

# AGENDA

## PLANNING COMMITTEE MEETING



Date: Thursday 30 August 2012  
Time: 6.00 p.m.  
Venue: Town Hall, High Street,  
Maidstone

### Membership:

Councillors Ash, Collins, Cox, English, Garland,  
Harwood, Hogg, Lusty (Chairman),  
Newton, Paterson, Mrs Robertson,  
Thick and J.A. Wilson

---

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 6 September 2012

**Continued Over/:**

---

**Issued on 21 August 2012**

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

*Alison Broom*

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

6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
10. Minutes of the meeting held on 9 August 2012 1 - 4
11. Presentation of Petitions (if any)
12. MA 11 1187 - THE OLD COACH HOUSE, SPENNY LANE, YALDING 5 - 19
13. MA 11 1481 - LAND SOUTH OF 1 BELL LANE, STAPLEHURST 20 - 38
14. MA 11 2108 - THE OLD SCHOOL, 92A MELVILLE ROAD, MAIDSTONE 39 - 50
15. MA 12 0148 - LAND EAST OF CHANCE, GRIGG LANE, HEADCORN 51 - 72
16. MA 12 0324 - RHENCULLEN, BRIDGE STREET, LOOSE, MAIDSTONE 73 - 88
17. MA 12 0552 - GUDGEON OAST, WEST STREET, HUNTON, MAIDSTONE 89 - 96
18. MA 12 0590 - LAND AT DEPOT SITE, GEORGE STREET, MAIDSTONE 97 - 117
19. MA 12 0817 - THE VICTORIA INN, HEATH ROAD, EAST FARLEIGH, MAIDSTONE 118 - 125
20. MA 12 0886 - G FORCES WEB MANAGEMENT LTD, CORBIN BUSINESS PARK, CARING LANE, BEARSTED, MAIDSTONE 126 - 133
21. Chairman's Announcements
22. Update on Matters Referred to the Leader of the Council and Cabinet Members for Economic and Commercial Development and Planning, Transport and Development

**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 AUGUST 2012**

**Present:**                    **Councillor Lusty (Chairman) and  
Councillors Ash, Butler, Chittenden, Collins, Cox,  
English, Harwood, Hogg, Moriarty, Mrs Robertson and  
Thick**

84.    APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Garland, Newton, Paterson and J A Wilson.

85.    NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:-

Councillor Butler for Councillor J A Wilson  
Councillor Chittenden for Councillor Paterson  
Councillor Moriarty for Councillor Newton

86.    NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

87.    ITEMS WITHDRAWN FROM THE AGENDA

There were none.

88.    URGENT ITEMS

Update Report

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

89.    DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Ash stated that he was a Member of Bearsted Parish Council, but he had not participated in the Parish Council's discussions regarding application MA/12/0616, and intended to speak and vote when it was discussed.

90.    EXEMPT ITEMS

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

91. MINUTES OF THE MEETING HELD ON 26 JULY 2012

RESOLVED: That the Minutes of the meeting held on 26 July 2012 be approved as a correct record and signed.

92. PRESENTATION OF PETITIONS

There were no petitions.

93. MA/11/1721 - ERECTION OF SHED (AMENDED SCHEME TO PLANNING PERMISSION MA/11/1055) - 4 HAVIKER STREET, COLLIER STREET, TONBRIDGE

The Committee considered the report of the Head of Planning.

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

Voting: 12 – For 0 – Against 0 – Abstentions

94. MA/12/0616 - ERECTION OF 2 NO. DETACHED CHALET BUNGALOWS INCLUDING NEW VEHICLE ACCESS AND ALL OTHER ASSOCIATED WORKS TO REPLACE EXISTING DWELLING - 8 MANOR CLOSE, BEARSTED, MAIDSTONE

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

Mr Pagett, for objectors, Councillor Spooner of Bearsted Parish Council (against) and Mr Chapman, for the applicant, addressed the meeting.

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report as amended by the urgent update report.

Voting: 10 – For 2 – Against 0 – Abstentions

95. MA/12/1131 - VARIATION OF CONDITION 3 OF APPLICATION MA/11/1147 TO CHANGE OPENING HOURS TO 09.00 A.M. AND 12:00 (MIDNIGHT) ON SUNDAYS - THURSDAYS AND 10:00 A.M. TO 05:00 A.M. FRIDAYS AND SATURDAYS - 34 HIGH STREET, MAIDSTONE

The Committee considered the report of the Head of Planning.

Mrs Perfect addressed the meeting on behalf of the applicant.

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

Voting: 11 – For 0 – Against 1 – Abstention



96. MA/12/1178 - ERECTION OF A SIDE EXTENSION INCORPORATING TWO DORMER WINDOWS WITH THE INSERTION OF AN ADDITIONAL REAR DORMER WINDOW AND ROOFLIGHTS - 1 ROSELEIGH AVENUE, MAIDSTONE

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

The Chairman advised Members that unfortunately, Councillor Robertson, who had called this application to Committee, was unwell, and had submitted his apologies for being unable to attend the meeting. On behalf of the Committee, the Chairman sent Members' good wishes to Councillor Robertson.

Mr Grindle, an objector, and Mr Smith, for the applicant, addressed the meeting.

Councillor Mrs Robertson, a Ward Member, stated that she had not been lobbied regarding this application, and that, whilst she had some reservations about the proposed development, she wished to hear the views of other Members before making up her mind.

RESOLVED:

1. That subject to the expiry of the consultation period and the receipt of no representations raising new issues material to the decision, the Head of Planning be given delegated powers to grant permission subject to the conditions set out in the report, the additional condition set out in the urgent update report and the following additional conditions and informative:-

Additional Conditions

The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species, which shall be in accordance with BS 5837 (2012) 'Trees in Relation to Design, Demolition and Construction - Recommendations', and shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines.

Reason: To ensure a satisfactory setting and external appearance to the development. This is in accordance with policy ENV6 of the Maidstone Borough-Wide Local Plan 2000 and the National Planning Policy Framework 2012.

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. This is in accordance with policy ENV6 of the Maidstone Borough-Wide Local Plan 2000 and the National Planning Policy Framework 2012.

Additional Informative

The landscaping scheme should include native planting inside the boundary wall along Stirling Avenue.

2. That the landscaping scheme must be agreed in consultation with Ward Members and Councillor Harwood.

Voting:      10 – For      1 – Against      1 – Abstention

97. APPEAL DECISIONS

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

RESOLVED: That the report be noted.

98. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that arrangements had been made for the tour of planning sites to take place on Wednesday 5 September 2012, commencing at 9.30 a.m. The purpose of the tour was to visit a sample of implemented planning permissions and proposed developments. If Members wished to visit any specific sites, they should notify the Head of Planning as soon as possible.

99. UPDATE ON MATTERS REFERRED TO THE LEADER OF THE COUNCIL AND CABINET MEMBERS FOR ECONOMIC AND COMMERCIAL DEVELOPMENT AND PLANNING, TRANSPORT AND DEVELOPMENT

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

100. DURATION OF MEETING

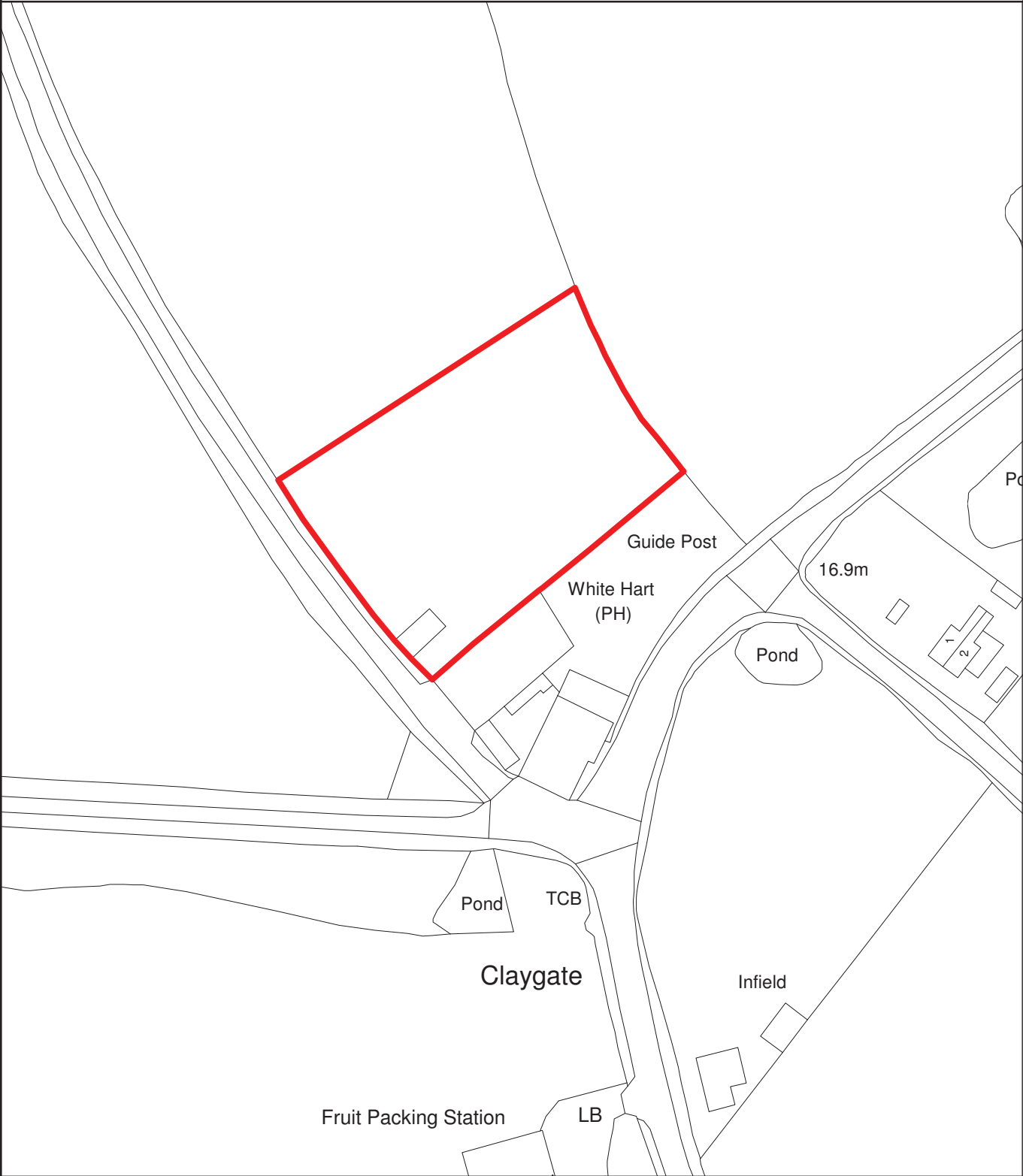
6.00 p.m. to 7.10 p.m.

**THE MAIDSTONE BOROUGH COUNCIL**

**PLANNING APPLICATION NUMBER: MA/11/1187**

**GRID REF: TQ7144**

**THE OLD COACH HOUSE,  
SPENNY LANE, YALDING.**



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 1000019636, 2012. Scale 1:1250



**Rob Jarman  
Head of Planning**

APPLICATION: MA/11/1187 Date: 14 June 2011 Received: 22 December 2011

APPLICANT: Mr Robert Chapman

LOCATION: THE OLD COACH HOUSE, SPENNY LANE, YALDING, KENT

PARISH: Collier Street

PROPOSAL: Change of use of building to holiday let as shown on the site location plan and drawing numbers 10/1165/01 and 10/1165/02 supported by a letter from Freedom Homes all received 15th July 2011, design and access statement received 2nd November 2011, and arboricultural report received 22nd December 2011.

