelling to horse fairs. The application documentation includes their father's Romany Guild membership card and photographs which clearly indicate a traveller lifestyle.

## **5.5 Need for Gypsy Sites**

5.5.1 Clearly there is a requirement for the Council to provide gypsy accommodation and this is set out in Government Guidance in both PPS3 and in Circular 01/2006. To ensure that the Council provides adequate gypsy accommodation a Gypsy and Traveller Accommodation Assessment (GTAA) was commissioned to assess the level of need for gypsy accommodation.

5.5.2 The GTAA concluded that there was a need for gypsy accommodation and quantified that with a figure of 32 new pitches for Maidstone over the five year period from April 2006 to April 2011.

5.5.3 However, the pitch requirement revealed in the GTAA assumed that 6 pitches on local authority owned sites across the four authority areas would become available each year through genuine vacancy. For Maidstone Borough, this would assume that 3 pitches/year would become available on the two sites the Council owns totalling 15 pitches over the five years. In fact only 3 genuine vacancies have occurred since April 2006. In the circumstances the overall pitch requirement became 44 pitches for the whole 5 year period.

5.5.4 Since April 2006 the following permissions for pitches have been granted (net):

- 42 Permanent non-personal permissions
- 9 Permanent personal permissions
- 8 Temporary non-personal permissions
- 26 Temporary personal permissions

Therefore a net total of 51 permanent planning permissions have been granted since April 2006.



- 5.5.5 The Council has agreed its public consultation draft pitch requirement for the period 2006 to 2016 for inclusion in the draft Core Strategy as 71 pitches so there is currently a shortfall of 20 pitches.
- 5.5.6 In terms of unauthorised pitches, based on the January 2011 count and according to the Council's database at the time of writing this report, there are 86 unauthorised mobile homes and 69 touring caravans. However, 28 of these mobile homes are 'tolerated' at a large site known as Plumtree Bottom in Stockbury. Here 15 sites were served enforcement notices in 1999 which in effect allow a set number of mobile homes on each plot (total of 34). As such, I consider the number of unauthorised mobile homes is 58.
- 5.5.7 Numerous Inspectors at appeal consider that the level of unauthorised mobiles is an indication of general need; however, I do not consider this to be currently overriding.
- 5.5.8 It is considered that the Council has met the identified need for the period 2006 to April 2011 through the Development Management process. However, the need for pitches continues beyond April 2011.

## **5.6 Visual Amenity**

- 5.6.1 The application site is not located in an area designated for its landscape value and is very well screened by hedgerows to west, north and east which are to be retained as a part of the development. These hedgerows provide good natural screening, in short range views from Stilebridge Lane and from wider views from the A229 to the west and the network of country lanes to the north and east, notably Butt Green Lane and Lower Farm Road. The hedgerows are tall, thick and well established and are of indigenous species. The site already has a barn at its northern end which is quite well screened by the aforementioned vegetation and I see no reason as to why the low level mobile homes, utility rooms, etc. could not be satisfactorily accommodated without having a significant adverse impact on the character of the countryside.
- 5.6.2 As stated earlier, there is already a mobile home and a tourer on site and these caravans are very well screened by the existing hedging on the east and west sides of the land, much of the vegetation in the hedging being significantly taller than the caravans. There are short range views into the site through the access gate but the site is otherwise very well screened. The site would not be an intrusive feature in the countryside from either medium or long distance views.
- 5.6.3 There are other traveller sites on Stilebridge Lane (one authorised close to the junction with the A229; another unauthorised to the south west of this site that is the subject of an undetermined application) but I do not consider that a granting of permission here would lead to an unacceptable over-concentration,

given the spacing between the respective sites and the good natural screening on this site.

## **5.7 Landscaping**

5.7.1 As stated above, the mature hedgerows are to be retained as a part of the development. There are no trees of any significance on the site between the lines of hedgerows. In my view there is no need for additional landscaping given the very good screening provided by the existing which could be safeguarded by condition.

## **5.8 Ecology**

5.8.1 An ecological scoping survey has been submitted as the site is within 500m of the River Beult SSSI to the south. The report concludes that the site is of negligible ecological interest. The hedgerows have greater ecological value but are unaffected by the development. The KCC Biodiversity Projects Officer agrees with the content of the ecological statement and therefore there are no reasons to object on ecology grounds. She seeks enhancements in terms of the management and improvement of the hedging but I only consider it reasonable and appropriate to safeguard the retention of the hedging.

## **5.9 Residential Amenity**

5.9.1 The site has no near neighbours and has no significant adverse impact on residential amenity. The nearest dwelling is approx. 400m away from the proposed siting of the caravans. Given the relative isolation of the site I am not convinced that noise and disturbance from generators and children is so great as to warrant a refusal of this application.

## **5.10 Highways**

5.10.1 Kent Highways has no objection. The local highway network is considered acceptable in terms of accommodating the relatively low level of vehicle movements involved. On the issue of access, the point of access to Stilebridge Lane already existed prior to this development commencing and served the agricultural building. The case officer has examined the visibility at the point of access and considers it acceptable to serve the two plots proposed. There is plenty of land available for parking and turning and such areas are properly surfaced in roadstone. The access gates are set back from the edge of the carriageway. I attach an informative to my recommendation reminding the applicants of the need to ensure that vegetation is controlled around the access to Stilebridge Lane to maintain exit visibility.

5.10.2 It is inevitable that gypsy traveller sites will be located beyond the bounds of settlements and within the rural area. In my view this site is not so remote from basic services and public transport opportunities as to warrant objection on the basis that this is not a sustainable location. The A229/Stilebridge Lane junction is only around 600m away to the south west of the site.

### **5.11 Equestrian use and Stables**

5.11.1 The application makes provision for the keeping of horses and the erection of a stable block. It is quite common for gypsies to keep horses and I do not consider that such a use and the erection of a modest stables building would have any significant negative impact on the character, amenity and functioning of the area. The building is small and typical of equestrian structures to be found throughout the countryside: I do not consider it would have any negative impact on the character of the rural area. A condition can be attached to any consent restricting the equestrian use to private stabling.

### **5.12 Other matters**

5.12.1 No particular personal circumstances have been put forward in this application, other than the need for accommodation and the provision of health and education, given the presence of young children. Whilst I give this some weight, in any event I consider the site acceptable for a permanent and 'non personal' permission.

## **6. CONCLUSION**

6.1 The application site is located in an area of the countryside that is not designated for its landscape value. I consider the site very well screened and acceptable in terms of its impact on the character of the rural area. There is no justifiable reason here for a temporary or personal permission and I phrase my recommendation accordingly.

## **7. RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

1. Before works start on the construction of the utility blocks and stables building, full written details of the proposed external materials to be used in those buildings shall be submitted to and approved by the local planning authority;

Reason: In the interests of visual amenity. This in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and Policies CC1 and CC6 of The South East Plan 2009.

2. No more than 4 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 2 shall be a static caravan or mobile home) shall be stationed on the site at any one time. No caravans shall be stationed on the land to the south of the proposed stables building (i.e. that shown shaded green on approved drawing MAI/10/PL/02 received on 30/9/11);

Reason: To safeguard the character and appearance of the countryside in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and Policies CC1 and CC4 of The South East Plan 2009.

3. The hedging down the eastern and western boundaries of the site shall be retained and no trees or plants shall be removed from those hedgerows without the prior written consent of the local planning authority;

Reason: In the interests of visual amenity. This in accordance with Policies ENV6 and ENV28 of the Maidstone Borough-Wide Local Plan 2000 and Policy CC1 and CC4 of The South East Plan 2009.

4. This site is not to be used as a caravan site by any persons other than gypsies and travellers, as defined in paragraph 15 of ODPM Circular 01/2006.

Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted and an exception has been made to provide accommodation solely for gypsies who satisfy these requirements pursuant to Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites. This in accordance with Maidstone Borough-Wide Local Plan 2000 Policy ENV28 and The South East Plan 2009 Policies CC1 and CC6.

5. No commercial or business activities shall take place on the land, including the storage of vehicles or materials and livery use;

Reason: To prevent inappropriate development and safeguard the amenity, character and appearance of the countryside in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000.

6. Within 2 months of the date of this decision details of existing and any proposed external lighting within the site shall be submitted for approval in writing by the Local Planning Authority. No further external lighting shall be installed at the site beyond that approved under this condition;

Reason: To safeguard the character and appearance of the countryside in accordance with Policy ENV28.

7. The stable building and equestrian use of land hereby permitted shall only be used for the private stabling and keeping of horses in the ownership of the occupiers of

the lawful residential use of the site hereby permitted and when no longer used for these purposes shall, together with any other related development, be demolished and the resulting material removed from the land to the satisfaction of the Local Planning Authority;

Reason: To ensure that adequate security and supervision is provided for the animals kept on the land in accordance with Policy ENV46 of the Maidstone Borough-Wide Local Plan 2000.

8. The development hereby permitted shall be carried out in accordance with the following approved plans: drawing nos. MAI/10/PL/01, 02, 03 and 04 received on 30/9/10;

Reason: To safeguard the character and appearance of the countryside in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan (2000) and Policies CC1 and CC6 of The South East Plan 2009.

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

The ground level vegetation on either side of the point of access to Stilebridge Lane shall be maintained so that adequate exit visibility is always available.

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 the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.

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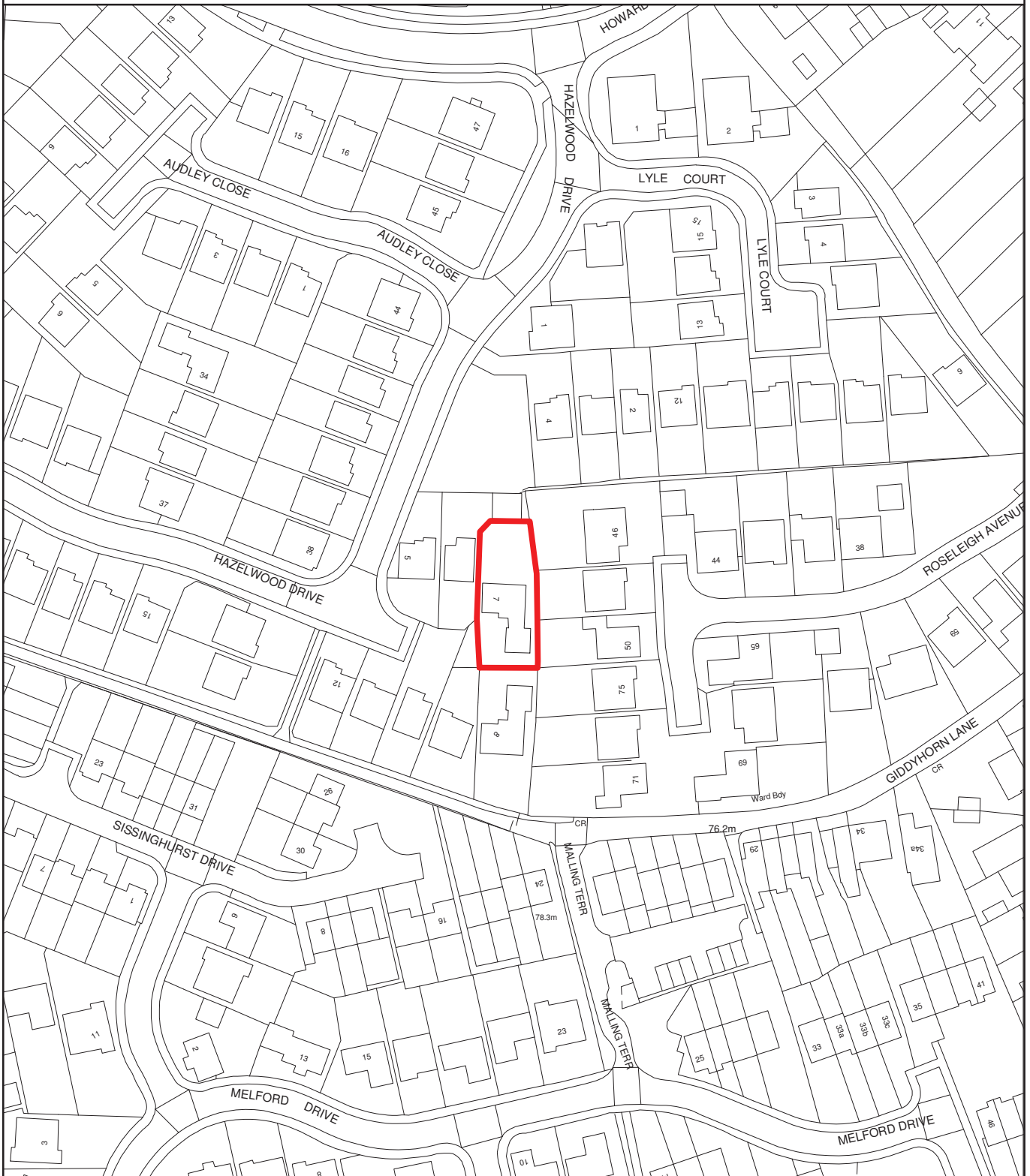


# THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/10/1741

GRID REF: TQ7355

7 HAZELWOOD DRIVE,  
MAIDSTONE.



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**Rob Jarman**  
Head of Development Management

APPLICATION: MA/10/1741 Date: 4 October 2010 Received: 30 March 2011

APPLICANT: Mr N Neseiyif

LOCATION: 7, HAZELWOOD DRIVE, MAIDSTONE, KENT, ME16 0EA

PARISH: Maidstone

PROPOSAL: Amended scheme to planning permission on MA/09/0508 (single storey extension with converted roofspace to south elevation) having revised scale and alterations to fenestration shown on a site location plan and drawing no. 07/05/10/+1 received on 07/10/10 and drawing no. 1102/04 received on 30/03/11.

AGENDA DATE: 30th June 2011

CASE OFFICER: Louise Welsford

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

- Councillor Malcolm Robertson has requested it be reported for the reason set out in the report.

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: H18.
- South East Regional Plan 2009: BE1.
- Government Policy: PPS1.

## **2. HISTORY**

- 2.1 09/0508 - Erection of single storey extension with converted roof space to south elevation – Approved
- 2.2 The development constructed on site is not in accordance with the plans approved under 09/0508, and this application has therefore been submitted.
- 2.3 Copies of the drawings from application 09/0508 are attached as an appendix.
- 2.4 Application 09/0508 was a re-submission of application MA/08/1288, which was for a part single storey and part two storey extension and which was refused.
- 2.5 The only other history is for the erection of the estate.

2.6 No 50 Roseleigh Avenue, to the east, obtained planning permission for a two storey rear extension in November 2008 (prior to the previous application 09/0508 on site). Since application 09/0508 was submitted, this extension has been built. However, it was capable of being implemented prior to the decision on 09/0508 and would therefore have been considered in the determination of that application.

### **3. REPRESENTATIONS**

3.1 Councillor Malcolm Robertson:

"If you are minded to approve this application, please report it to the Planning Committee for the reasons set out below.

This amended application is retrospective. The building has knowingly been built NOT in accordance with the agreed plans and initially without reference back to the Planning Authority.

The amended design is considerably greater in terms of enclosed volume and in terms of the massing effect upon the street-scene, the neighbours, and the neighbourhood. The original design was marginal in its acceptability in this respect. The new design is excessive and should be refused".

3.2 Objections have been received from 4 neighbouring properties, raising the following objections:-

- Loss of residential amenity, including loss of light, overshadowing, loss of privacy/overlooking and loss of outlook, plus too close to properties in Roseleigh Avenue.
- Visual appearance
- Scale, bulk and over-dominant
- Out of character
- Drainage
- Inaccuracies in plans
- Maintenance

#### **4. CONSIDERATIONS**

##### Site and Situation

- 4.1 The application site contains a two storey, detached dwelling. It is located within the urban area of Maidstone, in Allington Ward. The subject dwelling is situated to the east of a turning head in Hazelwood Drive and originally, No.s 7 and 8 had single storey wings facing the turning head, set at right angles to the main house.
- 4.2 Dwellings in the vicinity are mainly detached, but their layout does not have a fixed or uniform pattern. Single storey wings at right angles to the main house are not a regular feature of the area. Building lines are generally regular, but not all buildings front the road. (Some are at right angles to it).
- 4.3 This part of Allington is densely developed. In the wider context, horizontal, flat roofed dormers to first floors are a fairly common feature.

#### **5. PLANNING HISTORY CONSIDERATIONS**

- 5.1 Planning permission was granted under reference MA/09/0508 for an extension to the south elevation. This comprised garaging and accommodation to the ground floor and further accommodation within the roof space, being served by a dormer to the west elevation. The dormer was shown to have a pitched and hipped roof. The extension was shown to replace a single storey garage wing, set at right angles to the main house.
- 5.2 An extension has been constructed on site, but this does not accord with the plans approved under reference MA/09/0508. However, planning permission MA/09/0508 could still be implemented and is therefore a very significant fallback position.

#### **6. PROPOSAL**

- 6.1 This is a retrospective application which seeks planning permission for the extension which has been constructed on site.
- 6.2 The development comprises an extension to the south elevation, again with accommodation upon two floors (including within the roofspace) and garaging to the ground floor. A dormer with a pitched and hipped roof has been constructed to the west elevation. As stated above, the development does not accord with the permission granted under application MA/09/0508.
- 6.3 Officers have visited the site on a number of occasions and have checked the measurements of the development as built against the submitted plans. A

number of sets of drawings have been submitted, and it is now considered that the most recently submitted plans give a fair representation of what has been constructed on site. The actual impact of the development can also be assessed from the site and surroundings, because it has been built.

- 6.4 Below is a summary of key dimensions of the previously approved development (MA/09/0508) and the development as built, for which consent is now sought. All measurements stated are approximate.