AGENDA DATE: 30th August 2012

CASE OFFICER: Catherine Slade

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

- it is contrary to views expressed by Collier Street Parish Council.

## **1 POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV44, T13  
South East Plan 2009: CC1, CC6, T4, C4, TSR5  
Government Policy: National Planning Policy Framework 2012, Good Practice Guide on Planning for Tourism 2006

## **2 BACKGROUND**

- 2.1 This application was reported to Planning Committee on 8<sup>th</sup> March 2012. I attach a copy of my Committee Report as Appendix 1. In response to the representation of the applicant to the Committee, during which a variation of condition 3 was requested in order to allow occupation of the premises for periods in excess of 4 weeks, Members deferred making a decision to enable the applicant to provide evidence regarding the length of the educational courses likely to be the reason for staying at the site.

## **3 ADDITIONAL INFORMATION RECEIVED**

- 3.1 The required information was sought from the agent by letters dated 20<sup>th</sup> March and 20<sup>th</sup> July 2012. Although an email was received on 13<sup>th</sup> June 2012 reiterating

the request for the relaxation of the restriction of occupation of the unit, no evidence or information has been provided to support relaxation of the occupation restriction of the holiday let.

- 3.2 The applicant has subsequently requested by letter dated 25<sup>th</sup> July 2012 that the application be determined with the recommended condition 3 in place as set out in the previous report. A copy of the letter is attached as Appendix 2.

#### **4 PLANNING AND POLICY CONSIDERATIONS**

- 4.1 The proposal has previously been recommended for approval subject to conditions as set out in the report presented to Planning Committee on 8<sup>th</sup> March 2012 for the reason that the conversion of the building to tourism use is in accordance with policies ENV44 of the Maidstone Borough-Wide Local Plan 2000 and TSR5 of the South East Plan 2009.
- 4.2 Since the time of the previous Planning Committee meeting, the National Planning Policy Framework 2012 has been published; this document supports development that would result in economic growth in rural areas including proposals for sustainable rural tourism which respect the character of the countryside such as this.
- 4.3 Condition 3 restricting occupation of the proposed holiday accommodation is in accordance with guidance as set out in the Good Practice Guide on Planning for Tourism (which remains in place) and the normal practice of Maidstone Borough Council when permitting applications for tourism development.
- 4.4 Notwithstanding the representation of the applicant to the Planning Committee requesting variation of the condition, no satisfactory information or evidence has been provided to support relaxation of the normal condition of restraint of occupation and the applicant has now withdrawn the request. I therefore recommend that the condition remain as set out below. The applicant is aware that an application to vary the condition can be made in the future if evidence supporting the relaxation of the occupancy restrictions can be provided.
- 4.5 Subject to the imposition of this condition, and the others attached to this report, the proposal is considered to be acceptable for the reasons set out in the previous report, and I therefore recommend the application for approval subject to conditions, as per the previous recommendation.

#### **5 RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the GRS Arboricultural Consultant Arboricultural Report ref. GRS/TS/AIS/AMS/TPP/12/11. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction- Recommendations' and as per the recommendations set out within the GRS Arboricultural Consultant Arboricultural Report ref. GRS/TS/AIS/AMS/TPP/12/11. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The sitting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained and secure the character, appearance and functioning of the site and surrounding area in accordance with policies ENV6, ENV28 and ENV44 of the Maidstone Borough-Wide Local Plan 2000 and CC1 and CC6 of the South East Plan 2006, and central government guidance in PPS1 Delivering Sustainable Development.

3. The development hereby permitted shall only be used as holiday accommodation and shall not be occupied continuously by any person or persons for a period in excess of 28 days in any one single letting. There shall be no consecutive lettings beyond four weeks to the same person, family or group and a written record of all lettings shall be kept and made available for inspection by the Local Planning Authority at their reasonable request;

Reason: To ensure the use of the building is effectively restricted to tourist accommodation as the introduction of a permanent residential use would be contrary to policies ENV28 and ENV44 of the Maidstone Borough-Wide Local Plan 2000 and central government planning policy and guidance in PPS3 Housing and PPS7 Sustainable Development in Rural Areas.

4. 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-H and Part 2 Class A to that Order shall be carried out without the permission of the Local Planning Authority in relation to the development hereby permitted;

Reason: To safeguard the character, appearance and functioning of the building and surrounding area in accordance with policies ENV28 and ENV44 of the Maidstone Borough-Wide Local Plan 2000 and CC6 of the South East Plan 2006, and central government guidance in PPS1 Delivering Sustainable Development.

5. Prior to the commencement of the development, written details and samples of the materials to be used in the construction of the hard surfaces shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To safeguard the character, appearance and functioning of the site and surrounding area in accordance with policies ENV28 and ENV44 of the Maidstone Borough-Wide Local Plan 2000 and CC6 of the South East Plan 2006, and central government guidance in PPS1 Delivering Sustainable Development.

6. All planting, seeding or turfing comprised in the approved details of landscaping as set out in GRS Arboricultural Consultant Arboricultural Report ref. GRS/TS/AIS/AMS/TPP/12/11 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To safeguard existing trees to be retained and secure the character, appearance and functioning of the site and surrounding area in accordance with policies ENV6, ENV28 and ENV44 of the Maidstone Borough-Wide Local Plan 2000 and CC1 and CC6 of the South East Plan 2006, and central government guidance in PPS1 Delivering Sustainable Development.

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

Site location plan and drawing numbers 10/1165/01 and 10/1165/02;

Reason: To safeguard the character, appearance and functioning of the site and

surrounding area in accordance with policies ENV28 and ENV44 of the Maidstone Borough-Wide Local Plan 2000 and CC6 of the South East Plan 2006, and central government guidance in PPS1 Delivering Sustainable Development.

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



APPLICATION: MA/11/1187 Date: 14 June 2011 Received: 22 December 2011  
APPLICANT: Mr Robert Chapman  
LOCATION: THE OLD COACH HOUSE, SPENNY LANE, YALDING, KENT  
PARISH: Collier Street  
PROPOSAL: Change of use of building to holiday let as shown on the site location plan and drawing numbers 10/1165/01 and 10/1165/02 supported by a letter from Freedom Homes all received 15th July 2011, design and access statement received 2nd November 2011, and arboricultural report received 22nd December 2011.  
AGENDA DATE: 8th March 2012  
CASE OFFICER: Catherine Slade

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

- It is contrary to views expressed by Collier Street Parish Council.

## 1. **POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV44, T13
- South East Plan 2009: CC1, CC6, T4, C4, TSR5
- Government Policy: PPS1, PPS4, PPS7, Good Practice Guide on Planning for Tourism 2006

## 2. **HISTORY**

2.1 None relevant.

## 3. **CONSULTATIONS**

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

'The land being agricultural, this application represents a change of use.

The building is little more than a stable at present and cannot be remodelled without substantial rebuilding which is contrary to the MBC Development Plan.

We would have expected to see a flood risk assessment.

In our opinion a soakaway is not a practical option in this location.'

- 3.2 **MBC Conservation Officer:** Raises no objection to the proposal and makes the following detailed comments:

"This building seems to be shown on the 1876 OS map although it looks to have been substantially renovated/ rebuilt in recent years. Whilst it is of little historical or architectural note and makes no significant contribution to the character of the surrounding countryside, it is not out of character either and so may therefore be considered appropriate for conversion to a holiday let."

- 3.3 **MBC Landscape Officer:** Raises no objection to the proposal, although wishes to make the following comment:

'I am satisfied that the subsequently submitted arboricultural report, which includes in arboricultural method statement and tree protection plan, demonstrates that the impact on adjacent trees is acceptable if suitable protection measures, construction methodology and arboricultural supervision are in place. I therefore support the proposal, subject to a condition requiring full compliance with the recommendations of the arboricultural report.

The proposed new hedge planting is also acceptable.'

#### 4. **REPRESENTATIONS**

- 4.1 One representation was received which have raised concern over the impact on the character of the site through the introduction of hard surfacing and the possibility of future residential development on the land. The representation also queried the need for such accommodation.

#### 5. **CONSIDERATIONS**

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

- 5.1.1 The site is located in open countryside with no specific policy designations in the Local Plan. It is within the parish of Collier Street, and is located to the east of Spenny Lane, an unclassified rural highway. The site is in close proximity to an area recognised by the Environment Agency as being prone to flood, but is not considered to be so itself.
- 5.1.2 The site comprises the south eastern part of a field located immediately adjacent to the north west boundary of The White Hart public house and a building located in the southern corner of the land.
- 5.1.3 The site is approximately level, and has an existing vehicular access to Spenny Lane. The site entrance is located approximately 45m to the north west of the

junction of Spenny Lane and Claygate. The site has substantial mature deciduous landscaping to the boundary with the public highway.

- 5.1.4 The existing building is a single storey detached building of a simple pitched roof form which provides a single interior space. It has a depth of 5.4m and a width of 11.1m. The heights to eaves and the ridge are 2.7m and 5.5m respectively. The building is positioned at 90° to the boundary of the site, and abuts the public highway.
- 5.1.5 The land is currently in use for the grazing of horses, and the building serves that use, although the Local Planning Authority has no record of a formal change of use of the land or the erection of the building.

## **5.2 Proposal**

- 5.2.1 The current application seeks planning permission for a change of use of the land and existing building to provide a holiday let and associated garden and parking areas. The application includes operational development including alterations to the existing building comprising the introduction of two ground floor windows and four roof lights to the north west elevation; a rearrangement of the existing openings to the ground floor of the south east elevation; and the introduction of a first floor window to the gable of the north east elevation; and the introduction of an area of hard surfacing to provide a driveway and off road parking within the site.
- 5.2.2 The proposed development would result in a holiday let with open plan lounge/kitchen diner, a bedroom and a bathroom at ground floor level, and a bedroom and shower room in the roof space.

## **5.3 Principle of Development**

- 5.3.1 The site is located in open countryside and therefore subject to strict control over new development, however Local Plan policy ENV44 allows for the conversion and re-use of existing rural buildings for commercial purposes, including tourism uses, subject to a number of criteria including the design of the existing building; being able to carry out the conversion without major reconstruction; the visual impact of the development; impact on village vitality; highway considerations; impact upon neighbouring amenity and the amenity of future occupants.
- 5.3.2 PPS4 also supports the reuse of rural buildings for economic uses, whilst policy TSR5 of the South East Plan seeks to secure a mix of tourist accommodation.
- 5.3.3 In my view, the existing building is modest, and I concur with the view of the MBC Conservation Officer that whilst the building is of limited historic or

architectural interest per-se, it is of a simple rural form and appearance which is in keeping with the rural setting, although it would not satisfy the stricter criteria in this regard for a conversion to a dwellinghouse. In order to secure the use of the building for holiday purposes and prevent the establishment of a permanently occupied dwellinghouse which would not otherwise be acceptable in policy terms, a condition is suggested that would restrict the occupation of the building and require a record to be maintained of its occupation. The Council usually allows for holiday use all year round due to the changing nature of holidays in this country and as recognised under the Good Practice Guide on Planning for Tourism, but restricts the period of time occupants can stay at such accommodation to 4 weeks. I consider this is appropriate in this case. Also, in order to secure the simple rural form of the building and prevent the proliferation of domestic paraphernalia within the site confines it is considered appropriate in this case to impose a condition restricting permitted development rights.