	<b>Approved under MA/09/0508</b>	<b>As Built</b>
Depth	7m	7.6m
Width	11.1m	11.2m
Eaves height to east and west elevations	2.5m	2.5m
Eaves height to south elevation	3.3m	3.6m
Ridge height	5.7m	5.9m
Distance from fence to east	0.3m – 0.5m	0.3-0.5m
Distance from fence to south	0.3m	0.25-0.3m
Width of Dormer	6m	6m
Height of Dormer	2m	2.5m

- 6.5 Key changes therefore relate to the increase in overall ridge height (approximately 0.2m), increase in depth (approximately 0.6m), change in eaves height to south elevation (approximately 0.3m) and increase in the mass of the dormer, due to its additional height (approximately 0.5m).

## **7. PLANNING CONSIDERATIONS**

- 7.1 The key issues arising from this proposal are, firstly, the impact upon residential amenity of the neighbouring properties and, secondly, the visual impact of the development upon the character and appearance of the locality.

## **8. RESIDENTIAL AMENITY**

- 8.1 The main issues relating to residential amenity are light and outlook.
- 8.2 The property which is most affected by the proposal is No. 50 Roseleigh Avenue, directly to the east of the development. No. 8 Hazelwood Drive also adjoins the development to the south and No.s 48 and 75 Roseleigh Avenue, to the north east and south east respectively, are in close proximity.

- 8.3 The extension is positioned very close to the rear boundary of No. 50 Roseleigh Avenue. The boundary is at a slight angle, and the development is estimated to be at most approximately 0.5m from the boundary and in places somewhat less (approximately 0.3m). There is a step in the rear wall of the development and its roof.
- 8.4 The development is also of substantial height being approximately 5.9m to ridge.
- 8.5 However, it is important here to note the fallback position. The extant permission allowed for a development of a similar distance from the boundary and with a ridge height of approximately 5.7m. The eaves height of both proposals remains similar at approximately 2.5m. This is a very significant material consideration, as this scheme could still be implemented.
- 8.6 In summary, the main differences affecting residential amenity are that the ridge height is approximately 0.2m higher and the part of the rear wall which is stepped out is between approximately 0.1m and 0.2m closer to the boundary.
- 8.7 A loss of light test has been undertaken in accordance with a method referred to in the British Research Establishment report "Site Layout Planning for Daylight and Sunlight". This test is based on the elevations of the buildings and takes a 25 degree angle between the buildings. In carrying out this test, the difference in land levels between the site and No.50 Roseleigh Avenue has been taken into account. (The site is approximately 30cms higher than No. 50 Roseleigh Avenue). The loss of light test clearly does not show a significant loss of light to No. 50 Roseleigh Avenue.
- 8.8 The part of the development which is approximately 20cms higher than approved is around the ridge level, which is around 4m from the boundary with No.50 Roseleigh Avenue. The eaves height remains in line with the previous approval.
- 8.9 The increase in height over the approved height is less than 4% of the overall height. The change in distance from the eastern boundary, being a maximum of approximately 20cms, is also a small change, although I accept that No.50 Roseleigh Avenue's rear garden is not large (approximately 9m in depth).
- 8.10 On balance it is considered that the scale of the changes is such that the development has not resulted in a significant loss of light to, overshadowing of, loss of outlook for, or overbearing impact upon, No. 50 Roseleigh Avenue, of such a level as to warrant and justify a refusal on grounds of harm to residential amenity.
- 8.11 The difference in the impact of the current scheme and the previously approved scheme is considered very minimal.



- 8.12 The development is visible to Nos. 48 and 75 Roseleigh Avenue, but I do not consider that it has resulted in a significant loss of outlook for these properties, additionally because it is not directly in line with them but to the north and south. These properties are further from the development than No.50.
- 8.13 It is noted that No.48 already looks out onto a solid two storey wall of the original house of No. 7 and, to my mind, this is the more dominant feature for its outlook (even though it is set further back from No.48). However, the extension does not extend along No. 48's side boundary, so I do not consider that No.48 is unacceptably "hemmed in" by development or has an unacceptable outlook.
- 8.14 It is considered that No. 8 Hazelwood Drive has not experienced a significant loss of light, overshadowing, loss of outlook or overbearing impact, because the development lies to the north of No. 8 and is adjacent to what is mainly a garage wing, rather than the main house.
- 8.15 Turning to privacy, new openings to the west elevation face the road and that to the north faces the garden of the site. There are no windows to the south elevation.
- 8.16 There is a window to the east elevation, measuring 1200mm x 1200mm, but this is obscure glazed and stated to be non-opening. This would not, therefore, cause a significant loss of privacy.
- 8.17 It is noted that an obscure glazed window (with a top opening fanlight) of approximately 0.9m x 1.2m was approved to the east elevation under the previous consent.

## **9. VISUAL IMPACT**

- 9.1 In visual terms, the increase in overall height of approximately 0.2m is not easily discernible. The increase is less than 4% of the overall height. In my view, this extra height does not render the extension significantly less subservient to the original house or visually intrusive in the streetscene.
- 9.2 The depth of the extension has been increased by approximately 0.6m and this has resulted in the extension being sited further westwards, towards the road. However, it is still set back by approximately 20m from the turning head of the road and this extra depth of the extension has not, in my view, rendered the development significantly more prominent in the street.
- 9.3 The dormer to the west elevation has been increased in depth from approximately 2m to 2.5m, which has, in turn, increased the mass of the dormer. However, the dormer is still set down from the ridge by approximately

0.3m, as previously approved and from the road, the ridge is visible above the dormer. It is also important to note here that in the wider area, horizontal, flat roofed dormers to first floor front elevations are part of the character. I do not consider that this proposal is significantly out of character with the wider surroundings and, given the character of the general locality, I do not consider the dormer to be so dominant upon the roofslope as to cause such significant visual harm as to justify a refusal, on balance.

- 9.4 The additional volume of the dormer is estimated to be approximately 1.5 cubic metres, which is a low figure in relation to the overall mass of the development. Due to the scale of the changes, the additional bulk of the development is not considered to result in a development which is so dominant in the streetscene as to justify a refusal, on balance.
- 9.5 The materials which had been used are a good match for existing materials and are not of obtrusive colouring.

## **10. OTHER ISSUES**

- 10.1 Due to the nature and scale of the changes since the approved scheme, there are no new parking issues.
- 10.2 Representations have been received questioning the accuracy of the submitted plans. As stated, officers have visited the site on a number of occasions and have checked the measurements against what has been built. The most recently submitted plans are considered to give a fair representation of what has been built. In addition, the development can also be assessed from the site and surroundings because it has been built.
- 10.3 Maintenance is not a material planning consideration. Drainage is dealt with by Building Regulations, and on this size of development, the development is not considered to result in such significant drainage issues as to warrant refusal.

## **11. CONCLUSION**

- 11.1 I have considered all of the issues raised in representations and have assessed the application upon its own merits.
- 11.2 This is very much a balanced case. On balance, the proposed changes to the approved scale and design of the extension are not considered to have resulted in such significant harm to residential amenity or to the character of appearance of the locality such as to warrant and justify refusal. Approval is therefore recommended.

## **12. RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

1. The proposed window to the east elevation shall be maintained as obscure glazed and incapable of being opened;

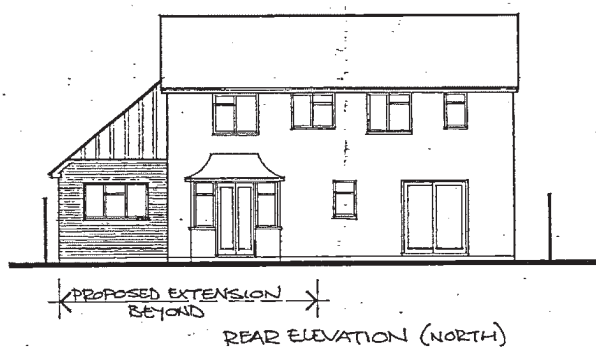
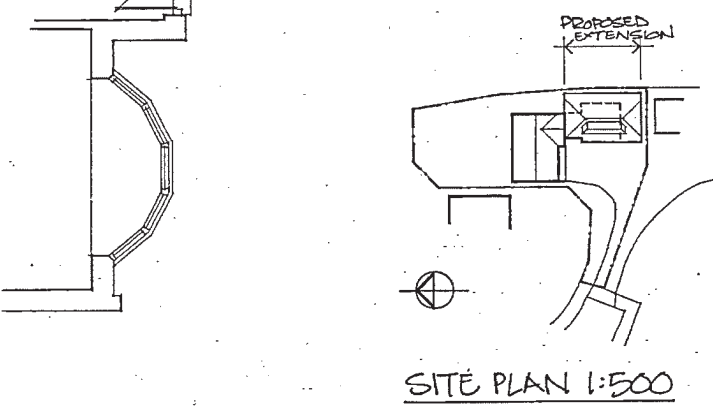
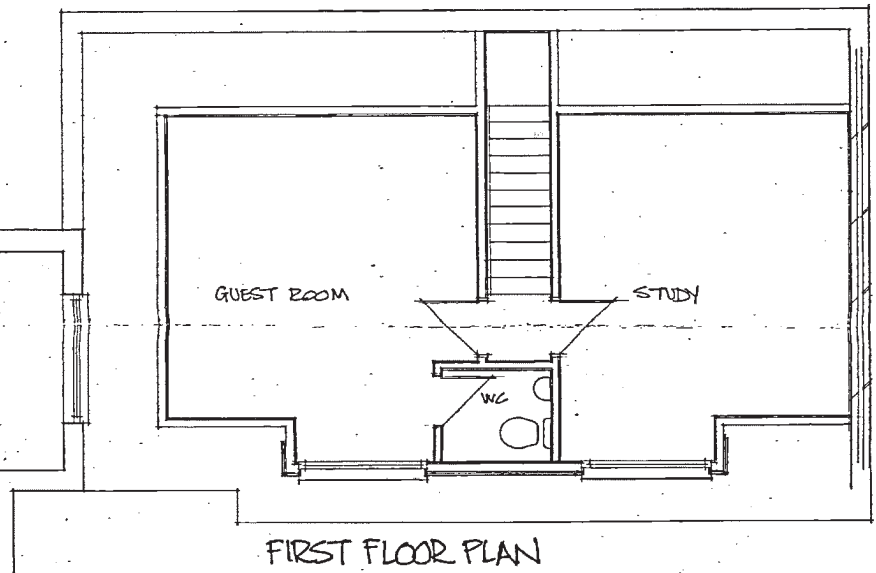
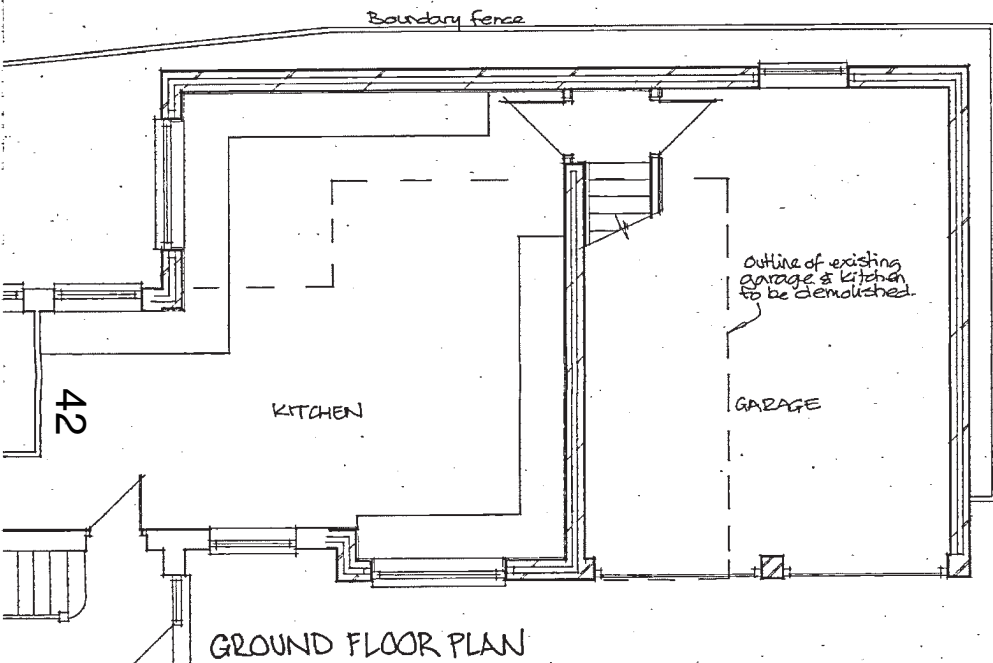
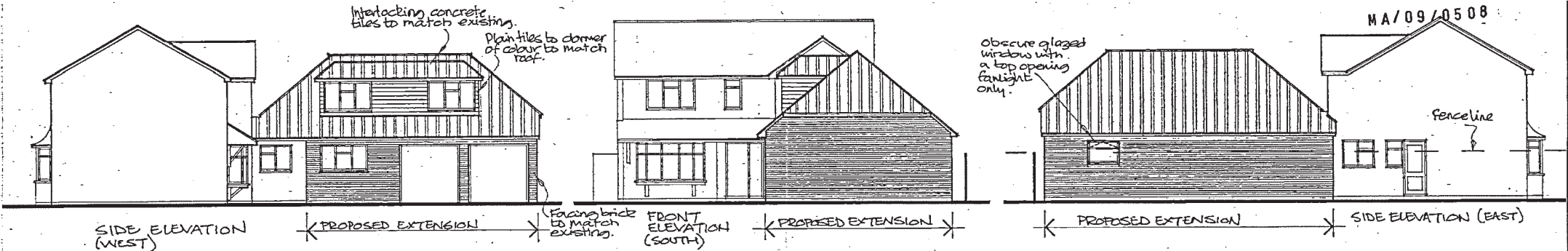
Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers, in accordance with Policy H18 of the Maidstone Borough-Wide Local Plan 2000 and PPS1.

2. No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in the east elevation of the extension hereby permitted.

Reason: To prevent overlooking to adjoining property and to safeguard the privacy of the occupiers in accordance with Policy H18 of the Maidstone Borough-Wide Local Plan 2000 and PPS1.

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

MA/09/0508



P.P. Correspondence?
REP: 25 MAR 2009 [initials]
CHO. DET. & DRAWER

**7 HAZELWOOD DRIVE,  
 ALLINGTON,  
 MAIDSTONE,  
 KENT.**

**SINGLE STOREY FRONT  
 EXTENSION WITH  
 ROOMS IN THE ROOF.  
 PLANS & ELEVATIONS.**

MARCH 2009  
 PLANS 1:50  
 ELEVATIONS 1:00

Hazelwood

MA/10/1741

Representations

E-mails have been received from two neighbouring properties, raising the issues of loss of light, measurements of the development, visual impact upon the streetscene and stating that No 6 Hazelwood Drive has not been notified of the application.

Officer comments

These issues are mainly addressed in the report.

To expand, it is not considered (or stated) that the development has caused no loss of light to No 50 Roseleigh Avenue, but that the loss of light test carried out (attached) does not show a *significant* loss of light to No 50 Roseleigh Avenue. It is accepted that there has been a loss of light, most notably to the garden area of that property, but on balance, it is considered that the loss of light is not of a scale which would warrant and justify a refusal.

Representations have submitted measurements of the development taken using a laser. These give a ridge height of 6.03m, which is approximately 100mm higher than shown upon the drawings. As stated in the report, officers have taken measurements at the site, using both a tape measure and a laser, and are satisfied that the drawings give a fair representation of what has been constructed and it can also be assessed from the site and surroundings, because it has been built. Any discrepancy in the region of 100mm is not considered significant.

The photographs merely show some examples of dormers in the surroundings. Due to the position of the development, at the end of the road, it is not considered visually closely related to other parts of the street in Hazelwood Drive. It is accepted that road facing dormers are not part of the character of Hazelwood Drive itself, but there are many examples in nearby streets, including Roseleigh Avenue, Poplar Grove, Ash Grove and Stirling Avenue. PPS1 advises that consideration should be given to the local area more generally and it is considered that horizontal front dormers are a feature of the general local area. Moreover, buildings in Hazelwood Drive are typically full two storey height, whereas this part of the building is effectively one and a half storeys, so it is different. Furthermore, a horizontal dormer has already been accepted at the site under the extant permission MA/09/0508.

Our records indicate that No 6 Hazelwood Drive was notified in writing of the application and a site notice was also posted in the vicinity of the site.

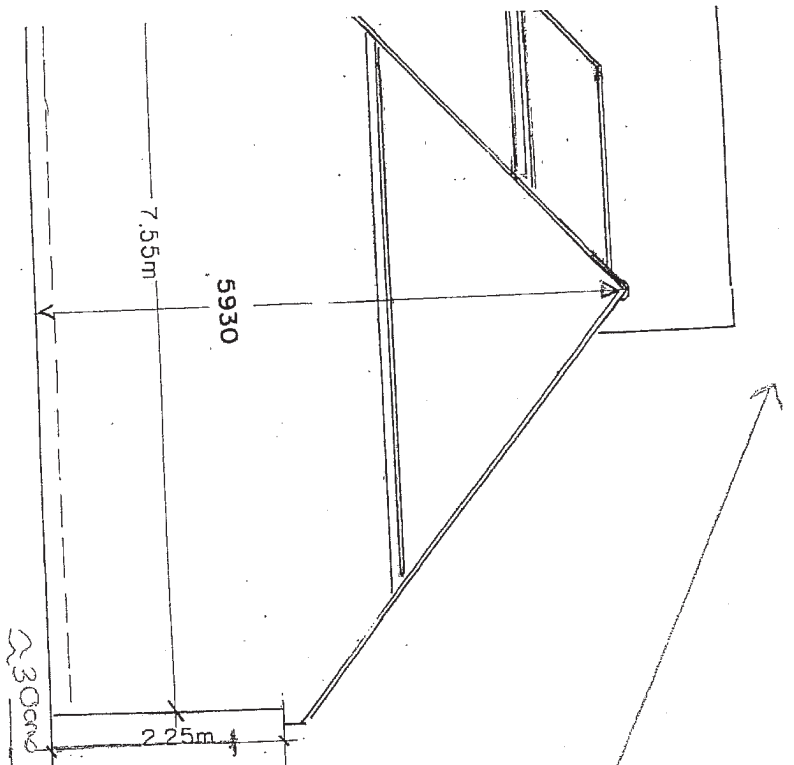
Recommendation

The recommendation remains unchanged.