- 5.3.4 Although some external alterations are proposed to the building, it is considered that these are modest in scale, and would not detract from its overall character and appearance, and would not constitute a major or complete reconstruction of the building. The proposal would result in the introduction of hard surfacing to form a driveway, however this is limited in extent to allow the provision of a parking area which would be screened by the existing building, and as such considered to be visually acceptable in the context of the change of use. However, it is considered that a condition be imposed requiring the submission of details of the surfacing materials in order to secure the appearance of this feature.
- 5.3.5 The operational development proposed would be effectively screened from public view by the existing landscaping to the site boundary with the highway which is to be retained as set out in the arboricultural report. The report also details additional proposed planting to the other boundaries of the site. To secure this screening, it is considered reasonable and necessary for a condition to be imposed requiring the development to be undertaken in accordance with the recommendations of the arboricultural report.
- 5.3.6 I do not consider the provision of a single holiday let would threaten the vitality of surrounding villages but would help support the local rural economy.
- 5.3.7 The proposal would utilise an existing vehicular access, and is not considered to be likely to result in a level of vehicle movements that would prejudice highway safety. Off road parking for two vehicles would be provided within the site, which is considered to be an appropriate level of provision given the size of the premises and the proposed use, and the rural location. It is not considered that the proposal would have any impact upon the closest residential dwellings, which

are located in excess of 100m from the site, and the standard of accommodation provided is considered to be of adequate quality for tourist accommodation.

- 5.3.8 For these reasons (subject to the conditions set out above), it is considered that the principle of the change of use is acceptable in terms of Maidstone Borough-Wide Local Plan 2000 ENV28 and ENV44 and central government planning policy and guidance.

#### **5.4 Other Matters**

- 5.4.1 The proposed development would be located in close proximity to a number of mature trees which play a positive role in the visual amenity of Spenny Lane, however an arboricultural report has been submitted in support of the application which demonstrates that these specimens and the existing planting can be retained, and the MBC Landscape Officer has raised no objection to the proposal in this regard.
- 5.4.2 Foul drainage is shown to be a septic tank and surface water would be dealt with by means of a soakaway.
- 5.4.3 The building is old, however the roof and the weatherboarding to the gables have recently been replaced and therefore any resident bat population will have previously been disturbed. The proposal would not result in the loss of any trees that might provide bat habitat. As such it is not considered that the submission of a bat survey is reasonable in the circumstances of this case.
- 5.4.4 Whilst it is noted that concerns have been raised in respect to flood risk issues, as set out above, the application site is not considered to be at risk of flood by the Environment Agency, and therefore no objection is raised to the development on this ground.

#### **6. CONCLUSION**

- 6.1 The principle of the change of use is acceptable in the circumstances of this case, being the conversion of an existing rural building for commercial purposes in accordance with policy ENV44 of the Maidstone Borough-Wide Local Plan 2000 and central government planning policy and guidance in PPS4 Planning for Sustainable Economic Growth.
- 6.2 It is not considered that the proposal would result in any unacceptable harm to the character or appearance of the open countryside, residential amenity or highway safety, and in all other respects satisfies the criteria for development of this kind, as set out in policy ENV44 of the Maidstone Borough-Wide Local Plan 2000.



## **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 GRS Arboricultural Consultant Arboricultural Report ref. GRS/TS/AIS/AMS/TPP/12/11. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction- Recommendations' and as per the recommendations set out within the GRS Arboricultural Consultant Arboricultural Report ref. GRS/TS/AIS/AMS/TPP/12/11. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The sitting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained and secure the character, appearance and functioning of the site and surrounding area in accordance with policies ENV6, ENV28 and ENV44 of the Maidstone Borough-Wide Local Plan 2000 and CC1 and CC6 of the South East Plan 2006, and central government guidance in PPS1 Delivering Sustainable Development.

3. The development hereby permitted shall only be used as holiday accommodation and shall not be occupied continuously by any person or persons for a period in excess of 28 days in any one single letting. There shall be no consecutive lettings beyond four weeks to the same person, family or group and a written record of all lettings shall be kept and made available for inspection by the Local Planning Authority at their reasonable request;

Reason: To ensure the use of the building is effectively restricted to tourist accommodation as the introduction of a permanent residential use would be contrary to policies ENV28 and ENV44 of the Maidstone Borough-Wide Local Plan 2000 and central government planning policy and guidance in PPS3 Housing and PPS7 Sustainable Development in Rural Areas.

4. 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-H and Part 2 Class A to that Order shall be carried out without the permission of the Local Planning Authority in relation to the development hereby permitted;

Reason: To safeguard the character, appearance and functioning of the building and surrounding area in accordance with policies ENV28 and ENV44 of the Maidstone Borough-Wide Local Plan 2000 and CC6 of the South East Plan 2006, and central government guidance in PPS1 Delivering Sustainable Development.

5. Prior to the commencement of the development, written details and samples of the materials to be used in the construction of the hard surfaces shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To safeguard the character, appearance and functioning of the site and surrounding area in accordance with policies ENV28 and ENV44 of the Maidstone Borough-Wide Local Plan 2000 and CC6 of the South East Plan 2006, and central government guidance in PPS1 Delivering Sustainable Development.

6. All planting, seeding or turfing comprised in the approved details of landscaping as set out in GRS Arboricultural Consultant Arboricultural Report ref. GRS/TS/AIS/AMS/TPP/12/11 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To safeguard existing trees to be retained and secure the character, appearance and functioning of the site and surrounding area in accordance with policies ENV6, ENV28 and ENV44 of the Maidstone Borough-Wide Local Plan 2000 and CC1 and CC6 of the South East Plan 2006, and central government guidance in PPS1 Delivering Sustainable Development.

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

site location plan and drawing numbers 10/1165/01 and 10/1165/02;

Reason: To safeguard the character, appearance and functioning of the site and surrounding area in accordance with policies ENV28 and ENV44 of the Maidstone Borough-Wide Local Plan 2000 and CC6 of the South East Plan 2006, and central government guidance in PPS1 Delivering Sustainable Development.

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



P.R.	Correspondence?	
REF:		
	26 JUL 2012	Init'
CHQ. DET. £		
DRAWER		

Iden Cottage  
Frittenden Road  
Staplehurst  
TN12 0DH

07808 473 480  
info@robchapman.com

25 July 2012

**Re: The Old Coach House, Spenny Lane, Claygate**

MA/11/1187

Dear Catherine Slade.

Thank you for your letter of 20 July. While I am disappointed in the result, I am not surprised. It does seem such a shame though, as to increase the letting time from 4 weeks to 8, or even 12 weeks, would not go any where near creating a sudo residency by backdoor means. Which is why the holiday letting advise is set low. This I understand.

Therefore can you please advise council to pass the permission as it is, with 4 weeks maximum let imposed. And in the fullness of time when I am able to show evidence that is deemed to be 'acceptable' to council, maybe I will request an extension then.

Many thanks for your time anyway, and I look forward to receiving written formal planning acceptance soon.

Yours Sincerely



Rob Chapman

20

22.10.2010





21



22

22.10.2010



23

22.10.2010





24



22.10.2010



25

22.10.2010







27

22 10 2010



28



29

22 10 2010



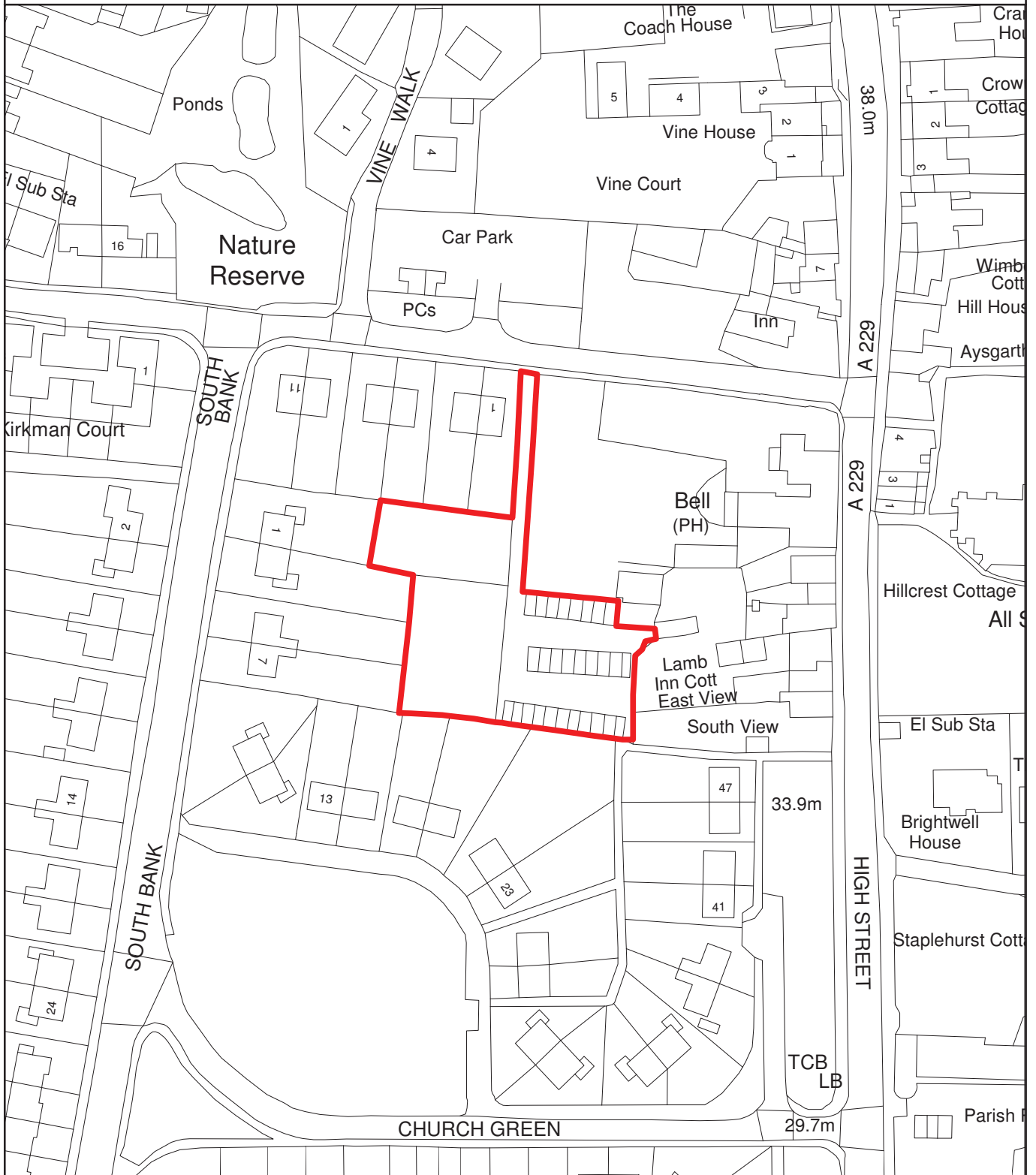
# Agenda Item 13

## THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/11/1481

GRID REF: TQ7842

LAND SOUTH OF 1 BELL LANE,  
STAPLEHURST.



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 100019636, 2012. Scale 1:1250



**Rob Jarman**  
Head of Planning

APPLICATION: MA/11/1481 Date: 18 August 2011 Received: 22 December 2011

APPLICANT: Golding Homes

LOCATION: LAND SOUTH OF 1, BELL LANE, STAPLEHURST, KENT, TN12 0BA

PARISH: Staplehurst

PROPOSAL: Demolition of existing garage blocks and the erection of six two-bedroom elderly persons bungalows with associated parking and private amenity space, together with the alteration/improvement of the existing vehicular access from Bell Lane as shown on drawing nos. BL/01, K10/0176/001/B, K10/0176/014/A, K10/0176/015/A, design and access statement, extended phase 1 habitat survey and Great Crested Newt and Reptile Survey received 30/08/2011, drawing K10/0176/011/B and transport statement received 10/10/2011 and drawing nos. K10/0176/12revH, K10/0176/013revC, arboricultural implications assessment and method statement and Great crested newt mitigation strategy received 24/05/2012.

AGENDA DATE: 30th August 2012

CASE OFFICER: Steve Clarke

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

- It is contrary to views expressed by Staplehurst Parish Council

## **1. POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV25, T13, T23, CF1  
South East Plan 2009: SP2, SP3, CC1, CC4, CC6, H3 H4, H5, T4, NRM5, S6, BE1, BE4, BE6, AOSR6, AOSR7  
Government Policy: National Planning Policy Framework 2012

## **2. HISTORY**

2.1 No previous relevant planning history on the site

## **3. CONSULTATIONS**

3.1 **Staplehurst Parish Council:** Wish to see the application REFUSED and commented originally as follows:

'After much discussion Councillors agreed to recommend REFUSAL for the following reasons:- Onsite lighting was insufficient, there was no pavement for pedestrians beside the access road and the gradient of the access road was too steep for wheelchair users. Concern was expressed regarding the close proximity of the site to two public houses that regularly had live outside music. The local sewage pumping stations were considered to be already at or beyond their capacity and would need upgrading if this development went ahead. Councillors requested this application be considered by MBC Planning Committee. However, should MBC be minded to approve this application without further reference to this Council, it would wish to see planning conditions imposed or at least informatives applied in respect of the following issues; Concern was expressed regarding the potential damage to verges and roads around the site by construction vehicles due to the narrow site access and narrow width of Bell Lane. Good management of the project would be needed together with restitution of offsite damage. It should be noted that egress from Bell Lane onto the High Street was also very difficult. With reference to Page 10 of the Design Statement, this Council requested to be consulted regarding an appropriate contribution to compensate for the loss of allotments. Clear marking and signing along the site access road would be needed to make it clear that priority should be given to pedestrians. It was recommended that the gradient of the access road should be eased to assist wheelchair users, particularly if a pavement beside the access road was not to be provided. The existing alleyway to the south of the site (also in the ownership of the applicant) would need to be made fit and proper as a useful and additional access to the site.'

The Parish Council have reiterated these comments on consideration of the most recent amendments.

3.2 **Kent Highway Services:**

3.2.1 Originally had several concerns:

'A Transport Statement has been provided to accompany the planning application. Modifications are to be made to the access to provide a width of 3m along its length widening to 3.75m at its junction with Bell lane. A passing bay is provided approximately 35m from the junction.

Please could details of the traffic generation data be provided as the traffic generation calculations appear to be low; usually between 6 - 8 movements per day are expected for each dwelling.

The vision splay of 2.4m x 33m could be reduced by using the formula contained in IGN2 if the speed of traffic along Bell Lane is known.

The tracking diagram indicates that Bell Lane is over 6m in width near the site access however a site visit has been made and the width of Bell Lane was found to be less than 6m: 4.8m in width on the eastern side of the site access and 5m in width on the western side of the site access. This is less than the dimensions shown on the drawing and I am

therefore concerned that refuse vehicles, deliveries and emergency services are able to turn in and out of the access safely. Please could this issue be addressed.

A short section of footway should be provided along Bell Lane to the east of the access with a dropped kerb crossing allowing pedestrians to leave the shared access and cross Bell Lane to the existing footway adjacent to the Kings Head PH car park.'

3.2.2 Following the submission of revised details addressing the above concerns the following comments were received and no objections were raised to the development.

'The site currently comprises 28 garages served from an access onto Bell Lane. The access is between 2.3m and 2.9m in width and also serves 2 other properties. A pedestrian access to the High Street is located at the south eastern corner of the site.

The proposal is to replace the 28 garages with 6 new two bedroom bungalows. The access is to be upgraded in width to 3m widening to 3.75m near its junction with Bell Lane and this would provide a shared surface access for the development. A passing bay is provided within 40m of the highway and tracking diagrams indicate that a refuse vehicle and fire appliance is able to turn round within the site.

A short section of footway is to be provided on Bell Lane to the east of the site access and a dropped kerb crossing to provide a pedestrian link from the access to the existing footway on the opposite side of Bell Lane. This work should be completed by way of a Section 278 Agreement.

Vision splays from the access are acceptable.

11 independently accessible parking spaces are proposed to serve the 6 dwellings of which 6 are allocated, 3 unallocated and 2 are visitor spaces. This is considered adequate for this development. In view of the above I confirm that I have no objections to the proposals in respect of highway matters subject to the following conditions being attached to any permission granted:-

1 There should be no occupation of the development site until a footway and dropped kerb crossing has been provided on the south side of Bell Lane to the east of the site access in accordance with a design and specification to be approved in writing with the Local Planning Authority and to be fully implemented to the satisfaction of the Local Planning Authority.

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

3 The area shown on the submitted layout as vehicle parking space or garages shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

4 The area shown on the approved plan as vehicle loading, off-loading and turning space, shall be paved and drained to the satisfaction of the Local Planning Authority before the use is commenced or the premises occupied and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land or in such a position as to preclude its use.

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

6 The development hereby permitted shall not be occupied until the visibility splays shown on the submitted plan have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

7 Pedestrian visibility splays 2 m x 2 m with no obstruction over 0.6 m above the access footway level shall be provided prior to the commencement of any other development in this application and shall be subsequently maintained.'

3.2.3 Of the suggested conditions Condition 2 is more appropriate as an informative and conditions 3 and 4 can be combined.

3.3 **English Heritage:** Were consulted due to the size of the site being in excess of 1000m<sup>2</sup> and the potential impact on the adjacent Conservation Area. They do not wish to offer any comments and state that the application should be considered against national and local policies and the Council's specialist conservation advice.

3.4 **KCC Biodiversity Team:**

3.4.1 Originally commented as follows

'We are satisfied with the level and quality of ecological survey effort undertaken to establish the potential for ecological impacts as a result of the proposed development.



The *Great Crested Newt and Reptile Survey* report details the findings of the two surveys; no reptiles were observed on the site, although there is suitable habitat present. While there is suitable habitat on the site there remains the potential for reptiles to 'move in'. If permission is granted but works do not begin within two years of the reptile survey, we advise that an updated survey should be undertaken and any necessary mitigation implemented at that stage.

The great crested newt survey of the nearby ponds confirmed their presence and there is therefore the potential that great crested newts will be using the available terrestrial habitat on the development site. The proposed development as it stands will result in the loss of terrestrial great crested newt habitat and has the potential to kill any animals present on the site.

The *Great Crested Newt and Reptile Survey* report advises that a great crested newt licence will be necessary and proposes the creation of hibernacula within the development and removal of any animals present. However, this is insufficient to satisfy Maidstone BC that the proposed mitigation will:

Ensure no net loss of habitat in terms of quantity and quality;  
Maintain habitat links;  
Secure long-term management of the site for benefit of newts.

We recommend that further information is sought regarding the receptor site for any translocated animals. Once satisfied on these points, we would recommend that a detailed mitigation strategy is required as a condition of planning, if granted.

We note the intention of the applicant to provide a contribution to provision of allotments and suggest that it may be appropriate for Maidstone BC and the applicant to ensure that the area selected for new allotments may also serve as replacement great crested newt and/or reptile habitat.

The *Extended Phase One Habitat Survey* report makes additional recommendations in respect of nesting birds and bats (section 5.3 recommendations 3 and 4). These must be implemented to further minimise potential for harm, either as planning conditions in their own right, or through incorporation within a wider ecological mitigation strategy. The key principles of PPS9 are not only to avoid, mitigate or compensate for harm to biodiversity but also to incorporate ways to enhance and restore it.'

3.4.2 Further comments were received following additional work on identifying receptor sites and appropriate mitigation measures. No objections are raised to the development.

'We have previously provided comments to this applicant (dated 18th October 2011), in which we advised that additional information was required to ensure that Maidstone BC can be satisfied that the proposed mitigation will:

Ensure no net loss of habitat in terms of quantity and quality;  
Maintain habitat links;

Secure long-term management of the site for benefit of newts.

In response to our advice, it has now been confirmed that the Bell Lane Local Nature Reserve (LNR) will be used as the receptor site for any great crested newts found on the site, and that the LNR will be enhanced to improve its suitability.

In addition, a hibernaculum will be created on the development site. Drawing K10-0176-012 Rev F describes this as 'possible', but we consider this measure an essential part of the aim to ensure no net loss of biodiversity as a result of planning decisions. We therefore advise that the implementation of this measure is secured, including the requirement that the hibernaculum created is not included within the gardens of the proposed houses.

There is also the intention to undertake works to recreate a nearby 'lost' pond. We are satisfied that these measures adequately address our request for additional information and that their implementation will minimise the potential for ecological impacts as a result of the proposals.

Our previous comments regarding the implementation of recommendations relating to nesting birds and bats within the *Extended Phase One Habitat Survey* report still stand.'

3.5 **Environment Agency:** No objections

3.6 **Southern Water:** Have advised that there are no public surface water sewers in the vicinity and have recommended a condition requiring details of surface water drainage to be submitted. They also request an informative to the applicant advising of the need to formally apply for a connection to the public sewer.

3.7 **Southern Gas Networks:** have advised of the presence of a low-pressure gas main that runs along the south side of Bell Lane past the site access road.

3.8 **UK Power Networks:** No objections

3.9 **MBC Conservation Officer:** No objections

'Whilst architecturally this scheme is not of any great merit, it is low-key and will have little impact on the setting of the conservation area. It will, however, be important to maintain or strengthen existing planting on the northern boundary of the site. Also, roof tiles should be plain clay tiles, not interlocking tiles, which would be out of character with the village.'

Recommendation

It is, therefore, recommended that:

- on heritage/design\* grounds NO OBJECTION IS RAISED subject to the following conditions. Landscaping and materials samples

3.10 **MBC Landscape:**

'The revised scheme, which now shows the house in plot 5 moved a further 2m from the tree and relocation of the patio is more acceptable in arboricultural terms although there is still likely to be future shade issues as the tree continues to grow.

However, on balance this alone is not sufficient reason to refuse the scheme on arboricultural grounds. Should you be minded to approve development on the site all the recommendations as set out in the arboricultural reports by Duramen Consulting are to be taken into consideration and suitable tree protection and landscaping conditions are to be attached.

In conclusion,

- I **RAISE NO OBJECTION** to this application on landscape and/or arboricultural grounds and recommend conditions as detailed above.'

### 3.11 **MBC Environmental Health:** No objections

'This site is surrounded on 3 sides by buildings, hence there is unlikely to be a traffic noise issue. There is a site registered on the contaminated land prioritised list within 100 metres, but this is considered low-risk. However it is likely that the garage blocks contain asbestos, so the usual informatives will apply, as will those concerning demolition and construction.'

## 4. **REPRESENTATIONS**

### 4.1 Five letters from properties adjoining the site have been received (including from Enterprise Inns the owners of the Kings Head PH). Objections are raised on the following (summarised) grounds:-

- Unacceptable noise and disturbance to adjacent properties in South Bank to the west through the use of the relocated patio area for plot 5
- The access is too narrow
- Occupiers are likely to complain about the noise from the Beer Garden at the Kings Head and thus potentially affect the viability of the business
- Likewise construction noise and dust will have an adverse impact on users of the Beer Garden and also affect the business
- The public footpath to the south of the site should be removed as representing a security hazard

## 5. **CONSIDERATIONS**

### 5.1 **Site description**

#### 5.1.1 The site comprises an area of some 0.21ha and is located on the south side of Bell Lane. It is accessed via an existing access road that passes to the east side of 1 Bell Lane and to the west of the garden of the Kings Head Public House. The access road runs southwards from Bell Lane and serves a group of 28 lock-up garages and associated hardstanding areas. These are located on the eastern side of the site. On the western side of the site is an area of former

informal allotments located to the rear of 1-7(odd) South Bank. The dwellings in Bell Lane and South Bank that back onto the site are all two-storeys in height.