N/A 10/174

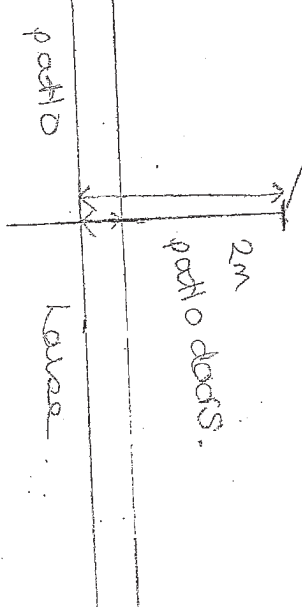
NOTES:  
All dimensions must be checked on site and not scaled from this drawing.

Front Elevation South



LOSS OF LIGHT  
 - EST.  
 - PASSES.  
 MEASUREMENTS  
 (APPROXIMATE).

50 ROSELEIGH  
 AVENUE  
 44



Revisions	
A	28/3/11 REVISED ELEVATIONS

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20.06.2011

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17.06.2011



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17.06.2011



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20.06.2011

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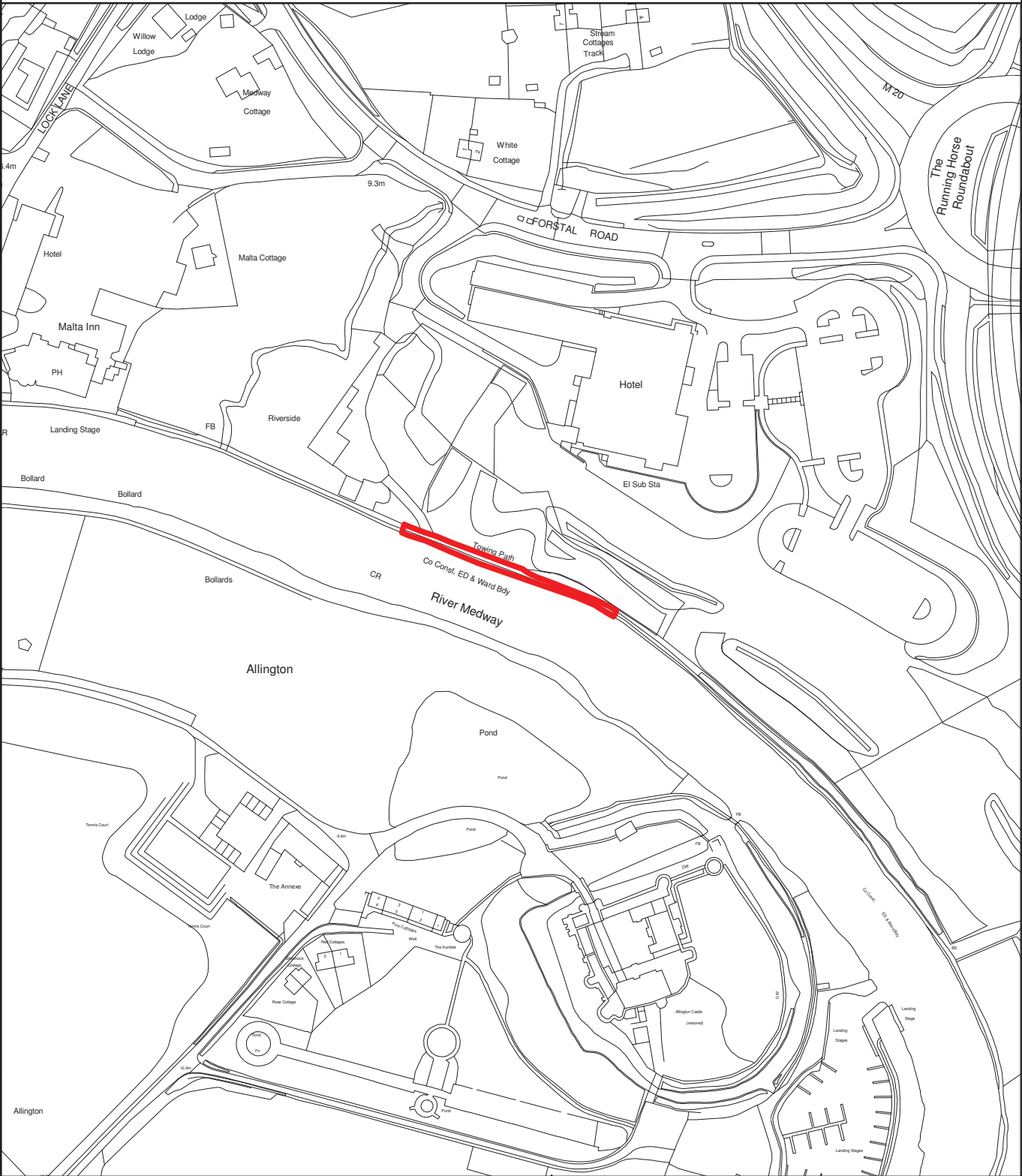
20.06.2011

## THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/10/1824

GRID REF: TQ7558

RIVERSIDE COTTAGE,  
SANDLING, MAIDSTONE.



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

APPLICATION: MA/10/1824 Date: 2 October 2010 Received: 27 October 2010  
APPLICANT: Mr R Lovitt, The Malta Moorings  
LOCATION: RIVERSIDE COTTAGE, SANDLING, MAIDSTONE, KENT, ME14 3AS  
PARISH: Boxley  
PROPOSAL: Use of river bank to moor residential barges  
AGENDA DATE: 30th June 2011  
CASE OFFICER: Amanda Marks

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

- It is a departure from the Development Plan

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV26, ENV28, ENV31, ENV34, ED25
- South East Plan 2009: C4, NRM1, NRM4, CC1, T4
- Government Policy: PPS1, PPS3, PPS7, PPS5, PPS25

## **2. HISTORY (most relevant)**

MA/09/0601 - Riverside Cottage, Forstal Road, Aylesford. Retrospective planning permission for change of use to moor residential barges from riverbank. APPROVED

MA/92/0565 - Riverside Cottages, Forstal Road, Aylesford. Provision of moorings at 10 metre intervals along 245m of the north bank of the River Medway for residential 'classic' boats including sewage disposal facilities and parking for 15 cars. APPROVED

MA/90/1522 - River Medway and Castle View Farm. Moorings of boats, laying out of ancillary car parking and footpath. REFUSED

## **3. CONSULTATIONS**

- 3.1 Boxley Parish Council were notified and do not wish to object
- 3.2 Environment Agency: raise no objection but suggest the following informative:

'The anchorages/moorings should account of the rise and fall of an extreme tide. We normally recommend that a 4 metre rise is considered, taken from the height of the nominal water level.

For information, 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 River Medway, designated a 'main river'.

3.3 KCC Footpaths: raise no objections

3.4 English Heritage: do not wish to comment

#### **4. REPRESENTATIONS:**

4.1 One neighbour objection regarding lack of car parking, utilities and boundary ownership dispute.

#### **5. CONSIDERATIONS**

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

5.1 This river site is located within the open countryside, a designated Special Landscape Area and Strategic Gap. The site comprises 3 river boats moored along a 100m stretch on the north side of the river Medway. Policy ENV28 restricts development in the countryside unless it falls within strict criteria. New residential use is generally unacceptable and as such the proposal is a clear departure from the local plan and has been advertised as such. The proposal has also been advertised as affecting a PRow (KH45) and the setting of a Listed Building.

##### **5.2 Proposal**

5.2.1 Retrospective planning permission is sought for residential moorings on a stretch of the northern riverbank of the River Medway 395m upstream of the Allington Lock. The application site comprises a length of 100m of the river, the adjacent river bank and some private land on the north side of the tow path. There are 3 barges moored within the 100m stretch of river and it is for this section of the river that consent is sought for the change of use to residential. The operational development in terms of the moorings themselves have been in situ well in excess of 10 years and do not form part of the application.

### **5.3 History**

5.3.1 Members may recall that a similar application was reported to Committee in August 2009 (MA/09/0601); this was on the adjoining 145m stretch of river immediately west of the application site. Planning permission was previously granted covering both the 2009 application site and the current one for a temporary change of use in 1992. Under the terms of condition 1 of MA/92/0565 the use should have ceased and the land/river returned to its former condition on or before 30 September 1997. The use however continued unauthorised until August 2009 when the application was approved with regard to the use of 145m of the river and associated adjoining land. The 2009 application only sought to regularise 145m of the residential use as this was all that was within the ownership of the applicant. The remaining 100m which had previously been part of the 1992 had been sold on and is now the subject of this application.

5.3.2 The 1990 planning application referred to in the planning history was for a site opposite Allington Castle. The application was refused on the grounds of inadequate parking, unacceptable sewerage arrangements, impact on the setting of Allington Castle and unacceptable residential development in the countryside.

### **5.4 Planning Considerations**

5.4.1 The main issues for consideration area as follows:

- Whether there are exceptional circumstances to override the policy presumption against residential development in the countryside;
- Whether the development affects the setting of a Listed Building;
- The impact of the development on the towpath a designated PRoW;
- Flooding/EA river uses;
- Amenity impact and provision;

### **5.5 Principle of the Development/Development in the Countryside**

5.5.1 New residential development is generally unacceptable in policy terms and this is quite clearly the stance in PPS7. Exceptions can be made to this if a dwelling is for the purposes of supporting an agricultural holding or if a case is made for exceptional circumstances. Clearly this proposal is not for traditional residential development in the countryside as it is use of the river not land. River traffic including moored boats is an expected and historic feature on main Rivers and the Medway is not an exception to this. This stretch of the river is on the approach to Maidstone Town Centre and on a much used PRoW. This area attracts a number of other leisure crafts and visitors to the attraction 'Kent Life' and adjacent restaurant and hotel accommodation. The river barges are therefore highly visible from both on and off land. However, Policy ENV28

strives to protect and preserve the character of the countryside and the assessment needs to be whether the river barges conflict with the purposes of the policy.

5.5.2 There are no specific Development Plan policies for houseboats, however, as mentioned river traffic including permanent moorings are an expected feature on main rivers. The principle of allowing such development was confirmed through the initial grant of a temporary planning permission in 1992 and more latterly through the 2009 application on the adjoining stretch of river.

5.5.3 The relatively minor nature of the development means that it would have a minimal impact on the character and appearance of the Special Landscape Area or the openness of the strategic gap. Therefore I consider there would be no conflict with the respective policies aiming to preserve these designations.

## **5.6 Impact on the Setting of a Listed Building**

5.6.1 On the southern side of the River further upstream to the south east is Allington Castle a Grade I Listed Building. Policy BE6 of the South East Plan requires local planning authorities to have regard to the historic environment and support proposals which will enhance, protect and conserve as necessary. There are very limited views of the castle from the application site and then only when you get close to the end of the 100m strip. Whilst the application has been advertised as affecting the setting of a Listed Building, in a similar vein to the 2009 application, it is my opinion that there is sufficient distance between this site and the castle not to affect the historic setting. The Conservation Officer has not raised objection to the application and English Heritage do not wish to comment.

5.6.2 As stated earlier moorings have been a historic feature with this area for hundreds of years. Policy ED25 of the Maidstone Borough-Wide Local Plan 2000 allows for further small scale short term moorings; there is no specific policy for long term moorings such as those within this application.

## **5.7 Public Right of Way**

5.7.2 Previously KCC PRow have raised concerns over the condition of the riverbank along this stretch of towpath and it was considered that the boats contribute to riverbank erosion. This matter was fully explored at the time of the earlier applications and repair works were undertaken a few years ago due to slippage. There are no objections to the current application from KCC PRow or the Environment Agency and therefore the matter is not an issue for this application.

## **5.8 Flooding**

5.8.1 A flood risk assessment has been submitted with the application. This report is the same as that submitted under the 2009 application. The report and conclusions were accepted previously and the Environment Agency has not raised any new concerns. There are no objections on the grounds of flooding.

## **5.9 Amenity Issues**

5.9.1 One of the main differences between this application and the 2009 application is that there is no guarantee of a parking area. Whilst the applicant states that there is an arrangement with Malcolm Kerr to provide 8 car park spaces on his land at his boat yard in Gabriels Wharf, this is by no means legally binding and cannot be taken as a definite and lasting arrangement. Furthermore, Gabriels Wharf is the opposite side of the river and to the west of the lock. I therefore feel the application should be considered on the basis of there being no formal car parking. This being said no complaints have been received with regard to residents parking in an unneighbourly manner in the vicinity.

5.9.2 The residents have the benefit of fresh water and are able to connect their systems on a regular basis to fill up their tanks. There are no restrictions on their usage. Power has been supplied to the residents by providing generators for their usage. With regard to foul sewerage the residents empty their tanks at a pump out facility at the Locks. With regard to bin storage, the residents pay Council tax to MBC and have been provided with bins. Refuse is either retained on board or stored on land through a gate at the back of the towpath within an enclosure and then and taken to the Malta Inn for collection.

5.9.3 Whilst the 100m application site does not have the same level of service provision as the previously approved 145m (i.e. no permanent parking provision or on land bin storage), the fact still remains that barges have been moored here for residential use in excess of 10 years. The application is really to allow more certainty to the residents in terms of their future. The reason for this application as opposed to the submission of a Certificate of Lawfulness was to remain consistent with the 2009 application.

## **5.10 Other Matters**

5.10.1 The site is located within the countryside, however, it is not isolated in location. The site is approximately 200m outside the urban boundary of Maidstone. Therefore it is considered that the barges are in a fairly sustainable location near to Maidstone and the amenities that it offers. The tow path leads directly into the town for pedestrian and cycle routes from the application site.



5.10.2 The 1992 planning permission restricted the number of boats to ten within a stretch of 245m. The 2009 application restricted this number to six over 145m. There are currently 3 boats within the 100m application site, but I consider a condition restricting this to four is appropriate and would thereby equal the 10 restriction when both sites were as one. Further, one of the currently moored is substantial and if the boats change then four could be accommodated within the application site.

5.10.3 With regard to ecology, this has never been raised on any of the previous applications. The residential use of the site has been in situ for approximately 20 years and the boats are an established part of the environment both visually and in terms of their potential impact on ecology. There are no adverse ecological implications arising as a result of the development.

## **6. CONCLUSION**

6.1 In light of the above circumstances, I consider that there are exceptional circumstances in this instance as to why residential accommodation is appropriate in the countryside. This is not traditional residential development of bricks and mortar, and the barges do contribute to the character and history of the River Medway. I therefore recommend approval.

## **7. RECOMMENDATION**

I recommend that permission be granted subject to the following conditions:

1. The maximum number of vessels that may be moored along that part of the riverbank within the application site shall not exceed 4 craft at any time.

Reason: In order to prevent the over-intensive use of the riverbank for mooring of vessels and to limit the impact of off site car parking in accordance with policies ENV28 and T13 of the Maidstone Borough-Wide Local Plan 2000.

2. No sewerage shall be discharged to any surface water drainage system or watercourse.

Reason: To prevent any contamination of the water environment and in accordance with Policy ED25 of the Maidstone Borough-Wide Local Plan 20

### **Informatives set out below**

The applicant is advised that under the Water Resources Act 1991 and associated byelaws, the River Medway is designated as a main river and as such, the prior written consent of the Agency is required for any works, in, on, over, under or adjacent to the main river. The byelaw margin for non-tidal main river is eight metres from the top of

the bank or toe of flood defence embankment or wall.

The anchorages/moorings should account of the rise and fall of an extreme tide. We normally recommend that a 4 metre rise is considered, taken from the height of the nominal water level.

Although the Agency has a right to enter onto land to carry out maintenance and repairs to the riverbank, it is not under any obligation to do such work. In the absence of any express agreement to the contrary, maintenance or repair of the riverbank and any structure affecting the channel is the responsibility of the riparian owner.

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 the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.













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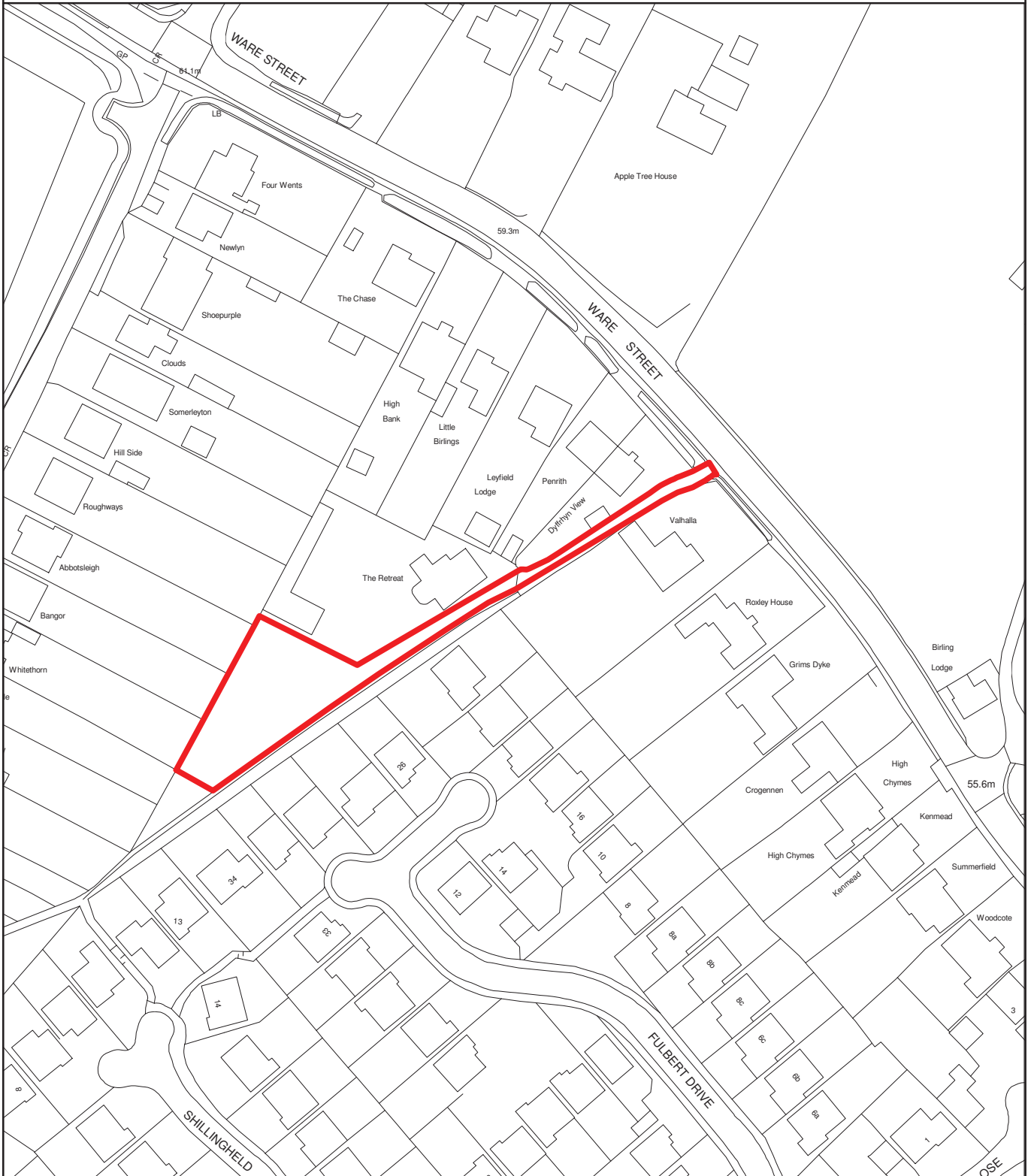


# THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/10/1878

GRID REF: TQ7856

LAND ADJACENT TO THE RETREAT,  
WARE STREET, WEAVERING.



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**Rob Jarman**  
Head of Development Management

APPLICATION: MA/10/1878 Date: 25 October 2010 Received: 3 November 2010

APPLICANT: Mr R Parsons, Solinparc Ltd

LOCATION: LAND ADJACENT TO THE RETREAT, WARE STREET, WEAVERING, MAIDSTONE, KENT, ME14 5LA

PARISH: Thurnham

PROPOSAL: Erection of 1no. bungalow (plot 2) with detached garage, access and associated works (re-submission of application MA/10/1149)

AGENDA DATE: 30th June 2011

CASE OFFICER: Amanda Marks

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

- It is contrary to views of Thurnham Parish Council
- Cllr Horne requested it be considered by planning committee
- It is a deferred committee item

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6, T13
- South East Plan: CC1, CC4, BE1, T4, H4
- Government Policy: PPS1, PPS3, PPG13

## **2. HISTORY**

MA/10/1149 – Erection of a four bedroom bungalow Refused 26.08.10

## **3. BACKGROUND**

- 3.1 This application was reported to the Planning Committee on 24 February 2011. A copy of the previous report and Urgent Update Report are attached at Appendix One.
- 3.2 Members deferred consideration of the application for the following reason;
- To allow Officers to investigate ecological issues on the site, including reptiles.
- 3.3 Subsequent to this decision the case officer contacted the ecology consultant at Kent County Council and requested a visit be undertaken to the site. On the

previously refused planning application, the ecologist had not been consulted and therefore no such visit was undertaken. In the current application however, the site had been left to grow wild for a longer period of time and therefore Members felt the ecologist should be consulted. From this visit the ecologist advised that there was the possibility of protected reptile species being present on site, and that as such an initial ecological survey would need to be undertaken. The ecologist felt that due to areas of tall grassland and the general unkempt appearance of the site it was a possible habitat for reptiles. However, due to the timing of the deferred application it was not possible to undertake the surveys straight away as the optimum time for reptiles to be detected was not until the weather had warmed up and in any event not until April. For this reason, it has not been possible to re-report the application just one committee cycle later as requested by planning committee.

- 3.4 An ecological reptile survey was undertaken throughout April and May; the advice of the ecological consultant was once again sought.

#### **4. RE-CONSULTATIONS**

KCC Ecology: (In summary):

The reptile report was reviewed and it was considered appropriate in terms of method and levels of survey. As a result no further survey work or specific mitigation was considered necessary.

Reference is made to the wood/brush piles and their potential to provide opportunities for nesting birds. The Wildlife and Countryside Act 1981 (as amended) protects wild birds from being killed, injured or captured, and their nests and eggs from being damaged, destroyed or taken while in use. It is essential therefore to ensure that adequate measures are employed in the timing and manner of the removal of the piles.

The County ecologist recommends that the pile removal is carried out outside of the bird nesting season (bird nesting season is March to August inclusive), but consideration must also be given to the extant potential of the piles to provide hibernation opportunities for reptiles and amphibians during the winter; this would result in restricting the removal period to September – October. If there is no alternative but to undertake the removal during the bird nesting season, a visual search of the piles for active nests must be undertaken prior to works beginning. The piles must then be dismantled by hand. If any active nests are encountered while they are being dismantled, works must cease until the young have fledged to prevent an offence being committed.

The County ecologist recommends that ecological enhancements are sought. In particular, the landscaping proposals provide opportunities to plant native

species that would have ecological benefits for wildlife; we recommend that the non-native species proposed are replaced with native species.

Bat and bird boxes could also be provided to enhance opportunities for wildlife and could be erected on the existing tall trees on the site or on the proposed building, including the potential for integrating bat boxes into the brickwork.

## **5. REPRESENTATIONS**

- 5.1 Since the deferral of the application from planning committee residents have notified Officers of strimming works being undertaken on site (Mid-April) and also suggested that protected species have been seen on the site in the past – although no specific detail has been given. Planning Enforcement advised residents that the matter did not constitute development and would need to be reported to the police wildlife enforcement officer as a potential wildlife crime. I have however been unable to establish if this happened.
- 5.2 Unfortunately in circumstances as the above, there is nothing that the local planning authority can do to prevent the works being undertaken as strimming does not constitute development. No breach of planning permission has occurred as no planning permission has been given.

## **6. AMENDED PROPOSAL**

- 6.1.1 Following the deferral and since being notified of the ecologists' views, the applicant has submitted additional detail confirming the intention to adhere to the ecologist's suggestions to manage the site development as much as possible.
- 6.1.2 The applicant is also willing to amend the landscape scheme to provide more suitable species/additional planting if required.
- 6.1.3 The main concern expressed from Members, was whether the development would cause harm to the ecological value of this former garden land. The fact that the site had been cleared and then left with abundant foliage and habitat remaining over the winter period meant that a new haven for wildlife could have been created.

## **6.2 Considerations**

- 6.2.1 PPS9 states that '*the aim of planning decisions should be to prevent harm to biodiversity*'. Circular 06/2005 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.*'

- 6.2.2 It is clear from the submitted ecological report that there were no protected species found on site. The habitat had been identified as having potential to support reptiles due to the nature of rough grassland and undergrowth, however as mentioned the site was strimmed. The report is accepted by the County Ecologist and therefore the only conclusion that can be drawn is that if planning permission is granted for the proposed bungalow it will not be to the detriment or harm of protected species. The undertaking of the ecological survey and its results accord with the above stated Government Policy and Guidance.
- 6.2.3 It is disappointing that the applicant and/or agent took the decision to trim the site prior to the ecological survey work being undertaken, however, as mentioned this was outside of planning control. I consider it perfectly reasonable for provision to be made for bat and bird species within the development in line with PPS9 which also requires development to incorporate ways to enhance and restore biodiversity. The current habitat on site is limited in terms of providing for birds and bats and such a requirement would constitute potential enhancement of biodiversity.
- 6.2.4 The applicant has indicated that he would be willing to erect bat and bird boxes within the site and I therefore consider it reasonable to apply a condition requiring a scheme of detail to be submitted.
- 6.2.5 With regard to plant species, a further condition to secure appropriate landscaping with native species was included on the main report which addresses the comments of the ecologist.
- 6.2.6 This site is not any more special than the average garden in an urban area. If the site were to be left indefinitely then it is possible that reptiles may take up residence, however given the location between other residential properties I do not consider this to be such a significant location to expect a strong population of reptiles; and indeed none were found.
- 6.2.7 The ecological value of the site must be considered proportionately. The site is not identified as being of ecological value i.e. as a SSSI or SNCI, nor is it in the countryside and/or close to features such as water, redundant buildings or open land ideal for foraging. I therefore consider that the proposal is not contrary to the advice of PPS9.

## **7. CONCLUSION**

In light of the above considerations, and that no other circumstances have changed on site, I recommend planning permission be granted.

## **8. RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: as dated stamped 27 October 2010.

Reason: In the interests of the environment and to prevent harm to the residential amenity of neighbouring occupiers in accordance with PPS3.

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

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

4. Replacement trees T1, T2 and T5 as shown on drawing date stamped 27 October 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.

5. Replacement trees T3, T4 and T6 as shown on drawing date stamped 27 October shall be substituted with the following species: Silver Birch (*Betula pendula*), Bird Cherry (*Prunus padus*) and Wild Service Tree (*Sorbus torminalis*). The replacement trees shall be 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.

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

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

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

Reason: To safeguard the amenity of nearby properties and the appearance of the development in accordance with PPS3.

8. Before the dwelling hereby approved is first occupied, the vehicular access shall be constructed in accordance with the submitted details of Marshalls Tegula blocks using permeable construction as shown on drawing date stamped 27 October 2010

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

9. 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.

10. The development hereby permitted shall be constructed in accordance with the external materials as shown on drawing date stamped 27 October 2010;

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.

11. The development shall not commence until a scheme for the provision of bat boxes and bird boxes has been submitted to the local planning authority for approval. The details shall be fully implemented prior to the occupation of the dwelling.

Reason: In the interests of ecology and in accordance with PPS 9.

### **Informatives set out below**

The applicant is advised to undertake pile removal outside of the bird nesting season (outside of March to August inclusive), whilst giving consideration to the potential of the piles to provide hibernation opportunities for reptiles and amphibians during winter. In effect the most appropriate time to remove the piles is from September to October. If there is no alternative but to undertake removal during the nesting season then the piles must be dismantled by hand after a visual search. If active nests are found then works must cease until young have fledged to avoid an offence being committed. If the site is left untouched until after the winter period then it should be cleared under the supervision of a trained ecologist.

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 the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.



APP(1)

APPLICATION: MA/10/1878 Date: 25 October 2010 Received: 3 November 2010

APPLICANT: Mr R Parsons, Solinparc Ltd

LOCATION: LAND ADJACENT TO THE RETREAT, WARE STREET, WEAVERING, MAIDSTONE, KENT, ME14 5LA

PARISH: Thurnham

PROPOSAL: Erection of 1no. bungalow (plot 2) with detached garage, access and associated works (re-submission of application MA/10/1149)

AGENDA DATE: 24th February 2011

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  
 South East Plan: CC1, CC4, BE1, T4, H4,  
 Government Policy: PPS1, PPS3, PPG13,

### 2. **HISTORY**

MA/10/1149 – erection of a four bedroom bungalow Refused 26.8.10

### 3. **CONSULTATIONS**

#### 3.1 **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.

#### 3.2 **Environmental Health Officer** - No objections subject to informatives.

#### 3.3 **Landscape, Design & Heritage** - From the plans provided all the trees surveyed in the arboricultural report can be successfully retained and protected in accordance with British Standard 5837: 2005. The siting of the new dwelling

as shown on drawing no 1131/10/3 tree 'Retention and Protection Plan' will not compromise any of the surrounding trees so in principle there are no arboricultural grounds to refuse the application. That said, to ensure the retained trees are protected a tree protection condition should be attached to any consent that you are mindful to approve.

Landscaping of the site is going to be important especially along the eastern boundary of the adjoining properties in Fulbert Drive. I note on the Proposed Plans and Elevations drawing dated October 2010 that new landscaping is proposed with the planting of shrub beds and the siting of 6 new trees all along the eastern boundary. The landscaping schedule that accompanies the plans lists 6 different tree species along this boundary these being as follows:

1. Wild Cherry
2. Field Maple
3. Robinia
4. Variegated Maple
5. English Oak
6. Himalayan Birch

The siting of the 6 trees is acceptable although in order to follow the Borough Council's Landscape Guidance for the area I would like to see the species of trees T3, T4 & T6 changed to more native indigenous forms such as Silver Birch (*Betula pendula*), Bird Cherry (*Prunus padus*) and Wild Service Tree (*Sorbus torminalis*).

3.4 **KCC Highways** – No objections subject to a condition protecting the car parking

3.5 **Kent PRoW** – No objections but make the following observations 'Public Footpath KH119 may be affected by the proposed development. I have no objection to the development providing the works do not encroach onto the Public Footpath and that the new 1.8metre boundary fence is placed inside the boundary fence of the property. It is still important to advise the applicants that a Public Right of Way must not be stopped up, diverted, obstructed or the surface disturbed. This includes any building materials or waste generated during any of the construction phases. Please note that no furniture or fixtures may be erected on or across Public Rights without the express consent of the Highways Authority.

#### 4. **REPRESENTATIONS**

4.1 Cllr Horne: "This was for many years an open site and was part of the garden of a property on Weaving Street. It had substantial and mature trees. All of which provided an important green corridor for numerous wildlife between the new developments upon Bearsted Park, Fulbert Drive, and the adjacent woodland. Again, it provided an important street scene buffer between the new

development and the earlier ribbon development upon Weaving Street, which was distinct and separate from the new building within the "Grove Green" development phase.

In January the developer felled the mature trees that enclosed the earlier garden land.

The current application is for a single storey bungalow. The roof line will still be visible to the adjacent properties. With development of plot one this will lead to a considerable loss of green space. Again, there will now be a direct sight line into the bedroom accommodation of the properties in Fulbert Drive. Further, the SE boundary abuts a public foot path and the users will be subject to additional traffic movements.

Accordingly, the current application should be subject to the following **conditions:-**

1. The roof should be a green roof planted with sedum; REASON: Sedum roofs create a good habitat for minibeasts- beetles and spiders; they provide food for butterflies, bees and seed eating birds and the spent flower stalks supply nesting material. Again, a green roof by absorbing rainfall reduces pressure on the drainage system. Further, they enhance and improve air quality.
1. There should be a comprehensive landscaping proposal including the planting of mature trees to restore the eco-balance of the landscape destroyed by the applicant, subject to consultation and agreement with the Parish Council and the local Member.
2. The single track which also forms part of the footpath is already overused by vehicular traffic. Accordingly, the footpath from Ware Street to the entrance of The Retreat should be adequately signed and paved with a permeable surface. REASON, to adequately protect in the coming years the footpath users and to remind the vehicle owners that they do not have priority and must take particular care for pedestrians and to provide a safe surface for pedestrian users.

I would be pleased to have your confirmation that you can deal with these matters by CONDITION within your delegated authority.

In the alternative, I would ask that the matter comes to the planning committee."

- 4.2 Neighbour letters: 8 letters have been received raising objection on the following grounds:

- Lack of sight lines and concern on highway safety grounds when entering the access track off Ware Street from a westerly direction;
- Unlikely that emergency service vehicles could serve the proposed property;
- Safety concerns whereby pedestrians using the PRow could come into conflict with road traffic accessing the site;
- Loss of amenity; loss of privacy; light and noise pollution;
- Classic case of garden grabbling; dispute statements made in the application about the land being vacant with previous use unknown;
- Plot on elevated land to that in Fulbert Drive therefore having a greater impact;
- Vehicle movements will still have a detrimental impact on residents as per the reason for refusal of MA/10/1149;
- Queries over the height of the proposed dwelling; detrimental visual impact;
- Scale out of keeping; siting allows for further extension at later date; excessive parking;
- Request an EIA be undertaken;

Non material issues refer to practicalities of construction vehicles accessing the site; hours of working and site has deliberately been left to neglect.

## **5. CONSIDERATIONS**

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

5.1.1 The site lies within the urban confines of Bearsted in the parish of Thurnham. It is accessed from the southern side of Ware Street. Located behind dwellings which front Ware Street, it is to the east of Weaving Street and west of Fulbert Drive. The application site is adjacent to the recently developed site known as Plot 1 the Retreat; this comprises a detached bungalow with rooms in the roof served by velux windows. 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 storey dwellings and a number have had alterations/extensions undertaken.

5.1.2 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.

5.1.3 Contrary to the statements made in the application documentation, the site is garden land which formerly was part of the residential curtilage to the property Woodville, Weaving Street. The land had trees cut down in excess of a year

ago and has since been left unmanaged. The trees were not subject to a Tree Preservation Order and the site does not fall within a Conservation Area.

- 5.1.4 Aside from plot 1 (boundary 6m to the north-east), the closest properties to the application site are those located in the north-west cul-de-sac of Fulbert Drive. There is a distance of between 17m to 26m from the proposed bungalow to the rear of the dwellings in Fulbert Drive; the proposed bungalow is offset at an angle so this is not a case of the front elevation being orientated directly towards the rear of Fulbert Close. The relationship between the proposed and existing properties will be further examined later in this report. The properties in Weaving Street have a separation distance of 45m to the boundary of the application site.