- 5.1.2 The site lies within the defined settlement boundary of Staplehurst and adjoins on its eastern side the Staplehurst Conservation Area. The site itself has no specific designation on the Maidstone Borough-wide Local Plan 2000.
- 5.1.3 Land levels on the site and the access road fall to the south away from Bell Lane. A footpath link (not a registered Public Right of Way) runs southwards from the south east corner of the site towards the dwellings in Church Green/South Bank and also connects to the High Street.
- 5.1.4 The former allotments have not been used for a number of years (since 2007) and are now somewhat overgrown.
- 5.1.5 There are a number of trees within and adjoining the site that have been the subject of an arboricultural assessment and report. It is proposed to retain all the trees.

## **5.2 Proposal**

- 5.2.1 The application is a full application and seeks permission to demolish the existing lock-up garages and for the erection of 6 elderly persons' bungalows on the site of the garages and the former allotment land to the west.
- 5.2.2 The bungalows would be formed in a terrace of five along the southern side of the site with the sixth unit located in the north-west corner of the site behind 1-5 (odd) Bell Lane.
- 5.2.3 The units would be 2-bedroomed. They would be 6m to ridge and between 2.3m and 3m to eaves. Plot 5 at the western end of the terrace would be set forward some 2m to leave a larger gap to a retained Oak tree located just beyond the southern site boundary, the patio (and access to it from the lounge/dining room) for this unit has also been moved to the west elevation to reduce the impact of shadowing from the oak tree.
- 5.2.4 Other than plot 5 the units on the southern side of the site are located 7m in from the site boundary, Plot 5 is located 7m from this boundary. Plot 5 is also located 4m in from the site's western boundary at the rear of 1-7 (odd) South Bank leaving a distance of approximately 31m between the flank wall of plot 5 and the rear walls of the dwellings in South Bank. The roofs on the front elevations of plots 1-5 would extend forward to provide a canopy over the entrances.

- 5.2.5 Plot 6 is a detached unit located approximately 19.2m south of the existing dwellings in Bell Lane and 28m from the properties in South Bank. It is 5.5m to the ridge and 2.2m to eaves.
- 5.2.6 Indicated materials include brickwork plinth with a snapped header course and render for the walls, timber boarding under interlocking roof tiles. Plot 6 would additionally have some timber boarding to a gable feature. The units would also be provided with solar panels on the south facing roof slopes.
- 5.2.7 A total of 6 allocated parking spaces, 2 dedicated visitors' spaces and 3 unallocated parking spaces would be provided resulting in a total of 11 car parking spaces.
- 5.2.8 The site access road would be maintained at a width of 3.75m for the first 8m adjacent to Bell Lane then narrowing to 3.5m and then to 3m for a 17m section before widening again to 4.8m. The turning head would be 6m in width. The junction of the access with Bell Lane would be provided with 33m x 2.4m x 33m visibility splays. A new short section of footway along Bell Lane would be provided to the east of the access.
- 5.2.9 Due to the overgrown nature of part of the site, reptile and great crested newt surveys have been undertaken and mitigation measures proposed. The Bell Lane Local Nature Reserve (LNR) will be used as receptor site and enhanced to accommodate any Great Crested Newts found on the site. No newts were found during the survey in 2011 however. It is also proposed and considered necessary by the KCC Biodiversity Team to provide 2 hibernacula on the site. These would be located outside the garden area of plot 6. A pond is also to be restored further along Bell Lane.

### **5.3 Principle of Development**

- 5.3.1 The demolition of the lock-up garages and the erection of residential development is acceptable in principle as the site is located in a defined settlement boundary and the development would take place on previously developed land.
- 5.3.2 However, whilst the former allotments were not statutory allotments and have not been used since 2007, it is however necessary to consider the proposals against saved Borough-wide Local Plan policy ENV25.

**POLICY ENV25: DEVELOPMENT OF ALLOTMENTS FOR OTHER USES WILL NOT BE PERMITTED UNLESS ALTERNATIVE PROVISION IS MADE NEAR AT HAND, AND GROUND CONDITIONS ARE FULLY APPROPRIATE.**

Staplehurst is an area where according to the Green Spaces Strategy Provision Tables 2007 there is a shortage of allotment land.

Green Space Tables 2007							
Allotments and Community Gardens (Hierarchy: Middle Order)							
Ward Name	PMP Analysis Area	Total Population	Current Provision (ha)	Hectares per 1000 pop	Local Minimum Standard	Above / Below standard per 1000/pop	Above / below standard (ha)
Staplehurst	Southern	5900	0.11	0.02	0.18	-0.16	-0.94

5.3.3 The applicants have offered to make a payment of £1575/unit relating to the three units that would be located on the land formerly constituting the allotments. This would be earmarked to provide alternative provision in the Parish. I understand that the Parish Council has an allotments group looking for land and the some land has provisionally been identified. This would satisfy the requirements of Policy ENV25.

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

## 5.4 Design and layout

5.4.1 The application site is located largely behind existing development away from the public realm. Glimpses of the bungalows would be available from Bell Lane along the access road and from the existing footpath to the south of the site. The development itself would have little impact on the character of the adjacent Conservation Area. This has been confirmed by the Conservation Officer.

5.4.2 It is acknowledged that the site is in a backland location. However the site is already subject to built development in the form of the lock-up garages and the access road that serves these. The density as proposed equates to approximately 28 dwellings/ha, which is acceptable. The proposed development also comprises single-storey bungalows of a maximum of 6m in height, which will not be unduly visually intrusive from public vantage points given the fall in land levels away from Bell Lane.

5.4.3 The design of the dwellings themselves is simple and unfussy and is of an acceptable quality. The indicated materials are also acceptable with the provision that plain clay tiles are used for the roofs tiles to address the sole concern of the Conservation Officer.

5.4.4 I consider the appearance of the site overall will be improved as a result of the demolition of the existing garages and that there will be better surveillance of the existing footpath as a result of the development taking place.

## **5.5 Residential Amenity**

5.5.1 The proposed dwellings are all single-storey and are sited with adequate separation from the adjacent dwellings.

5.5.2 Plot 5 is located 4m in from the site's western boundary at the rear of 1-7 (odd) South Bank leaving a distance of approximately 31m between the flank wall of plot 5 and the rear walls of the dwellings in South Bank. Plot 6 is located approximately 19.2m south of the existing dwellings in Bell Lane and 28m from the properties in South Bank. On the southern side of the site the gardens of properties in Church Green are some 19m in length giving a separation of 26m between the dwellings. Given these distances and the fact that the dwellings are single storey no unacceptable loss of privacy or overshadowing will occur.

5.5.3 The concerns of the occupiers of a property in South Bank in relation to the potential disturbance of the use of the patio area to Plot 5 are noted. However, the separation distances are such that no unacceptable impact sufficient to warrant and sustain objection this ground is likely to occur.

5.5.4 I also do not consider that the use of the Beer Garden of the Kings Head is likely to result in complaints from future occupiers given the separation and relationship involved. Likewise any impact from construction would be of a temporary nature and is controlled through Environmental Health legislation if a statutory nuisance occurs.

5.5.5 The side garden of 1 Bell Lane is to be fenced by a new 1.8m high close boarded fence and is also already partially enclosed by a 2.5m high garage wall. Given the potential use of the access to serve the existing garages, I do not consider that the development as proposed would result in unacceptable levels of noise and disturbance to the occupiers of 1 Bell Lane.

5.5.6 No objections are raised to the development on grounds of residential amenity.

## **5.6 Highways**

5.6.1 The initial reservations of Kent Highway Services have been addressed through additional information and revised plans. There are no longer any objections to the suitability of the access to accommodate traffic associated with the development or the visibility at the junction of the access with Bell Lane. The

provision of the footpath and dropped kerb crossing point in Bell Lane can be secured through a 'Grampian' condition as it involves works within the highway.

5.6.2 The level of car parking provision proposed is also considered acceptable.

5.6.3 Subject to the securing of the necessary improvements and the visibility splays by condition, no objections are raised to the development on highway grounds.

## **5.7 Landscaping and ecology**

5.7.1 Appropriate ecological and arboricultural site investigations have been undertaken on the site.

5.7.2 The arboricultural survey shows that all existing trees can be retained, including the use of a no-dig construction method in the vicinity of an Ash tree along the access road.

5.7.3 As discussed earlier, plot 5 has been re-sited further forwards to move it away from a retained Oak tree on the southern boundary of the site, the patio doors have also been moved to the west elevation to lessen the potential for concerns regarding overshadowing of the lounge/dining room from the tree. The Landscape officer is satisfied that these measures will assist in the long term retention of the tree and that it will not be adversely affected by the development.

5.7.4 There is scope within the site of the development for additional tree planting within the site and along the site boundaries. This can be secured by means of an appropriate landscaping condition.

5.7.5 Given the fact that the allotments have been used since 2007, they have become overgrown and have the potential to act as a suitable habitat for reptiles/great crested newts. Great crested newts occupy the ponds in the LNR on the north side of Bell Lane close to the site entrance. Ecological surveys have been undertaken and the need for a protected species licence for Great Crested Newts identified (due to the change to the site and the loss of a potential foraging area) and so a mitigation strategy has been drawn-up, because of the potential impact. No great crested newts have been found on the site during the surveys.

5.7.6 The mitigation proposed includes improvements to the LNR and its use as a potential receptor site as required, together with the provision of two refugia on the site itself and the improvement of a pond elsewhere on Bell Lane. The strategy is considered acceptable by the KCC biodiversity team and its implementation can be secured by means of an appropriate condition.



5.7.7 No objections are raised to the development on landscape or ecological grounds subject to the imposition of suitable safeguarding conditions.

## **6. CONCLUSION**

6.1 The scheme is of an acceptable design and will not result in an unacceptable impact on residential amenity or highway safety.

6.2 Appropriate mitigation for potential ecological impacts has been identified and can be secured by means of condition.

6.3 The development will secure the redevelopment of a run-down area of lock up garages and provide additional elderly persons accommodation.

6.4 Subject to appropriate conditions no objections are raised to the development

## **7. RECOMMENDATION**

SUBJECT TO:

A: The prior completion of a s106 legal agreement or the receipt of a satisfactory s106 Unilateral Undertaking, to secure;

- The payment of a contribution of £4725 towards allotment provision within Staplehurst Parish

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

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

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

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

The submitted details shall include the use of plain clay tiles rather than the

interlocking tiles indicated on the submitted drawings.

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

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

Reason: In order to secure a satisfactory form of development having regard to the topography of the site pursuant to policy CC6 of the South East Plan 2009.

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

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

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. The submitted details shall include:
  - i) the provision of additional hedgerow and tree planting on the site's western boundary to maintain a continuous hedgerow along that boundary

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

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

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

7. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) 'Trees in Relation to Construction-Recommendations'. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

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

8. The development shall not commence until details of the method of construction of the access road have been submitted and approved by the local planning authority. The submitted details shall include the use of a no-dig construction method in the vicinity of the retained Ash tree (Tree 3 of Duramen Consulting Report). The development shall thereafter be undertaken in accordance with the subsequently approved details.