## **5.2 Proposal**

- 5.2.1 This is a full application for a two bedroom detached bungalow together with a single garage, parking and turning area. A previous application for a four bedroom bungalow was considered in August 2010 and was refused under delegated powers.

The reasons for refusal were as follows:

*The proposed development by virtue of its size, scale and siting would be harmful to the amenity of the occupiers of The Retreat and the newly constructed bungalow immediately north of the application site. The activity generated by this size of property would result in vehicle movements that would be detrimental to the enjoyment of the occupiers of the aforementioned properties. The proposal constitutes overdevelopment within this locality and would be contrary to the advice contained in PPS1 and PPS3.*

*The proposal fails to demonstrate an acceptable impact in terms of loss of trees due to the inadequacies of the tree report. The proposal is therefore contrary to policy ENV6 of the Maidstone Borough-Wide Local Plan 2000.*

- 5.2.2 The current proposal is for a detached bungalow 15m long x 8m wide. The previously refused scheme was in the region of 22m long x 8m wide at the north-eastern end and 11m at the south-eastern end. The bungalow would be 4.5m in height from ground level to the ridge, 2.5m high to the eaves, with a solar panel in the roof on the south east elevation. Materials would be Redland plain roof tiles and Ibstock facing brick and feature brick.
- 5.2.3 The detached single garage is located to the north of the dwelling and would be finished in materials to compliment the main dwelling. A detailed tree survey together with landscaping scheme accompanies the application. The landscaping

scheme shows trees to be retained, planted and shrubs to be removed. The survey suggests that the quality of the vegetation on the site is of small significance in terms of tree species. A secure garden would be provided at the southern end of the site of approximately 16m long x 16m wide tapering to 9m width. Access by way of a footpath and grassed area is provided at the rear (western) side of the bungalow.

### **5.3 Principle of Development**

5.3.1 The site is located in the urban area. PPS3 'Housing' was revised last year so that garden land no longer falls within the definition of 'previously developed land' and there is no longer a presumption in favour of developing such land for housing. There is no longer a minimum housing density requirement in that guidance. This does not mean that all proposals involving garden land will be unacceptable it does, however, allow greater strength to resist housing development that is deemed unacceptable for sound planning reasons, for example, adverse impact on the character and appearance of the area, residential amenity impact etc. These are issues which will be considered throughout this report. Policy H4 of the South East Plan requires a mix of housing type and size to be provided to cater for all needs of society.

### **5.4 Visual Impact**

5.4.1 Critical to the acceptability of this scheme is the impact of the proposed bungalow on the character and appearance of the locality. Sections have been provided to show the relationship of the bungalow to the adjacent plot 2 and properties in Fulbert Drive. The site level is approximately 1.2m higher than that which the dwellings in Fulbert Drive are sat upon. The ridge height of the proposed bungalow would sit fractionally above the eaves height of no.28 Fulbert Drive. Views of the bungalow would not be possible from Ware Street due to the other properties which front Ware Street; from Weaving Street views would be restricted other than from the rear gardens of dwellings; and from Fulbert Drive views would be from private properties also. Users of the public right of way will be able to see the roof above the existing fence and hedgerow. However, in terms of visual impact in the locality, the bungalow sits subserviently to the surrounding properties. I do not consider it will be dominate the locality for the reasons stated.

5.4.2 The first reason for refusal related to the size, siting and scale of the bungalow and the associated amenity impact. The bungalow has now been reduced in length and width, as has the size of garaging. The knock-on affect is a two bed bungalow which will have fewer vehicle movements and loss of a disturbing impact on occupiers of plot 1 and the Retreat. The scale of the bungalow now sits more comfortably in the plot. The design of the bungalow is simple with a

low pitch roof broken up with three small pitches over the front porch and two bay windows. In terms of materials, samples of facing brick have already been seen as they are as per the previously approved plot 1 i.e. a reclaimed Ibstock Bexhill Red as the primary brick, and a feature brick below the bay window of Ibstock Parham Red. Roof tiles are to be Redland Duoplain rustic red. I consider that the amended scheme has overcome the previous reason for refusal.

## **5.5 Residential Amenity**

- 5.5.1 A number of objections have been received on the grounds of loss of privacy. There are no windows in the north east elevation which is that closest to plot 2 and therefore no loss of privacy. All other windows and openings are ground floor level only. Those at the rear of the bungalow are in excess of 40m from dwellings in Weaving Street which means 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.
- 5.5.2 Those windows at the front of the property serve a bedroom, ensuite, kitchen and dining room. These windows are between 5m and 12m from the boundary with the PRoW; and between 17m and 26m from the rear elevations of the two storey dwellings in Fulbert Drive. At single storey only with fencing, vegetation – existing and proposed, the relationship does not give rise to overlooking.

## **5.6 Landscaping**

- 5.6.1 One of the reasons for refusal related to lack of an acceptable arboricultural assessment being submitted with the application. The current application has incorporated an assessment accepted by the Council's landscape officer, enabling him to be satisfied that the siting and size of the bungalow and associated hard standing will not compromise any of the vegetation on site. As mentioned previously, none of the trees removed previously were protected.
- 5.6.2 The submitted landscape scheme comprises six individual trees on the south east boundary. The location and number of trees is appropriate to help soften the impact of the development; however the landscape officer has requested three of the species be substituted with those in line with the Landscape Character Guidelines. I can confirm that having spoken with the agent, it has been agreed to substitute the species as per the landscape officer's comments. I can deal with this through condition. Subject to planting sizes, whilst not immediate compensation for the residents of Fulbert Close, in the longer term they will be of benefit and also a more attractive and suitable mix than non-native coniferous trees. I am satisfied that reason for refusal 2 has been overcome.

## **5.7 Highways**

The development proposes a single detached garage immediately north-east of the dwelling with one parking space in front of this and turning area. 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 1m from the boundary with plot 2; plot 2 is a further 3m in from this boundary. I am satisfied that the height and scale of the garage will not give rise to loss of light to the occupiers of plot 2. Concern has been expressed by the ward Councillor with regard to conflict between pedestrians and vehicles and it has been requested that signs are put in place to alter users of the PRow that vehicles are sharing this road space. My opinion, is that it is fairly obvious that there are dwellings which utilise this section of the PRow without the need for signs; Kent PRow Officer has not raised objection to the scheme and I do not consider it justifiable, reasonable or necessary to impose such a condition on the applicant. Kent Highways raise no objection and I am satisfied that the proposal is acceptable in highway terms.

## **5.8 Other Matters**

5.8.1 One objector has requested an Environmental Impact Assessment be undertaken prior to a decision being reached on the application. The development is not of a scale, type location to require an EIA under the Regulations. Neither do I consider this is a case for an ecological survey to be undertaken. The site is a triangular piece of land in the middle of an urban area on garden land – the likelihood of protected species in this location is slim.

5.8.2 Cllr Horne has requested a sedum roof be used on the proposed bungalow. My experience is that this is something which is generally accommodated on a flat roof as this maximises the benefits. I do not consider this request is reasonable under the tests of the circular when considering the location of the bungalow in the middle of a residential area. This being said, the applicant has provided a solar panel on the roof in the interests of sustainability and to assist in meeting Level 3 of the Code for Sustainable Homes.

5.8.3 Provision is made within the site for the storage of refuse and recycling bins.

## **6. CONCLUSION**

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: as dated stamped 27 October 2010.

Reason: In the interests of the environment and to prevent harm to the residential amenity of neighbouring occupiers in accordance with PPS3.

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

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

4. Replacement trees T1, T2 and T5 as shown on drawing date stamped 27 October 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.

5. Replacement trees T3, T4 and T6 as shown on drawing date stamped 27 October shall be substituted with the following species: Silver Birch (*Betula pendula*), Bird Cherry (*Prunus padus*) and Wild Service Tree (*Sorbus torminalis*). The replacement trees shall be 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.

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

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

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

Reason: To safeguard the amenity of nearby properties and the appearance of the development in accordance with PPS3.

8. Before the dwelling hereby approved is first occupied, the vehicular access shall be constructed in accordance with the submitted details of Marshalls Tegula blocks using permeable construction as shown on drawing date stamped 27 October 2010

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

9. 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.

10. The development hereby permitted shall be constructed in accordance with the external materials as shown on drawing date stamped 27 October 2010;

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 the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.

**Land adjacent to the retreat, Ware Street, Weaving, Maidstone, Kent, ME14 5LA**

### **Representations**

A further representation of objection has been received from a resident re-enforcing their objections to the proposal.

They question how the proposal can be consistent with legislation on 'garden grabbing'; they speak of loss of habitat and an increase in population density and effects of this. Other comments relate to issues of monitoring development once planning permission has been granted.

Cllr Horne has suggested an informative be added with regard to signage on the access track to alert users of the PRoW.

### **Officer Comment**

The neighbour comments have been addressed in my main report. I have taken on board Cllr Horne's comments in my amended recommendation below.

### **Amended Recommendation**

Additional condition and additional informative:

1. All trees shown to be retained on drawing no. 1131/10/3 tree 'Retention and Protection Plan' must be protected by suitable fencing to a height of not less than 1.2metres at a distance as specified in BS 5837 2005. The fencing must be erected before any equipment, machinery and surplus 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 fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor any excavation be made with out the written consent of the local planning authority.

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

#### **Informative**

The applicant is advised to contact the Kent PRoW Office to discuss the use of signage to warn vehicle users that they may encounter pedestrians on the access track.

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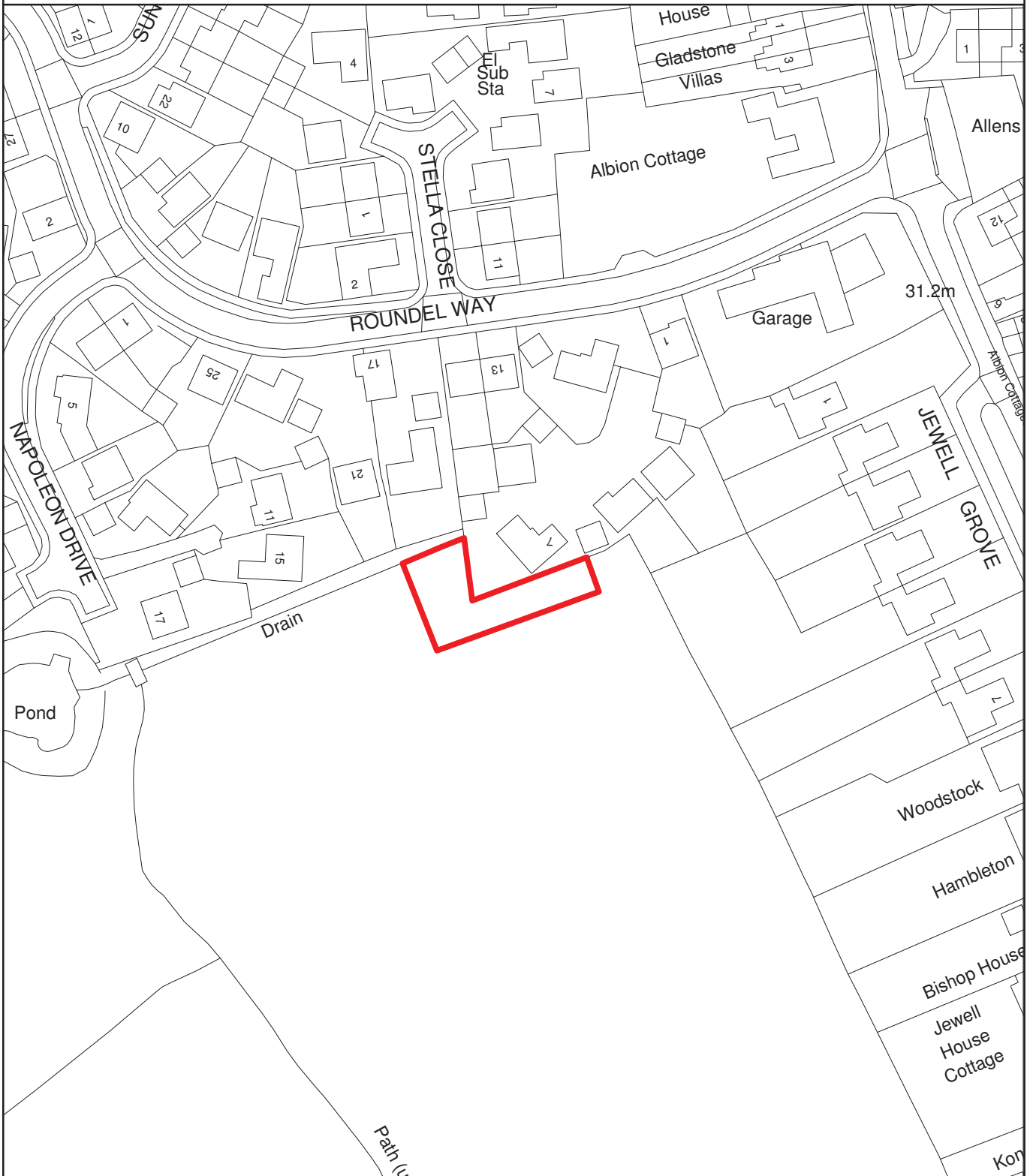


# THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/11/0154

GRID REF: TQ7444

7 ROUNDEL WAY,  
MARDEN.



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

APPLICATION: MA/11/0154 Date: 28 January 2011 Received: 7 February 2011

APPLICANT: Mr & Mrs M Moore

LOCATION: 7, ROUNDEL WAY, MARDEN, TONBRIDGE, KENT, TN12 9TW

PARISH: Marden

PROPOSAL: Retrospective planning permission for the change of use of land from agriculture to residential garden as shown on 2no. A4 site plans received on 4th February 2011.

AGENDA DATE: 30th June 2011

CASE OFFICER: Richard Timms

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

- Councillor Verrall has requested the application be reported to Committee if minded to recommend refusal for the reasons outlined below.

## **1. POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV28, H31

The South East Plan 2009: CC1, CC6, C4

Government Policy: PPS1, PPS7

## **2. HISTORY**

MA/03/1627 Retrospective application for the erection of rear conservatory-  
APPROVED

MA/95/1117 Erection of a seven detached dwellings with garaging and new vehicular  
access – ALLOWED AT APPEAL

MA/95/0293 Residential development of 8 No. dwellings and garages with access  
driveway – ALLOWED AT APPEAL

MA/94/1155 Outline application for demolition of existing buildings and redevelopment  
of existing builders yard and funeral directors – APPROVED WITH  
CONDITIONS

### **3. CONSULTATIONS**

- 3.1 **Marden Parish Council:** Wish to see the application approved but do not request the application is reported to Planning Committee.

*"Councillors wished the application to be approved however would want to see permitted development rights removed."*

- 3.2 **Rural Planning Ltd:** Raises objection to the loss of Grade 2 agricultural land.

*"I understand these applications follow the recent sale of a strip of land (overall maximum dimensions about 100m x 20m) to the rear of the above 3 properties and No 19 Roundel Way plus two further adjoining properties off Napoleon Drive, No.s 15 and 17. The strip of land lies at the northern end of an arable field of 5ha or so.*

*An L-shaped section behind Nos. 7 and 19 have been incorporated into the garden of No 7, whilst a smaller square behind No 5 has been taken in with the latter property. The parts of the strip behind No 21 Roundel Way and Nos. 15 and 17 Napoleon Drive have yet to be incorporated, but since the sale now appear uncultivated*

*The agents dealing with No 7 confirm that the land in question is identified as Grade 2 quality on the relevant DEFRA classification map, i.e. within the category of "best and most versatile" (BMV) land which warrants particular consideration as to development proposals under relevant policies. Because of the limitations of the DEFRA mapping, a detailed soil survey would be required to definitely establish whether this particular land was of BMV status, but for the majority of the strip of land concerned (with the exception of 2 small corners further identified below) I would advise that no clear evidence of that sort has been presented to the contrary to date, nor are there any indications on the ground that suggest it would be obviously wrong to assume that it is so designated.*

*The total, and individual, areas concerned are quite small, but Natural England recognises agricultural land as an important national resource. (Source: Natural England Technical Information Note TIN049 Agricultural Land Classification: protecting the best and most versatile agricultural land, January 2009). Planning policies seek, where possible, to protect the long-term productive potential of the best quality agricultural land. The protection policy "is relevant to all planning applications, including those on smaller areas but it is for the planning authority to decide how significant are agricultural land issues and the need for field information". If small areas were excluded this would ignore the potential cumulative effects of multiple applications.*

*The Classification is concerned with the inherent potential of land under a range of farming systems. The current agricultural use, or non-use, or intensity of use does not affect the ALC grade per se.*

*The cultivation and cropping of the field in recent years can be seen in aerial imagery. This cultivation and cropping includes most of the overall strip, but (prior to the erection of the new fencing to the rear of No 7 and No 5) there were two rather awkward corner areas, one adjoining No 19 and No 7, and one adjoining No 7 and No 5, where cultivation and cropping were not apparently taking place. These two areas, in my view, could be*

*regarded, in practice, as not representing any significant loss to agriculture, but they only comprise a fairly small proportion of the overall strip.*

*Garden extensions within the two small areas referred to above, would be possible without affecting the efficient cultivation of the rest of the field. This would include all the land taken in by No 5 (Roundel Way), but not all the land taken in by No 7, much of which was cultivated and cropped previously."*

#### **4. REPRESENTATIONS**

4.1 **Councillor Verrall:** *"If you are minded to refuse this application please report it to the Planning Committee for the reasons set out below:*

*The increased size of the garden will allow the applicant's children more space to play safely without detracting from the existing surroundings."*

4.2 Two representations from neighbours have been received, one offering support and the other raising objections. I summarise both as follows:

- I support the application, not least because it has cleared up what was an unsightly piece of waste ground and has reduced the maintenance involved in controlling weeds and invasive brambles.
- The close boarded fence stretches out into the agricultural field like a suburban intrusion and is required to secure additional privacy.
- Should be post and rail and not stock proof fencing.
- Loss of view.
- Will result in paraphernalia within extended garden.
- The planting of non-native fast growing leafed hedging all around the perimeter is out of character.

#### **5. CONSIDERATIONS**

##### **5.1 Introduction**

5.1.1 This is a retrospective application to change part of an agricultural field to domestic garden land at 7 Roundel Way, Marden.

##### **5.2 Site Location**

5.2.1 The application site is an L-shaped parcel of land to the south of the lawful garden associated with the applicant's house, 7 Roundel Way, a detached two storey dwelling. Roundel Way is at the southwest edge of Marden village and is a cul-de-sac off Albion Road to the east with mainly detached houses built in the 1990's. The applicant's house is within a group of 8 houses approved under a different permission to the rest of Roundel Way.



- 5.2.2 The land proposed for a change of use has a length of around 38m on the outside southern boundary, 20m on the outside west boundary and around 9m on the east and covers an area of around 460m<sup>2</sup>. It mainly adjoins the lawful garden of no. 7 but part of the north edge runs alongside a drainage ditch with the rear garden of 19 Roundel Way just over 2m further north. It was turfed with grass earlier in the year and is bounded by post and rail stock proof fencing with ornamental hedging on the south side and 1.8m high close boarded timber fencing on the west and east sides.
- 5.2.3 Adjoining the site to the east is a parcel of land, which has also been changed to garden land associated with 5 Roundel Way that is the subject of retrospective application MA/11/0201, which is elsewhere on the papers. Adjoining the site to the west is a parcel of land proposed for a change of use to garden land under application MA/11/0842, which is still being considered. I also understand that two more parcels of land have been sold further west.
- 5.2.4 The application site was formerly part of a larger arable field to the south, which extends southwards for around 250m and westwards for around 200m. Along the east side of this field are the rear gardens of houses which front Albion Road. Further to the west and southwest is open countryside made up of arable fields and orchards bounded by established hedgerows. Public footpaths KM280, KM281 and KM283 are located between 80m and 160m to the west and south.
- 5.2.5 Both the applicant's house and most of the lawful garden are actually outside the settlement boundary of Marden in the Local Plan as is the application site. However the physical boundary of the village is clearly defined by the edge of gardens both to the west and south which can be seen on the plan attached at **Appendix 1**.
- 5.2.6 The site also falls upon land classified as being Grade 2 agricultural land under the National Agricultural Land Classification system (ALC) which is regarded as being the best and most versatile agricultural land under PPS7. This is the land considered to be the most flexible, productive and efficient.

### 5.3 **Proposed Development**

- 5.3.1 Retrospective permission is sought to change the parcel of land from agricultural use to be used as a garden associated with 7 Roundel Way. As stated above, the land is grassed and is bounded by post and rail stock proof fencing with ornamental hedging on the south side and 1.8m high close boarded timber fencing on the east and west sides. The applicant considers that the existing garden is quite small for a five bedroom house and that the additional space allows for their four children to play and exercise and for the family to enjoy a more sustainable lifestyle by growing fruit and vegetables for their own use.

## 5.4 **Assessment**

5.4.1 The site is within the open countryside where local and national planning policies seek to restrict development and to protect the character and appearance. Policy ENV28 states that,

*"In the countryside planning permission will not be given for development which harms the character and appearance of the area"*

5.4.2 Policy H31 relates to the change of use of agricultural land to domestic garden land and states that,

*"Planning permission will not be granted for the change of use of agricultural land to domestic garden if there would be:*

- 1) Harm to the character and appearance of the countryside; and/or*
- 1) Loss of the best and most versatile agricultural land"*

The accompanying text states that,

*"The change of use of agricultural land to domestic garden land is, in principle, contrary to the objectives of safeguarding the character and functioning of the countryside. However, in exceptional circumstances, extensions to residential gardens may be allowed where the overall appearance of the countryside is not compromised."*

5.4.3 Policy CC6 of the South East Plan 2009 outlines that actions and decisions associated with the development and use of land should respect, and where appropriate enhance, the character and distinctiveness of settlements and landscapes. Policy C4 concerns landscape and countryside management, essentially outlining that outside nationally designated landscapes, positive and high quality management of the region's open countryside will be encouraged, protected and enhanced, securing appropriate mitigation where damage to local landscape character cannot be avoided.

5.4.4 PPS7: Sustainable Development in Rural Areas outlines at paragraph 15 that,

*"Planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced."*

At paragraph 28 it states that,

*"The presence of best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification), should be taken into*

*account alongside other sustainability considerations when determining planning applications.”*

5.4.5 I therefore consider the main issues to be the impact upon the character and appearance of the countryside and the loss of the best and most versatile agricultural land.

## 5.5 **Visual Impact on the Countryside**

5.5.1 The edge of this part of Marden village is clearly defined physically on the ground as the edge of the gardens of houses on Roundel Way and on Albion Road to the east. Beyond these gardens and the southwest of village, arable fields, orchards and grazing land with hedgerow boundaries make up the character of the countryside here. The edge of the gardens mark a clear visible line with the fields beyond and there is not a gradual change from a housing estate to the countryside but instead an immediate stop and change in land character from gardens to an agricultural field. For this reason, I consider any alteration to this established boundary and extension of the garden into the field results in a significant change.

5.5.2 The proposal results in an intrusion into the field of a different landscape character being a domesticated area of land with inevitable tended grass and ornamental planting. Along with this, close-boarded fencing has been erected at both sides of the land which is intrusive and not a sympathetic rural boundary treatment and one which increases the prominence of the change in land use and its harm. With any change to garden land you would inevitably expect to see domestic paraphernalia such as climbing frames, moveable goal post, children's toys, furniture etc. which would result in more domestic intrusion and harm.

5.5.3 Whilst conditions could be attached to substitute the close boarded fencing for more sympathetic treatments and native landscaping could be secured, I still consider the intrusion and erosion of the arable field would be harmful to the area.

5.5.4 Having walked the footpaths to the south and west in March this year, I noted that the site is visible from here as the land is flat and the crop (rape seed) was low in height. Having re-visited the site in June, I noted that the rape seed was at its full height and does provide some screening of the site. However, any summer crop would only provide this degree of screening for around 2 months a year when it reaches full height and before it is cropped, so for the rest of the year the site would be exposed. The official route of footpath KM283 comes within 90m of the site, however this doesn't appear to be that well used and people tend to walk around the edge of the arable field. However, clearly one is able to use this route. In addition, the site can be seen from the other official and diverted footpaths between 160m and 200m away. I also noted that when

walking the paths in the morning they were very well used by a large number of people walking dogs. (The official and unofficial footpaths are also marked on the plan at **Appendix 1**)

5.5.5 Therefore the development results in the intrusion into, and erosion of, undeveloped agricultural land. The site is a relatively large area of land and I consider it causes harm to the character and appearance of the countryside hereabouts, which is visible from public vantage points on footpaths to the west and south. For this reason I consider there is clear conflict with policies ENV28 and H31 of the Local Plan.

## 5.6 **Best and Most Versatile Agricultural Land**

5.6.1 Policy H31 states that planning permission will not be granted for the change of use of agricultural land to domestic garden if there would be loss of the best and most versatile agricultural land. The land here is categorised as falling within Grade 2 and therefore falling within this definition under PPS7. The applicant has provided no evidence, such as soil testing, to demonstrate that it does not fall within this classification and I note advice from Rural Planning Ltd following a site inspection, is that there are no indications on the ground that suggest it would be wrong to assume that it falls within this category.

5.6.2 With regard to the loss of this land, the agent states that,

*"the land was previously on the edge of the field which was in arable cropping. However, due to its proximity to the residential properties, not all of the land was cropped, instead forming part of the arable margin."*

*"the positioning of 7 Roundel Way that already sticks out into the agricultural field making it difficult for agricultural machinery to manoeuvre around. Thus the loss of economically viable agricultural land is little."*

5.6.3 I would suggest that it may not have been possible to use the land right up to the boundary with the houses, however, I see no reason why most of the land could not be used for production. Clearly, a lot of arable fields have margins but this is not sufficient grounds to allow development of them. Advice from Rural Planning Ltd. is that the loss of some small areas within the corner of the field would be possible without affecting the efficient cultivation of the rest of the field but this would not include all the land taken in by this proposal, much of which was cultivated and cropped previously. Having looked at aerial photographs from 2003 and 2008, they confirm that around half of the land was used for growing crops. Consequently this productive land would be lost to the development.

5.6.4 With regard to the reference to the property already sticking out and causing an awkward field corner, the extension of the garden in turn has created an awkward corner for cultivation so I give this no weight.

5.6.5 Overall, the proposals will result in the loss of the best and most versatile agricultural land contrary to policy H31 of the Local Plan, for which there is no overriding justification.

## 5.7 **Other Matters**

5.7.1 The point made by both Councillor Verrall and the applicant is that the lawful garden is small for a five bedroom house and the extension will provide more space for children, however, I do not consider this is sufficient to outweigh the harm caused to the countryside. I certainly do not consider it warrants increasing the garden by over three times its size, resulting in a garden larger than most in the housing estate. I also note that in the Inspector's decision to allow the dwelling in 1996, he stated that, "*in my judgement, the amount of amenity space on plot 4 (7 Roundel Way) would be adequate, being no smaller nor less attractive for use as a private garden than other examples which have been permitted on the adjoining estate.*" A conservatory has been provided in the rear garden since that decision, however, I still do not consider the garden is so small so as to override the harm to the countryside.

5.7.2 The agent points out that the land has been assessed under the Strategic Housing Land Availability Assessment (SHLAA) as having potential for housing development and therefore if development were to go ahead the agricultural land would be lost. The purpose of the SHLAA is simply to identify potential housing land and it does not make judgements about whether this should be included in the Local Development Framework (LDF). It is the role of the LDF process through public consultation and legal examination to determine the distribution strategy and following that, which sites should be allocated for housing development. So just because it has been identified as having some potential, this should not mean that harmful garden extensions upon such land should be accepted.

5.7.3 The issue of a loss of view has been raised by a neighbour, however, this is not a planning consideration. I do not consider the change to garden land would result in a poor outlook for any neighbouring properties or any unacceptable loss of privacy.

## 6. **CONCLUSION**

6.1 The change of use of land results in a large extension of domestic land into an arable field which has an adverse impact upon the character and appearance of the countryside hereabouts contrary to policies ENV28 and H31 of the Local Plan.

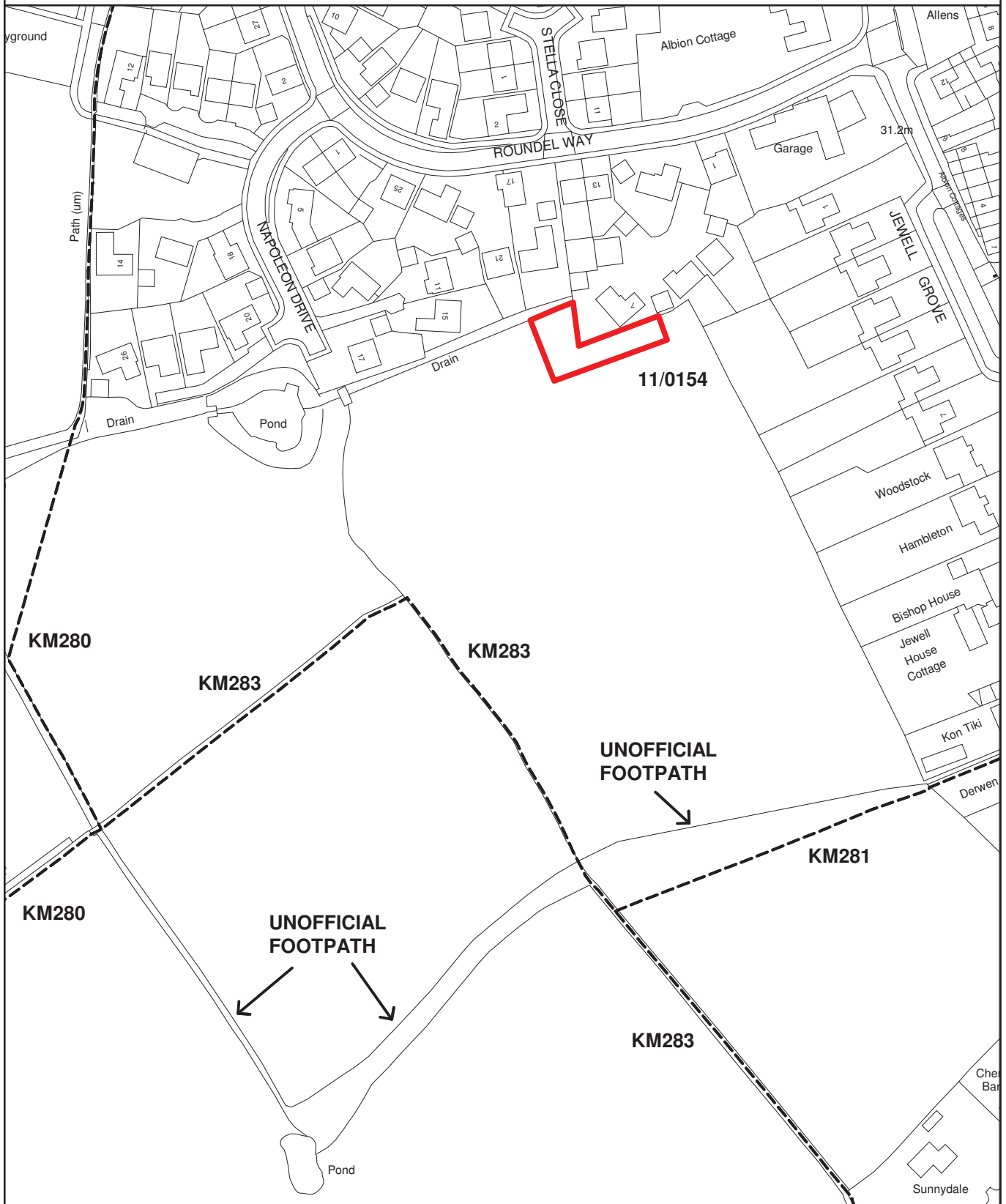
This intrusion and consequent harmful change is visible from public footpaths to the south and west of the site. The change of use also results in the loss of the best and most versatile agricultural land contrary to policy H31 of the Local Plan. For these reasons I recommend the application is refused.

## **7. RECOMMENDATION**

REFUSE PLANNING PERMISSION for the following reasons:

1. The change of use of land to domestic garden due to its size and intrusion into the adjoining agricultural field results in harm to the character and appearance of the countryside hereabouts contrary to policies ENV28 and H31 of the Maidstone Borough-Wide Local Plan 2000, policies CC6 and C4 of the South East Plan 2009 and PPS7.
2. In the absence of any evidence to demonstrate otherwise, the change of use of land to domestic garden land results in the loss of the best and most versatile agricultural land contrary to policy H31 of the Maidstone Borough-Wide Local Plan 2000 and PPS7.

# PLAN OF SITE AND FOOTPATHS REFERRED TO IN THE COMMITTEE REPORT



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

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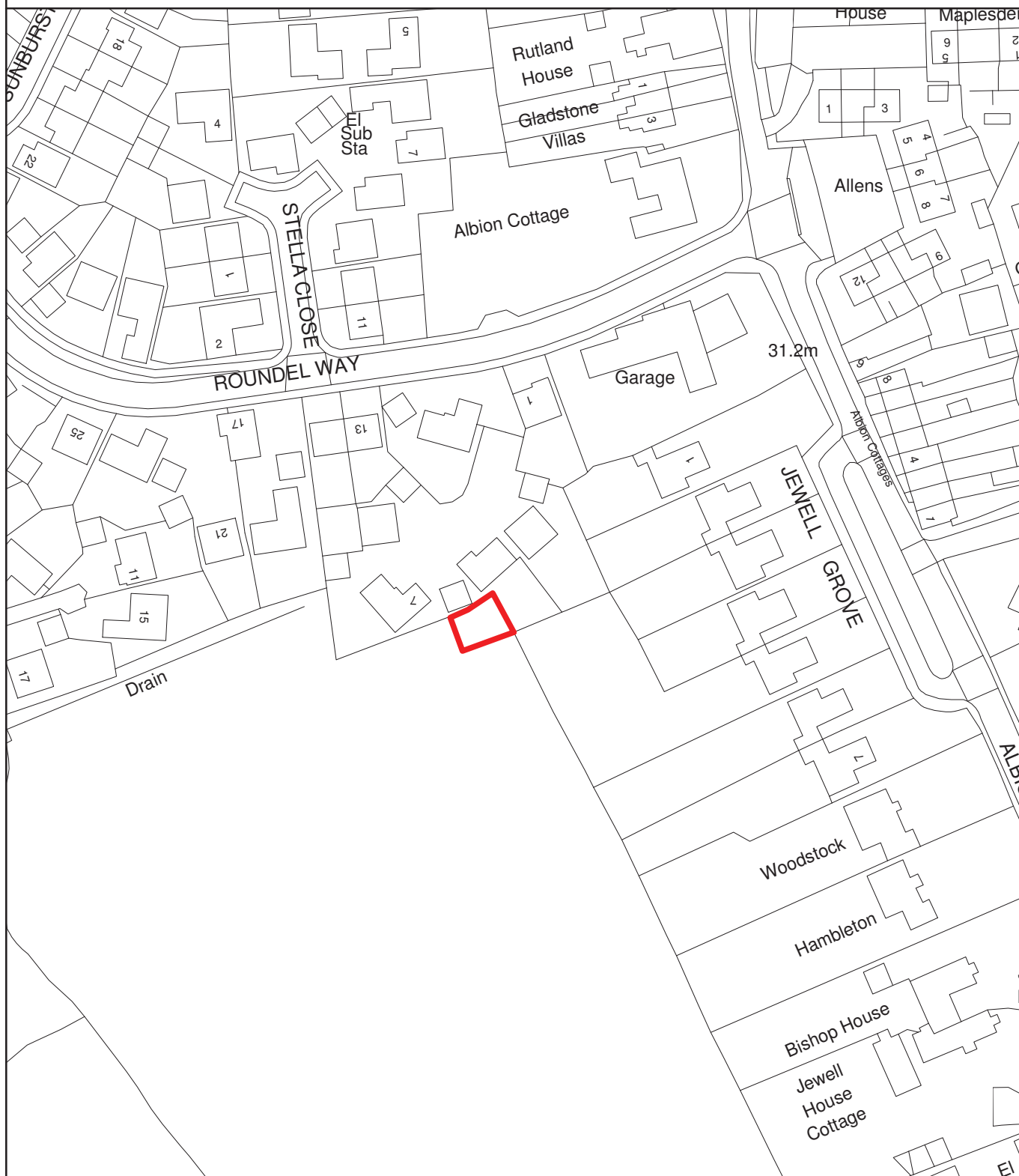
# Agenda Item 18

## THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/11/0201

GRID REF: TQ7444

5 ROUNDEL WAY,  
MARDEN.



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**Rob Jarman**  
Head of Development Management



APPLICATION: MA/11/0201 Date: 7 February 2011 Received: 11 February 2011  
APPLICANT: Mr M Walker  
LOCATION: 5, ROUNDEL WAY, MARDEN, TONBRIDGE, KENT, TN12 9TW  
PARISH: Marden  
PROPOSAL: Retrospective planning permission for the change of use of land from agricultural land to residential garden as shown on the A4 Site Location Plan received on 11th February 2011.  
AGENDA DATE: 30th June 2011  
CASE OFFICER: Janice Tan

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

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

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV28, H31
- The South East Plan 2009: CC1, CC6, C4
- Government Policy: PPS1, PPS7

## **2. HISTORY**

MA/03/2227 Retrospective application for the erection of a rear conservatory – APPROVED

MA/95/1117 Erection of a seven detached dwellings with garaging and new vehicular access – ALLOWED AT APPEAL

MA/95/0293 Residential development of 8 No. dwellings and garages with access driveway – ALLOWED AT APPEAL

MA/94/1155 Outline application for demolition of existing buildings and redevelopment of existing builders yard and funeral directors – APPROVED WITH CONDITIONS

### **3. CONSULTATIONS**

- 3.1 **Marden Parish Council:** Wish to see the application approved and request the application is reported to Planning Committee.