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

9. The development hereby permitted shall not be occupied until the visibility splays shown on the submitted plan KH/10/0176/12revH have been provided with no obstruction to visibility at or above a height of 600mm above the

nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

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

10. The development hereby permitted shall not be occupied until the section of footpath identified on drawing no. K10/0176/012/revH has been provided.

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

11. Prior to the commencement of any works which may affect reptiles or their habitat, and great crested newts and their habitat, the a detailed mitigation strategy shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy unless any amendments are agreed in writing by the local planning authority. The submitted details shall include the provision of two hibernacula located outside the plot boundary of Plot 6 within the site in the location shown on drawing K10/0176/012revH.

Reason: In the interests of ecology and biodiversity pursuant to policy NRM5 of the South East Plan 2009.

12. The development shall not commence until details of enhancement measures within the site for birds and bats have been submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: In the interests of ecology and biodiversity pursuant to policy NRM5 of the South East Plan 2009.

13. Before any of the dwellings hereby approved are first occupied, a properly consolidated and surfaced access (not loose stone or gravel) shall be constructed, details of which shall have been submitted to and approved by the Local Planning Authority.

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

14. The development hereby permitted shall be carried out in accordance with the following approved plans:  
K10/0176/001/B, K10/0176/014/A, K10/0176/015/A received 30/08/2011,  
K10/0176/011/B received 10/10/2011, K10/0176/12revH and

K10/0176/013revC received 24/05/2012.

Reason To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers in accordance with Policy CC6 of the South East Plan 2009.

**Informatives set out below**

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

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

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

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

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

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

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

As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway in accordance with proposals to be submitted

to, and agreed in writing by the Local Planning Authority. Such proposals shall include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances.

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

**Item no. 13**

**Page no. 20**

**Address: Land south of 1 Bell Lane  
Staplehurst**

**Reference no.**

**MA/11/1481**

### **Representations**

Enterprise Inns (freehold owners of The Bell PH) have withdrawn their objections to the application.

### **Officer Comment**

I wish to apologise to Members and to correct an error in the report. The site is adjoined to the east of the access road by the beer garden of The Bell PH and not the Kings Head PH. For the avoidance of doubt, the representations were received from the landlord and the freehold owners of The Bell PH.

The considerations set out in the report on the issue of residential amenity and the potential impact on the users of the beer garden remain as set out in the report at paragraph 5.5.4 and are unchanged.

### **Amendments to recommendation**

None



50

22.08.2012

51

22.08.2012





52

22.08.2012

53

22.08.2012



54

22.08.2012





55

22.08.2012



56

22.08.2012



57

22.08.2012

58

22 08 2012



59

22.08.2012





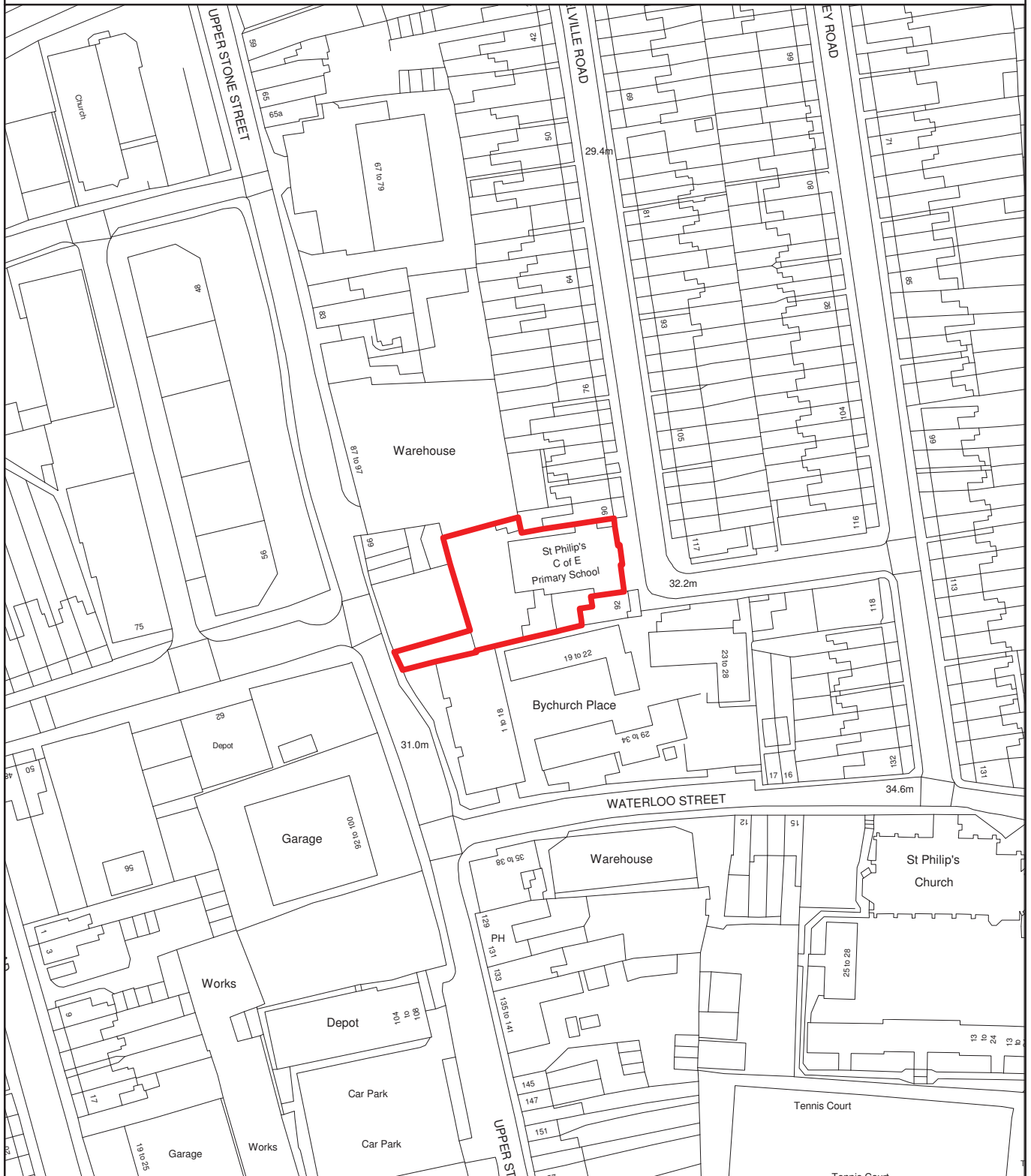
# Agenda Item 14

## THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/11/2108

GRID REF: TQ7655

THE OLD SCHOOL, 92A MELVILLE ROAD,  
MAIDSTONE.



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 100019636, 2012. Scale 1:1250



**Rob Jarman**  
Head of Planning

APPLICATION: MA/11/2108 Date: 9 December 2011 Received: 25 June 2012

APPLICANT: Mr Josh Benning

LOCATION: THE OLD SCHOOL, 92A, MELVILLE ROAD, MAIDSTONE, KENT

PARISH: Maidstone

PROPOSAL: Change of use of existing dormitory building into 10 residential bedsits with alterations and the provision of parking and amenity areas as shown on drawing nos 011/032-005A, 011/033-001/A, 011/033-002/A, 011/033-003/A, 011/033-004/A received on 9/12/11 and 011/032-006/B received on 24/2/12 ; as amended by drawing nos 011-032/055/A, 011-032/105/B, 011-032/106/B, 011-033/108/B, 011-033/109/B received on 25/6/12.

AGENDA DATE: 30th August 2012

CASE OFFICER: Geoff Brown

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

- Councillor English has requested it be reported for the reason set out in the report

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6, H21, CF1
- South East Plan 2009: CC1, CC4, CC6, BE1
- Village Design Statement: N/A
- Government Policy: NPPF

## **2. HISTORY**

MA/06/2117 - Retrospective application for a change of use to a boarding house – permitted

MA/06/0714 - Outline application for the demolition of existing building and construction of a block of 12 no. flats with associated parking, with siting, means of access, design and external appearance to be considered at this stage and landscaping reserved for future consideration - Refused

MA/06/0075 - Outline application for the demolition of existing building and construction of a block of 16 no. flats with associated parking with siting, means of access, design and external appearance to be considered at this stage and landscaping reserved for future consideration - Refused

MA/96/0174 - Demolition of existing kitchen and toilets and the erection of two single storey extensions to accommodate new toilets for both staff and pupils - Permitted

### **3. CONSULTATIONS**

KENT HIGHWAY SERVICES has no objection

MOUCHEL (on behalf of the County Council) states that a financial contribution is necessary in order to mitigate the additional impact on the delivery of services: this in terms of local libraries, community learning and adult social services. A contribution of £2433.62 is requested for the Maidstone Library; £427.70 for the Maidstone Adult Learning Centre and Maidstone Outreach centres; and £748.48 for a variety of local adult social services projects in Maidstone.

NHS KENT AND MEDWAY requests a financial contribution to health care provision of £3600. The institutions that would potentially benefit are medical facilities at Marsham Street, St Lukes, Holland Road, Brewer Street, Shepway, Grove Park, Allington Park and Blackthorn.

SOUTHERN WATER has no objection

THE MBC ENVIRONMENTAL HEALTH MANAGER has no objection but recommends the imposition of a condition requiring a report to be submitted to assess the air quality at this site and the impact of this development on air quality.

### **4. REPRESENTATIONS**

COUNCILLOR ENGLISH has requested committee consideration on the basis that "The application poses questions of residential amenity for existing and future residents which require committee consideration."

ONE NEIGHBOUR expresses concern that dormer windows are being constructed in the building which will lead to a loss of privacy to dining room, kitchen and garden.

## **5. CONSIDERATIONS**

### **5.1 Site Description**

5.1.1 The application site is located within the urban area of Maidstone off the west side of Melville Road. This is an old school building (formerly St Philip's Church of England Primary School), probably of Victorian age, of yellow brick with red brick detailing under a tiled roof. The building is single storey and fronts Melville Road with two off-street parking spaces there, facilitated by a length of dropped kerb. Vehicular access is available from Upper Stone Street to the west and this leads to the rear yard of the old school building which is completely hardsurfaced. This is a residential area and there are houses to north and south of the application site.

5.1.2 The site is currently being renovated but its last active use was a 'boarding house' pursuant to planning permission MA/06/2117. This was low cost housing essentially in the form of a house in multiple occupation with private bedrooms sharing other facilities. Ten bedroom units were allowed. From the officer's site visit it would be fair to say that the standard of accommodation and facilities was low.

### **5.2 Proposal**

5.2.1 This application proposes the change of use from the 'boarding house' to 10 self-contained bed-sit units. Each flat would have a mezzanine floor (thereby exploiting the roof space) to provide additional accommodation. There would be internal rearrangement to split up the accommodation. The principal external changes would be the insertion of 9 new roof light windows to facilitate the use of the roof space. There are already existing roof light windows: one in the front (east) elevation and one in the north elevation. The new roof lights would involve an additional three windows in the north elevation and six new windows on 'inner facing' roof slopes elsewhere.

5.2.2 Outside of the building the rear yard area would be redeveloped so that the northern part would form an amenity area for the residents, of gravel surfacing with small tree planting and shrub borders. The southern part of the yard would remain as a hardsurfaced area for the parking and turning of vehicles: three spaces are shown with a further two shown off the Melville Road frontage.

### **5.3 Principle of Development**

5.3.1 The lawful use of this site is a residential use and therefore there is no objection to replacement with another form of residential accommodation. The general



density of accommodation remains the same: essentially 10 units to replace 10 units.