*"This went to the vote of Cllrs in attendance and Cllrs are aware that this is a small parcel of land, the area in question is in open countryside but does square off the existing curtilage of 5 Roundel Way and Cllrs wished to see all permitted development rights removed."*

- 3.2 **Rural Planning Ltd:** Raises no objection to the loss of Grade 2 agricultural land.

*"I understand these applications follow the recent sale of a strip of land (overall maximum dimensions about 100m x 20m) to the rear of the above 3 properties and No 19 Roundel Way plus two further adjoining properties off Napoleon Drive, Nos. 15 and 17. The strip of land lies at the northern end of an arable field of 5ha or so.*

*An L-shaped section behind Nos. 7 and 19 have been incorporated into the garden of No 7, whilst a smaller square behind No 5 has been taken in with the latter property. The parts of the strip behind No 21 Roundel Way and Nos. 15 and 17 Napoleon Drive have yet to be incorporated, but since the sale now appear uncultivated*

*The agents dealing with No 7 confirm that the land in question is identified as Grade 2 quality on the relevant DEFRA classification map, i.e. within the category of "best and most versatile" (BMV) land which warrants particular consideration as to development proposals under relevant policies. Because of the limitations of the DEFRA mapping, a detailed soil survey would be required to definitely establish whether this particular land was of BMV status, but for the majority of the strip of land concerned (with the exception of 2 small corners further identified below) I would advise that no clear evidence of that sort has been presented to the contrary to date, nor are there any indications on the ground that suggest it would be obviously wrong to assume that it is so designated.*

*The total, and individual, areas concerned are quite small, but Natural England recognises agricultural land as an important national resource. (Source: Natural England Technical Information Note TIN049 Agricultural Land Classification: protecting the best and most versatile agricultural land, January 2009). Planning policies seek, where possible, to protect the long-term productive potential of the best quality agricultural land. The protection policy "is relevant to all planning applications, including those on smaller areas but it is for the planning authority to decide how significant are agricultural land issues and the need for field information". If small areas were excluded this would ignore the potential cumulative effects of multiple applications.*

*The Classification is concerned with the inherent potential of land under a range of farming systems. The current agricultural use, or non-use, or intensity of use does not affect the ALC grade per se.*

*The cultivation and cropping of the field in recent years can be seen in aerial imagery. This cultivation and cropping includes most of the overall strip, but (prior to the erection of the new fencing to the rear of No 7 and No 5) there were two rather awkward corner areas, one adjoining No 19 and No 7, and one adjoining No 7 and No 5, where cultivation*

*and cropping were not apparently taking place. These two areas, in my view, could be regarded, in practice, as not representing any significant loss to agriculture, but they only comprise a fairly small proportion of the overall strip.*

*Garden extensions within the two small areas referred to above, would be possible without affecting the efficient cultivation of the rest of the field. This would include all the land taken in by No 5 (Roundel Way), but not all the land taken in by No 7, much of which was cultivated and cropped previously."*

#### **4. REPRESENTATIONS**

4.1 Two representations from neighbours have been received both raising no objections. I summarise both as follows:

- The land was not being used for agriculture being inaccessible to farm machinery due to its proximity to the existing boundary and also due to the position of two trees.
- The proposal effectively tidied up a dead area of wasteland in an inaccessible part of the field.
- The completed project has made the outlook much more pleasing to the eye from our property.

#### **5. CONSIDERATIONS**

##### **5.1 Introduction**

5.1.1 This is a retrospective application to change part of an agricultural field to domestic garden land at 5 Roundel Way, Marden.

##### **5.2 Site Location**

5.2.1 The application site is a rectangular parcel of land to the southwest of the lawful garden associated with the applicant's house, 5 Roundel Way, a detached two storey dwelling. Roundel Way is at the southwest edge of Marden village and is a cul-de-sac off Albion Road to the east with mainly detached houses built in the 1990's. The applicant's house is within a group of 8 houses approved under a different permission to the rest of Roundel Way.

5.2.2 The land proposed for a change of use measures around 12m x 8m, covering around an area of around 96m<sup>2</sup>. Its north and east sides adjoin the lawful garden of no. 5 with the west side adjoining land which has also been changed to garden land associated with 7 Roundel Way that is the subject of retrospective application MA/11/0154, which is elsewhere on the papers. It is bounded by post and rail stock proof fencing on the south boundary to the

arable field and 1.8m high close boarded timber fencing on the west side separating it from the extended garden for no. 7. Vegetable beds have been created with pea shingle around them and there is a greenhouse next to the existing detached garage.

- 5.2.3 The application site was formerly part of a larger arable field to the south, which extends southwards for around 250m and westwards for around 230m. Along the east side of this field are the rear gardens of houses which front Albion Road. Further to the west and southwest is open countryside made up of arable fields and orchards bounded by established hedgerows. Public footpaths KM280, KM281 and KM283 are located between 80m and 160m to the west and south.
- 5.2.4 Both the applicant's house and lawful garden are actually outside the settlement boundary of Marden in the Local Plan as is the application site. However the physical boundary of the village is clearly defined by the edge of gardens both to the west and south which can be seen on the plan attached at **Appendix 1**.
- 5.2.5 The site also falls upon land classified as being Grade 2 agricultural land under the National Agricultural Land Classification system (ALC) which is regarded as being the best and most versatile agricultural land under PPS7. This is the land considered to be the most flexible, productive and efficient.

### **5.3 Proposed Development**

- 5.3.1 Retrospective permission is sought to change the parcel of land from agricultural use to be used as a garden associated with 5 Roundel Way. As stated above, the land is covered with vegetable beds and pea shingle and is bounded by post and rail stock proof fencing on the south side and 1.8m high close boarded timber fencing on the west side.

### **5.4 Assessment**

- 5.4.1 The site is within the open countryside where local and national planning policies seek to restrict development and to protect the character and appearance. Policy ENV28 states that,

*"In the countryside planning permission will not be given for development which harms the character and appearance of the area"*

- 5.4.2 Policy H31 relates to the change of use of agricultural land to domestic garden land and states that,

*"Planning permission will not be granted for the change of use of agricultural land to domestic garden if there would be:*

1) *Harm to the character and appearance of the countryside; and/or*

1) *Loss of the best and most versatile agricultural land"*

The accompanying text states that,

*"The change of use of agricultural land to domestic garden land is, in principle, contrary to the objectives of safeguarding the character and functioning of the countryside. However, in exceptional circumstances, extensions to residential gardens may be allowed where the overall appearance of the countryside is not compromised."*

5.4.3 Policy CC6 of the South East Plan 2009 outlines that actions and decisions associated with the development and use of land should respect, and where appropriate enhance, the character and distinctiveness of settlements and landscapes. Policy C4 concerns landscape and countryside management, essentially outlining that outside nationally designated landscapes, positive and high quality management of the region's open countryside will be encouraged, protected and enhanced, securing appropriate mitigation where damage to local landscape character cannot be avoided.

5.4.4 PPS7: Sustainable Development in Rural Areas outlines at paragraph 15 that,

*"Planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced."*

At paragraph 28 it states that,

*"The presence of best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification), should be taken into account alongside other sustainability considerations when determining planning applications."*

5.4.5 I therefore consider the main issues to be the impact upon the character and appearance of the countryside and the loss of the best and most versatile agricultural land.

## **5.5 Visual Impact on the Countryside**

5.5.1 The edge of this part of Marden village is clearly defined physically on the ground as the edge of the gardens of houses on Roundel Way and on Albion Road to the east. Beyond these gardens and the southwest of village, arable fields, orchards and grazing land with hedgerow boundaries make up the character of the countryside here. The edge of the gardens mark a clear visible line with the fields beyond and there is not a gradual change from a housing estate to the

countryside but instead an immediate stop and change in land character from gardens to an agricultural field. For this reason, I consider any alteration to this established boundary and extension of the garden into the field results in a significant change.

- 5.5.2 The proposal results in an intrusion into the field of a different landscape character being a domesticated area of land with vegetable patches, pea shingle and a greenhouse. Along with this, close-boarded fencing has been erected on one side which is not a sympathetic rural boundary treatment and one which increases the prominence of the change in land use and its harm.
- 5.5.3 Whilst conditions could be attached to substitute the close boarded fencing for more sympathetic treatments and some native landscaping could be secured, I still consider the intrusion and erosion of the arable field would be harmful to the area.
- 5.5.4 Having walked the footpaths to the south and west in March this year, I noted that the site is visible from here as the land is flat and the crop (rape seed) was low in height. Having re-visited the site in June, I noted that the rape seed was at its full height and does provide some screening of the site. However, any summer crop would only provide this degree of screening for around 2 months a year when it reaches full height and before it is cropped, so for the rest of the year the site would be exposed. The official route of footpath KM283 comes within 90m of the site, however this doesn't appear to be that well used and people tend to walk around the edge of the arable field. However, clearly one is able to use this route. In addition, the site can be seen from the other official and diverted footpaths between 160m and 200m away. I also noted that when walking the paths in the morning they were very well used by a large number of people walking dogs. (The official and unofficial footpaths are also marked on the plan at **Appendix 1**)
- 5.5.5 Therefore the development results in the intrusion into, and erosion of, undeveloped agricultural land. The site is not of insignificant size and I consider it causes harm to the character and appearance of the countryside hereabouts, which is visible from public vantage points on footpaths to the west and south. For this reason I consider there is clear conflict with policies ENV28 and H31 of the Local Plan.

## **5.6 Best and Most Versatile Agricultural Land**

- 5.6.1 Policy H31 states that planning permission will not be granted for the change of use of agricultural land to domestic garden if there would be loss of the best and most versatile agricultural land. The applicant has provided no evidence, such as soil testing, to demonstrate that it does not fall within this classification and I note advice from Rural Planning Ltd following a site inspection, is that there are

no indications on the ground that suggest it would be wrong to assume that it falls within this category.

5.6.2 With regard to the loss of this land, the applicant states that,

*"It has been neglected ever since we took occupation of the house, when new in September 1997. Indeed during the first summer, we were subjected to tall thistles in this plot as well as blackberry brambles invasively intruding over a 6ft larch lap fence."*

*"The farmer who cultivated the main field told me that this little plot was no use to him as he couldn't manoeuvre his machinery in such a small space and even, at one stage, was prepared to rent me the plot as a vegetable garden."*

*"In reality the plot in question has not been used as agricultural land for at least 50 years although its classification has never been altered."*

5.6.3 It is suggested that the land has not been used for agricultural production for a number of years and I note from aerial photography from 2003 and 2008 that this appears to be the case. I also note that comments from Rural Planning Ltd advise that the site does form part of a rather awkward corner where cultivation and cropping has apparently not taken place. The view is that this area could be regarded as not representing any significant loss to agriculture and that its loss would not affect the efficient cultivation of the rest of the field. I consider that due to the apparent awkwardness of cultivating and cropping this parcel of land and the lack of objection from Rural Planning Ltd. that an objection on the ground of the loss of agricultural land would be difficult to sustain in this case.

## **5.7 Other Matters**

5.7.1 The applicant points out that the land has been assessed under the Strategic Housing Land Availability Assessment (SHLAA) as having potential for housing development and therefore if development were to go ahead the agricultural land would be lost. The purpose of the SHLAA is simply to identify potential housing land and it does not make judgements about whether this should be included in the Local Development Framework (LDF). It is the role of the LDF process through public consultation and legal examination to determine the distribution strategy and following that, which sites should be allocated for housing development. So just because it has been identified as having some potential, this should not mean that harmful garden extensions upon such land should be accepted.

5.7.2 I do not consider there are any implications for neighbouring residential amenity as a result of the proposals.

## **6. CONCLUSION**

- 6.1 The change of use of land results in an extension of domestic land into the countryside which has an adverse impact upon the character and appearance of the countryside hereabouts contrary to policies ENV28 and H31 of the Local Plan. This intrusion and consequent harmful change is visible from public footpaths to the south and west of the site. For these reasons I recommend the application is refused.

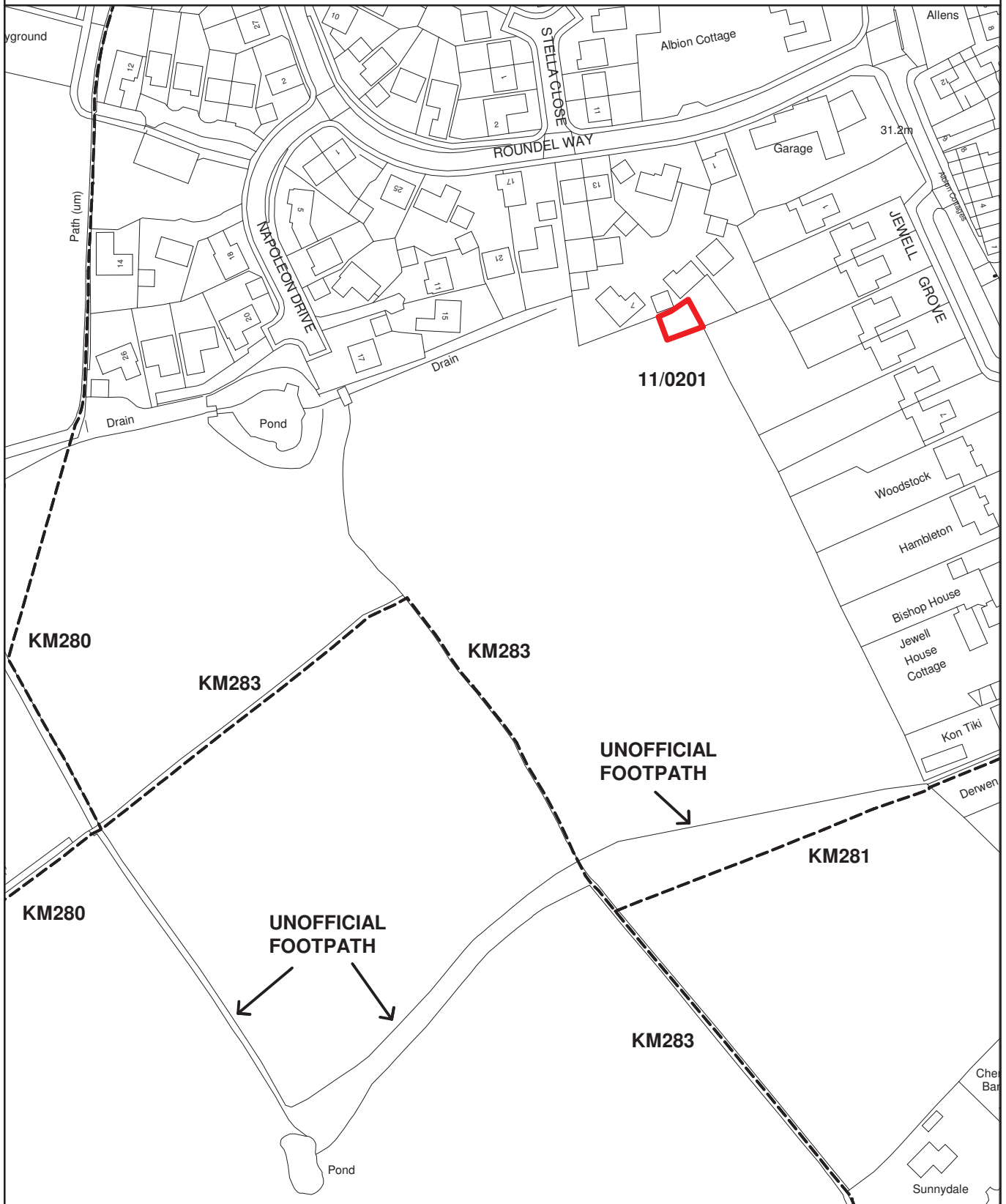
## **7. RECOMMENDATION**

REFUSE PLANNING PERMISSION for the following reasons:

1. The change of use of land to domestic garden due to its size and intrusion into the adjoining agricultural field results in harm to the character and appearance of the countryside hereabouts contrary to policies ENV28 and H31 of the Maidstone Borough-Wide Local Plan 2000, policies CC6 and C4 of the South East Plan 2009 and PPS7.