#### **5.4 Visual Impact**

5.4.1 This is not a listed building, nor is it in a conservation area. It retains some of its character as a Victorian school building but it has clearly fallen into a poor state of repair. The main external changes involve the insertion of the roof windows: these would be predominantly on roofslopes not visible from Melville Road or Upper Stone Street and I consider there would be no adverse impact on the appearance of the area; indeed the general refurbishment of the building and provision of better accommodation would present benefits in terms of the character of this part of the town. The breaking up of the rear yard into separate amenity and parking areas, with small scale landscaping, would have some minor advantages in this regard.

#### **5.5 Residential Amenity**

5.5.1 I do not consider that the intensity of use would rise significantly as a result of this scheme. In terms of the general noise from comings and goings the amount of residential accommodation remains essentially the same and I do not consider that noise and disturbance would rise significantly.

5.5.2 There is no extension proposed to the building and there would be no loss of light or outlook to neighbours. In terms of privacy, a neighbour expresses concern as to the insertion of roof windows [they are not dormers as stated in the representation letter]. The agents have submitted sectional drawings to specifically address this point: they show the relationship of the proposed roof windows with the mezzanine floor and demonstrate that persons standing on the mezzanine would only have views of the eaves and roofs of neighbouring dwellings rather than down to any private windows or amenity areas. I conclude that there would be no significant loss of privacy to any neighbour.

5.5.3 It seems to me that this application represents an opportunity to upgrade accommodation and the amenities of prospective occupants are likely to be at least adequate. The provision of an outdoor amenity area is a positive step. I note the comments of the Environmental Health Officer on air quality issues but the building is already used for residential accommodation and I do not consider it reasonable to impose conditions requiring surveys, mitigation, etc. on that issue.

## **5.6 Highways**

5.6.1 The Highways Officer has no objection. She states that the current proposal would not be likely to lead to a significant increase in traffic movements and that the proposed parking provision is acceptable. I concur: the access arrangements remain essentially unchanged and I consider the parking provision of 5 spaces for 10 units to be acceptable in a location that is very well served by basic services and access to public transport. The proposed division of the yard raises the issue of the balance to be reached between providing an amenity area and parking provision: in this case I consider the appropriate balance has been achieved.

## **5.7 Landscaping**

5.7.1 As stated above, the provision of the amenity area represents a minor improvement in terms of the 'greening' of the site. I note that the plans indicate ornamental planting and I am seeking to negotiate at least some native species to be included in the planting scheme.

## **5.8 Other Matters**

5.8.1 Service providers have requested that financial contributions need to be made in this case as set out above in the Consultations section. Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of The Community Infrastructure Levy Regulations 2010 and the NPPF. This has strict criteria that sets out that any obligation must meet the following requirements:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

5.8.2 The following requests have been made by consultees:

- a) A contribution of £2433.62 for bookstock, staff and extended hours at Maidstone Library required by the demand created by the proposed development;
- b) A contribution of £427.70 towards community learning for the Maidstone Adult Learning Centre (equipment, staff and classes) and Adult Learning in Maidstone Outreach centres through the provision of additional equipment, staff and classes required as a result of this development;
- c) A contribution of £748.48 towards Adult Social Services for the following projects in Maidstone as a result of this development:

Project 1: Training resource for young people and adults with a disability;

Project 2: Integrated Dementia Care – a centre for the frail and at risk to assist people to remain in their own homes, contributing to rehabilitation, promoting daily living skills, resources for social care and health, specialist dementia care, support & information for carers, and daytime activities to maintain client skills and well being;

Project 3: Co-location with Health in Maidstone providing health linked care needs and assessment suite;

Project 4: Changing Place facility as part of Learning Disability (LD) vocational hub: A specialist changing place toilet facility for people with profound and multiple needs enabling them to integrate within the local community using everyday facilities without having the restriction of having to return home for personal care;

Project 5: An LD Vocational hub in Maidstone - offering District wide services to cater for specific needs and training within the District as well as a community environment which can include: drop in resource, internet café, training facilities, care management facilities, community activities, multi-sensory room;

Project 6: Changing Place facility at Maidstone Leisure Centre: A specialist changing place toilet facility for people with profound and multiple needs enabling them to integrate within the local community and use the Maidstone Leisure facilities;

Project 7: Assistive Technology (also referred as Telecare): enabling clients to live as independently and secure as possible in their own homes on this development through the use of technology items, including: pendants, fall sensors, alarms, etc;

- d) A contribution of £3600 for improving health care facilities. In terms of this application, and at this stage, a health care need has been identified for contributions to support Marsham Street practice and/or St Lukes Medical Centre, Holland Road and/or Brewer Street and/or Shepway, Medical Centre and branches and/or Grove Park surgery and/or Allington Park surgery and/or Blackthorn Medical Centre. This contribution will be directly related to these developments as it will help towards redevelopment and/or refurbishment and/or upgrade.

5.8.3 This proposal includes the provision of contributions for the Primary Care Trust (PCT) and Kent County Council (KCC). The applicant has been made aware of these requests, and has agreed, in writing, to provide such funding.

5.8.4 The PCT have requested that a contribution of £3600 be provided to upgrade the existing facilities within the locality, to ensure that the additional demand placed upon this infrastructure can be accommodated. Policy CF1 of the Local Plan states that residential development that would generate a need for new community facilities will not be permitted unless the provision of new (or extended) facilities are provided, or unless a contribution towards such provision is made. I am of the opinion that the additional units being proposed here would give rise to additional demand upon the existing surgeries, and that the money being requested is not excessive. I am satisfied that this request for contributions complies with the three tests as set out above.

5.8.5 KCC has requested that the following contributions be made:

- a) A contribution of £2433.62 for bookstock, staff and extended hours at Maidstone Library required by the demand created by the proposed development;
- b) A contribution of £427.70 towards community learning for the Maidstone Adult Learning Centre (equipment, staff and classes) and Adult Learning in Maidstone Outreach centres through the provision of additional equipment, staff and classes required as a result of this development;
- c) A contribution of £748.48 towards Adult Social Services for the following projects in Maidstone as a result of this development:

Project 1: Training resource for young people and adults with a disability;

Project 2: Integrated Dementia Care – a centre for the frail and at risk to assist people to remain in their own homes, contributing to rehabilitation, promoting daily living skills, resources for social care and health, specialist dementia care, support & information for carers, and daytime activities to maintain client skills and well being;

Project 3: Co-location with Health in Maidstone providing health linked care needs and assessment suite;

Project 4: Changing Place facility as part of Learning Disability (LD) vocational hub: A specialist changing place toilet facility for people with profound and multiple needs enabling them to integrate within the local community using everyday facilities without having the restriction of having to return home for personal care;

Project 5: An LD Vocational hub in Maidstone - offering District wide services to cater for specific needs and training within the District as well as a community environment which can include: drop in resource, internet café, training facilities, care management facilities, community activities, multi-sensory room;

Project 6: Changing Place facility at Maidstone Leisure Centre: A specialist changing place toilet facility for people with profound and multiple needs enabling them to integrate within the local community and use the Maidstone Leisure facilities;

Project 7: Assistive Technology (also referred as Telecare): enabling clients to live as independently and secure as possible in their own homes on this development through the use of technology items, including: pendants, fall sensors, alarms, etc.

Again, I am satisfied that this request is in accordance with Policy CF1 of the Maidstone Borough Wide Local Plan (2000). I am of the opinion that the additional units being proposed here would give rise to additional demand upon the existing library, community learning and adult social services facilities and that the money being requested is not excessive. I am satisfied that this request for contributions complies with the three tests as set out above.

## **6. CONCLUSION**

- 6.1 I conclude that this proposed redevelopment of an existing residential establishment is acceptable. I consider it likely to have a positive impact on the character of the area and acceptable in terms of residential amenity and highways issues.

## **7. RECOMMENDATION**

Subject to:

A) the prior completion of a S106 legal agreement addressing the following matters:

- a) A contribution of £2433.62 for bookstock, staff and extended hours at Maidstone Library required by the demand created by the proposed development;
- b) A contribution of £427.70 towards community learning for the Maidstone Adult Learning Centre (equipment, staff and classes) and Adult Learning in Maidstone Outreach centres through the provision of additional equipment, staff and classes required as a result of this development;
- c) A contribution of £748.48 towards Adult Social Services for the following projects in Maidstone as a result of this development:

Project 1: Training resource for young people and adults with a disability;

Project 2: Integrated Dementia Care – a centre for the frail and at risk to assist people to remain in their own homes, contributing to rehabilitation, promoting

daily living skills, resources for social care and health, specialist dementia care, support & information for carers, and daytime activities to maintain client skills and well being;

Project 3: Co-location with Health in Maidstone providing health linked care needs and assessment suite;

Project 4: Changing Place facility as part of Learning Disability (LD) vocational hub: A specialist changing place toilet facility for people with profound and multiple needs enabling them to integrate within the local community using everyday facilities without having the restriction of having to return home for personal care;

Project 5: An LD Vocational hub in Maidstone - offering District wide services to cater for specific needs and training within the District as well as a community environment which can include: drop in resource, internet café, training facilities, care management facilities, community activities, multi-sensory room;

Project 6: Changing Place facility at Maidstone Leisure Centre: A specialist changing place toilet facility for people with profound and multiple needs enabling them to integrate within the local community and use the Maidstone Leisure facilities;

Project 7: Assistive Technology (also referred as Telecare): enabling clients to live as independently and secure as possible in their own homes on this development through the use of technology items, including: pendants, fall sensors, alarms, etc;

- d) A contribution of £3600 for improving health care facilities. In terms of this application, and at this stage, a health care need has been identified for contributions to support Marsham Street practice and/or St Lukes Medical Centre, Holland Road and/or Brewer Street and/or Shepway, Medical Centre and branches and/or Grove Park surgery and/or Allington Park surgery and/or Blackthorn Medical Centre. This contribution will be directly related to these developments as it will help towards redevelopment and/or refurbishment and/or upgrade.

and B) the conditions set out below;

**The Head of Planning BE GIVEN DELEGATED POWERS TO APPROVE:**

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:  
drawing nos 011/032-005A, 011/033-001/A, 011/033-002/A, 011/033-003/A, 011/033-004/A received on 9/12/11 and 011/032-006/B received on 24/2/12 ;  
as amended by drawing nos 011-032/055/A, 011-032/105/B, 011-032/106/B, 011-033/108/B, 011-033/109/B received on 25/6/12;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers in accordance with Policies CC1 and CC6 of The South East Plan 2009.

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

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety. This in accordance with Policies CC1 and CC6 of The South East Plan 2009.

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

Reason: No such details have been submitted. This in accordance with Policy ENV6 of The Maidstone Borough-Wide Local Plan 2000.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season 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. This in accordance with Policy 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.





29.05.2012

73



45 EXETER ROAD

FREE PUBLIC

29.05.2012

74



29.05.2012

75

29.05.2012





76

29.05.2012

## THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/12/0148

GRID REF: TQ8444

LAND EAST OF CHANCE,  
GRIGG LANE, HEADCORN.



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 100019636, 2012. Scale 1:2500



**Rob Jarman**  
Head of Planning

APPLICATION: MA/12/0148 Date: 31 January 2012 Received: 1 February 2012

APPLICANT: Dr Winch & Thorp, Headcorn Surgery

LOCATION: LAND EAST OF CHANCE, GRIGG LANE, HEADCORN, KENT, TN27 9TD

PARISH: Headcorn

PROPOSAL: Erection of new Doctors' Surgery including a Pharmacy with associated car parking and access road as shown on drawing nos. 10.039/22, 10.039/23, Design and Access Statement and BREEAM Pre-assessment report received 31/01/2012, Ecological Mitigation and Landscape Strategy received 02/02/2012, letter dated 09/05/2012 received 1005/2012, drawing nos. 10.039/20revB, 10.039/21/revB and 10.039/29 received 09/07/2012 and landscape plan 1204/12/1/A and coloured CGI images received 31/07/2012.