# PLAN OF SITE AND FOOTPATHS REFERRED TO IN THE COMMITTEE REPORT

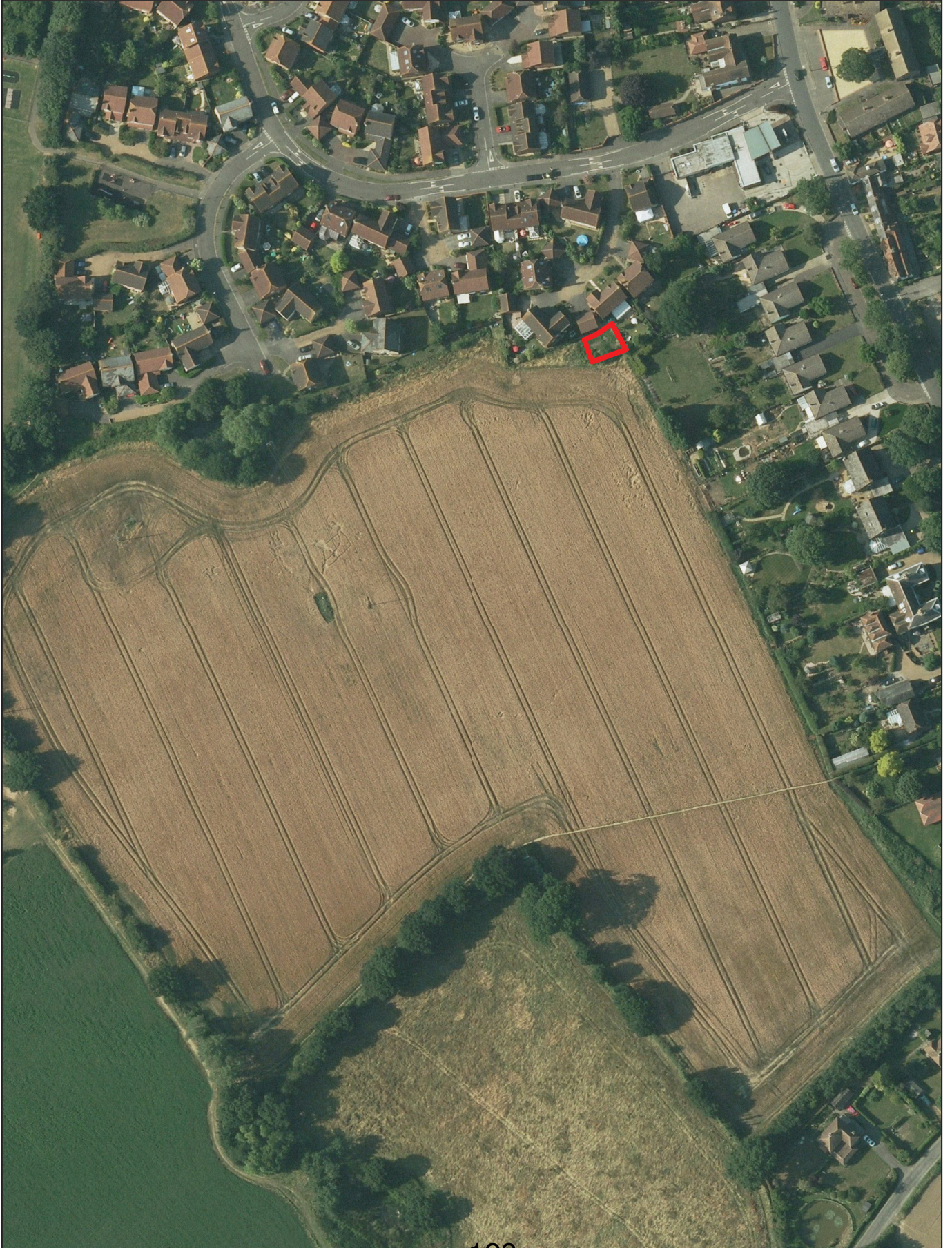


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**Rob Jarman**  
**Head of Development Management**

**EXTRACT FROM AERIAL PHOTOGRAPH  
5 ROUNDEL WAY, MARDEN.  
Year 2008 Not To Scale**



129



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131



132

25.02.2011

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29.03.2011

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29.03.2011

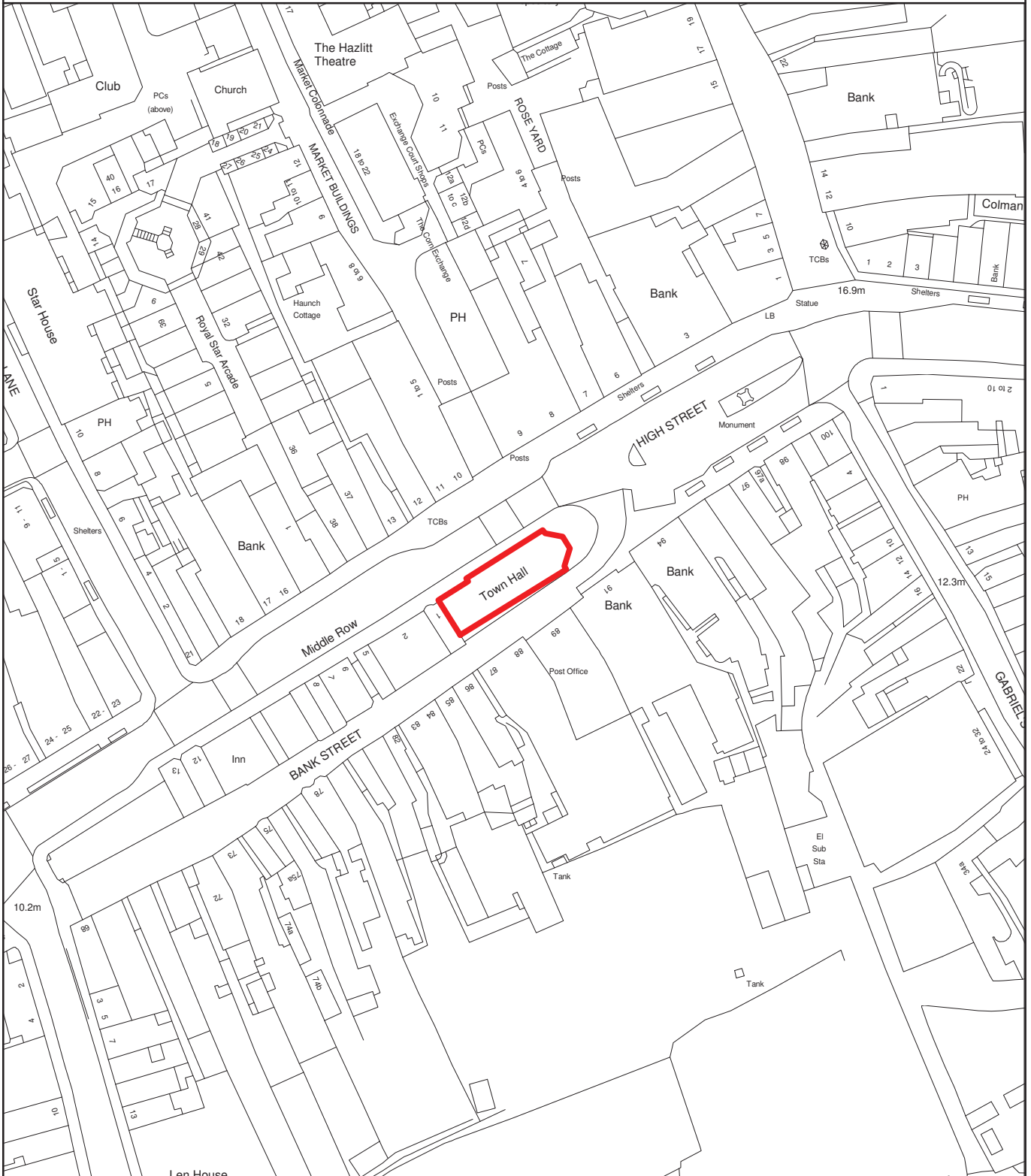


# THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/11/0752

GRID REF: TQ7655

TOWN HALL, MIDDLE ROW,  
MAIDSTONE.



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**Rob Jarman**  
Head of Development Management

APPLICATION: MA/11/0752 Date: 9 May 2011 Received: 10 May 2011

APPLICANT: Mr David Guest, Maidstone Borough Council

LOCATION: TOWN HALL, MIDDLE ROW, MAIDSTONE, KENT, ME14 1TF

PARISH: Maidstone

PROPOSAL: An application for Listed Building consent for works to the lead gutter serving the roof, including removal of redundant SV pipe from front elevation and replacement with cast iron downpipe as shown on the site location plan and drawing numbers 1682/002 & 1682/003 received 10/05/11.

AGENDA DATE: 30th June 2011

CASE OFFICER: Angela Welsford

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

- The Council is the applicant.

## **1. POLICIES**

- Maidstone Borough Wide Local Plan 2000: Not applicable.
- The South East Plan RSS 2009: BE6.
- Government Policy: PPS5 - Planning for the Historic Environment.

## **2. HISTORY**

The site has an extensive planning history, the most recent and of most relevance being:

- 2.1 MA/10/0229 - An application for listed building consent for alterations to ventilation pipe work on the south elevation of the Town Hall, replacing 100mm CI pipe with a 150mm CI pipe with bracket fixings and replacement of existing 150mm CI pipe with a new pipe and bracket fixings – APPROVED 09/04/10.
- 2.2 MA/06/1458 - An application for listed building consent for improvements to the heating and ventilation installation supplying the council chamber, works to include; changing the convector units in the chamber, renewing plant and ductwork in the roof space, provision of heat exchanger unit on the roof, provision of a new oak louvered dormer window and a new diffuser in existing ceiling vent – APPROVED 12/10/06.

## **3. CONSULTATIONS**

- 3.1 ENGLISH HERITAGE: The application should be decided in accordance with national and local policy and MBC's specialist conservation advice.

- 3.2 MAIDSTONE BOROUGH COUNCIL CONSERVATION OFFICER: Recommends approval. "These are essential works necessary to overcome existing shortcomings in the rainwater disposal system which are leading to damage to the building and its important interior decorations."

#### **4. REPRESENTATIONS**

- 4.1 No representations have been received to date.

#### **5. CONSIDERATIONS**

##### **5.1 Site and Surroundings**

- 5.1.1 The application relates to the Grade II\* listed Maidstone Town Hall, which is located in a prominent position in Middle Row, within the Maidstone Town Centre Conservation Area. The area is identified as having the potential for discovery of archaeological remains.
- 5.1.2 The building was constructed during the 1760s and underwent extensive refurbishment in the 1850s. The Council Chamber is understood to be one of the few rooms to retain features of the original construction, such as two eighteenth-century pedimented overmantels and six fielded panelled doors specifically mentioned in the list description. The fine Rococo decorative scheme, dating from the 1850s, was carried out by Galli and Cotti, and is considered to be the dominant feature within the space and a key element of the building's significance.

##### **5.2 PROPOSAL**

- 5.2.1 Listed Building Consent is sought under this application for works to the lead gutter serving the roof to alleviate a historic water ingress problem which is understood to be damaging the internal fabric of the building.
- 5.2.2 The proposal involves making the existing secret gutter, which runs through the loft area, redundant by raising the existing lead-lined gutter located behind the parapet wall and installing a new cast iron downpipe to allow surface water to discharge into the existing pavement drain. The downpipe would replace the existing redundant vent pipe on the front elevation of the building.

##### **5.3 ASSESSMENT**

- 5.3.1 The key issue arising from this application is the impact upon the historic and architectural integrity of the Grade II\* listed building, its significance and its features of special interest.
- 5.3.2 The submission explains that the works are necessary to prevent further damage and staining to the decorative painted ceiling in the Council Chamber, which is already beginning to occur as a result of rainwater ingress from the secret gutter which runs through the loft area beneath the pediment/cupola. If the problem is

not rectified, ultimately the water damage is likely to destroy the existing painted finishes and cause the roof timbers above to decay.

- 5.3.3 During my site visit I saw evidence of the water damage on the Council Chamber ceiling. The paintwork on the decorative panel directly above the window facing onto Middle Row closest to the apse end is blistered and cracked. This is likely to cause the paint to peel if not halted. In my view, some form of remediation is essential to the preservation of the building's significance, a key element of which is the striking decorative scheme.
- 5.3.4 The existing vent pipe is set at first floor level only, whereas the proposed downpipe would extend down to ground level. However, I noted during my site visit that there are already other full-height cast-iron downpipes on both the Middle Row and Bank Street elevations. I do not therefore consider that the proposal would look out of place or cause harm to the historic character or appearance of the building. Furthermore, there would not be any significant loss of important historic fabric as a result of the works to the gutter.
- 5.3.5 The Council's Conservation Officer has advised that, in his view, these works are essential to the prevention of further damage to the building and its important interior decoration, and has recommended that the application is approved. English Heritage has advised that the application should be decided in accordance with national and local policy and the Council's specialist conservation advice.
- 5.3.6 To summarise, therefore, the proposal would preserve the Grade II\* listed building, its significance and its features of special architectural/historic interest. As such, the proposal complies with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPS5 - Planning for the Historic Environment and Listed Building Consent can therefore be granted.

## **5.4 OTHER ISSUES**

- 5.4.1 Although the site is located in the Town Centre Conservation Area, impact on a conservation area is dealt with under applications for planning permission, not Listed Building Consent. In this instance the use of a cast iron down pipe is historically appropriate and the other works would not be visible, so there would be very little impact in any case.
- 5.4.2 There are no archaeological issues to consider due to the position and nature of the proposed works, which will not involve any groundworks.

## **6 CONCLUSION**

- 6.1 The proposed works to the lead gutter serving the roof, including the removal of the redundant vent pipe and its replacement with a cast iron downpipe, would preserve the historic and architectural integrity of the Grade II\* listed Town Hall building, its significance and its features of special interest. The proposal is therefore considered to comply with Central Government guidance as set out in

PPS5 and I therefore recommend approval subject to the conditions set out below.

- 6.2 As this is a Listed Building Consent application made by the Council, it must be referred to the Secretary of State for determination and consequently I have phrased my recommendation to Members accordingly:

## **7. RECOMMENDATION**

REFER THE APPLICATION TO THE SECRETARY OF STATE FOR DETERMINATION, RECOMMENDING THAT LISTED BUILDING CONSENT BE GRANTED subject to the following conditions:

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

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

2. The works hereby permitted shall be carried out in accordance with the following approved plans: site location plan and drawing numbers 1682/002 & 1682/003 received 10/05/11;

Reason: To ensure the quality of the development and the historic significance of the Grade II\* Listed building are maintained in accordance with Policy BE6 of The South East Plan RSS 2009 and the Central Government advice contained in PPS5 - Planning for the Historic Environment.

## **REASON FOR APPROVAL**

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

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LARDNER  
DUDLEY

HORNE  
FAIRFAX

BYLLER TENTERDEN  
BOSSOM FOSTER CLARK

BOYS DVPPA  
HOADLEY KENNETT

14.06.2011

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14.06.2011





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MIDDLE  
ROW

County Hall  
Coach Park  
Abbeville Market  
The City Exchange  
Market Theatre & Shop  
Tables 1-11

14.06.2011

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14.06.2011

# Agenda Item 20

## **THE MAIDSTONE BOROUGH COUNCIL** **PLANNING COMMITTEE – 30<sup>th</sup> June 2011**

### **APPEAL DECISIONS:**

1. **MA/10/0820** Retrospective application for the resurfacing and extension of car park

**Allowed with Conditions**

CORNER OF MOTE ROAD AND, UPPER STONE STREET,  
MAIDSTONE, KENT

**(Delegated)**

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2. **MA/10/1145** Erection of 7 bay garage with 2 bed flat above to provide live/work property

**Dismissed**

CRABTREE BARN STAPLEHURST CAR SALES,  
CRADDUCKS LANE, STAPLEHURST, KENT, TN12 0DR

**(Delegated)**

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3. **MA/10/1270** Erection of a chalet bungalow

**Dismissed**

**LAND ADJ TO CARN BRAE, BOXLEY ROAD,  
WALDESLADE, CHATHAM, KENT, ME5 9JD**

**(Delegated)**

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4. **MA/10/1614** Erection of a four bedroom detached dwelling with associated garage

**Dismissed**

MILLFIELD HOUSE, HEADCORN ROAD, STAPLEHURST,  
TONBRIDGE, KENT, TN12 0BU

**(Delegated)**

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5. **MA/10/1709** Erection of a new dwelling

**Dismissed**

INTERNATIONAL GRASSTRACK CIRCUIT, LONGEND  
LANE, MARDEN, KENT

**(Delegated)**

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- 6. MA/10/1733** Erection of a detached dwelling with detached Garage

**Dismissed**

LAND ADJ TO MICKLEWOOD, GRAVELLY BOTTOM ROAD, KINGSWOOD, MAIDSTONE, KENT, ME17 3NU

**(Delegated)**

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