AGENDA DATE: 30th August 2012

CASE OFFICER: Steve Clarke

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

- It is a departure from the Development Plan
- It is a major/controversial development

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV34, ENV49, T13, R11, CF1
- South East Plan 2009: SP2, SP3, CC1, CC4, CC6, C4, NRM5, BE4, BE5, T4, S2, S6, AOSR7
- Government Policy: National Planning Policy Framework

## **2. HISTORY**

- 2.1 MA/09/2297: Mixed use development comprising Doctors surgery, children's nursery school, plus 16 three bedroom and 9 two bedroom Local Needs housing units: APPROVED 05/07/2010
- 2.2 Work has commenced on constructing the local needs housing element of the original permission. The childrens' nursery or doctors' surgery buildings have yet to commence construction.

### **3. CONSULTATIONS**

#### **3.1.1 Headcorn Parish Council:** 'Would wish to see approved and would wish to see this application reported to the planning committee.'

'Headcorn Council fully recognises the need for this new surgery and wish to support it. The village has expanded and is still expanding and has considerably outgrown the existing surgery in the centre of the village. However it is concerned with the inclusion of the pharmacy in this application due to the consequential effect on the viability of the High Street and the difficulties that some residents may have in accessing this pharmacy.

Headcorn Parish Council would therefore request that the following conditions are considered:-

1. An impact statement be prepared on the effect on the viability of the High Street of moving the pharmacy from the High Street to the new building, in accordance with planning statement R1, R10 and R11 of the Maidstone Borough Wide Local Plan 2000.
1. Provision of additional traffic calming for Grigg Lane and provision of suitable pavements, both over and above those agreed for the original planning permission, due to additional traffic generated by the pharmacy.
2. Provision of additional street lighting in Grigg Lane and Oak Lane over and above that agreed in the original planning permission, due to additional traffic generated by the pharmacy.
3. Provision of additional landscaping between the new surgery building and Elizabeth House to minimise the impact of the new building which is now effectively nearer overall to Elizabeth House.
4. In view that a pond has been included in the plans, consideration as to whether it is necessary and if so details of its management should be included, with reference to the pond's impact on Elizabeth House.'

#### **3.1.2** Additional comments were received following receipt of the recently revised plans.

'Please be advised that my Council would wish to see the amended plans associated with your letter dated 11<sup>th</sup> July be approved. All other comments forwarded via email dated the 29<sup>th</sup> February remain the same.'

#### **3.2 KCC Biodiversity:** Do not object

'Natural England has published Standing Advice on protected species and Ancient Woodland. When determining an application for development that is covered by the Standing Advice, Local Planning Authorities must take into account the Standing Advice. The Standing Advice is a material consideration in the determination of applications in the same way as a letter received from Natural England following consultation. We have reviewed the mitigation strategy submitted with this application and we are



satisfied with the information provided. If planning permission is granted the implementation of the mitigation strategy must be a condition of planning permission.

### **Bats**

Bats have been recorded within the surrounding area. Lighting can be detrimental to roosting, foraging and commuting bats. We advise that the Bat Conservation Trust's *Bats and Lighting in the UK* guidance is adhered to in the lighting design for the surgery (see end of this note for a summary of key requirements).

### **Enhancements**

The key principles of PPS9 are not only to avoid, mitigate or compensate for harm to biodiversity but also to incorporate ways to enhance and restore it. We acknowledge that the mitigation strategy has already detailed enhancements which will be incorporated in to the site. While this is welcomed further consideration should also be given to including bat roosting features in to the new surgery - through the inclusion of bat tiles, tubes or bricks.'

### **3.3 Natural England:** Do not object and have advised that following their formally issued standing advice and have commented as follows

'We used the flowchart on page 10 of our Standing Advice Species Sheet: **Bats** beginning at box (i). Working through the flowchart we reached Box (vi), advises the authority to accept the findings, consider requesting biodiversity enhancements for bats (eg new roosting opportunities, creation of habitat linkages or species rich feeding areas) in accordance with PPS9 and Section 40 of the NERC Act.

We used the flowchart on page 6 of our Standing Advice Sheet - **Hazel Dormouse** beginning at box (i). Working through the flowchart we reached Box (iii), advises the authority to accept the findings, consider requesting biodiversity enhancements for dormice (e.g. creation of habitat linkages) in accordance with PPS9 and Section 40 of the NERC Act.

We used the flowchart on page 8 of our Standing Advice Species Sheet - **Great Crested Newt** beginning at box (i). Working through the flowchart we reached Box (xiii), advises the authority that permission may be granted subject to a condition requiring a detailed mitigation and monitoring strategy for great crested newts.

We used the flowchart on page 7 of our Standing Advice Species Sheet - **Reptiles** beginning at box (i). Working through the flowchart we reached Box (xi), advises the authority that permission may be granted subject to appropriate conditions including a detailed mitigation and monitoring strategy for adders and/or common lizards, grass snakes and slow worms.

On the basis of the information available to us with the planning application, Natural England is broadly satisfied that the mitigation proposals, if implemented, are sufficient to avoid adverse impacts on the local population of Great Crested Newts and Reptiles, and therefore avoid affecting favourable conservation status. It is for the local planning authority to establish whether the proposed development is likely to offend against Article 12(1) of the Habitats Directive. If this is the case then the planning authority

should consider whether the proposal would be likely to be granted a licence. Natural England is unable to provide advice on individual cases until licence applications are received since these applications generally involve a much greater level of detail than is provided in planning applications. We have however produced guidance on the high-level principles we apply when considering licence applications. It should also be noted that the advice given at this stage by Natural England is not a guarantee that we will be able to issue a licence, since this will depend on the specific detail of the scheme submitted to us as part of the licence application.'

**3.4 Kent Highway Services:** Do not object

'The principle of this development and highway related conditions were previously agreed under planning application MA/09/2297.

The proposed surgery is 605m<sup>2</sup> with 32 car parking spaces and parking for 10 bicycles. Advice on parking provision is given in the Kent & Medway Vehicle Parking Standards which recommends 1 space per 2 staff and 4 spaces per consulting room. 18 full time staff and 20 part time staff are to be employed; however no full time equivalent has been given. Assuming that this is equivalent to a total of 28 full time staff 14 staff spaces would be required. There are 5 consulting rooms which would require 20 parking spaces; therefore the maximum parking requirement in line with the standards would be 34 spaces. The 32 spaces proposed are therefore considered to be acceptable.

In view of the above I can confirm that I do not wish to raise objection to this application.'

**3.5 Environment Agency:** Do not wish to comment

'We have assessed the application and have determined that it poses a low environmental risk, taking into account the details in the application and the proposed locations. We therefore have no comments to make on the application.'

**3.6 Southern Water Services:** Southern Water has advised that they require a formal application for connection to the public foul sewer to be made by the applicant or developer. Noting that reference is made to the intention to use a SUDS drainage system they comment that it is for the applicant to ensure that arrangements exist for the long term maintenance of the SUDS facilities. Southern Water have set out the contact details for the formal application to connect to the foul sewer to be made and have also suggested the need for the applicant to contact Southern Water's Trade effluent inspectors, as the development may produce a trade effluent.

**3.7 West Kent PCT:**

In terms of supporting information, this proposed GP premises development is fully supported by West Kent Primary Care Trust.

The Primary Care Trust has also noted that the Pharmaceutical Regulations Committee approved the relocation of the Headcorn Pharmacy to the proposed

development in Griggs Lane, Headcorn. The committee were satisfied that there would be no interruption to the provision of services.

- 3.8 **MBC Environmental Health:** Have confirmed that there are no Environmental Health issues with regard to the application.

#### **4. REPRESENTATIONS**

- 4.1 Twenty letters of representation have been received in relation to the application this includes a petition signed by 286 people (not all resident of Headcorn) objecting to the application. Objections are raised on the following (summarised) grounds:

- The design is more traditional and acceptable but the site is too far outside the village
- Insufficient parking particularly that the development will include the pharmacy for which many people will have to make a specific trip
- Loss of the pharmacy from the village centre which will leave another vacant property in the High Street
- The loss of the pharmacy from the High Street will cause inconvenience to users and a loss of a needed facility
- Impact on highway and pedestrian safety as result of the relocated pharmacy in particular and the need for people to walk along Oak Road and Grigg Lane and the increased traffic generated
- Loss of privacy to Elizabeth House
- Inadequate landscaping along the boundary with Elizabeth House a close-boarded fence should be erected
- Adverse impact of noise from the use and activity at the site on occupiers of Elizabeth House
- Additional ponds will lead to more noise from invasive species such as marsh frogs which already cause intrusive noise and disturbance
- Land included as part of the original s106 agreement as part of the mitigation strategy is under the ownership/control of a third party and cannot be used to provide mitigation.

- 4.2 The Headcorn Patient Participation group have written in support of the application, referring to the 8 year long search to find a suitable site and this site being ultimately the only one suitable, the fact that the doctors are hampered by their existing premises in terms of the treatment and services they can provide. They state that the new surgery will ensure Headcorn has some of the best care available to any rural part of the county

#### **5. CONSIDERATIONS**

## **5.1 Site Description**

- 5.1.1 The application site is located on the north side of Grigg Lane approximately 270m north east of its junction with Oak Lane. It is part of a larger site subject to the permission granted under application MA/09/2297 which amounts to 0.90ha in area. The area of the current site which relates solely to the proposed doctors' surgery and car park.
- 5.1.2 It is located outside the 'village envelope' of Headcorn as defined by the Maidstone Borough-wide Local Plan 2000, and, in common with the settlement of Headcorn as a whole, lies within the Low Weald Special Landscape Area as defined by saved policy ENV34 of the Maidstone Borough-wide Local Plan 2000.
- 5.1.3 In terms of its proximity to the 'village envelope' of Headcorn as defined in the Maidstone Borough-wide Local Plan 2000, the site is some 40m northeast of the closest point of the village boundary on the south side of Grigg Lane and 100m from the defined boundary on the north side of Grigg Lane. The existing footpath along Grigg Lane terminates on its south side some 40m west of the site. In terms of straight-line distances, the site is located some 650m north east of the existing surgery in Forge Lane, some 750m from the Sainsbury's Local store in the village centre and some 600m from Headcorn Station.
- 5.1.4 The site comprises an open field bounded by mixed native species hedgerows (approximately 2m in height) on all sides. There are a number of hedgerow trees along Grigg Lane and elsewhere along other site boundaries. There is currently one gated access off Grigg Lane onto the site at its eastern end, adjacent to Elizabeth House.
- 5.1.5 The site as a whole is relatively flat, although it does fall approximately 0.5m from north to south and by approximately 0.25m from east to west.
- 5.1.6 There are a number of ponds which are of ecological interest in close proximity to the site the closest of which is in the field some 15m to the north of the site. Others are located north of Kent Cottage approximately 80m west of the site boundary and on the south side of Grigg Lane 20m west of the site boundary. There are also a series of connecting ditches in the area. As a result the application site and its surroundings have been subject to ecological surveys, the results of which have been submitted with the application and taken into account in the design of the scheme.
- 5.1.7 Elizabeth House is a two-storey dwelling located on the adjacent plot to the north-east of the application site. It has first floor windows facing towards the site. It is sited approximately 16m from the site boundary and has a large

single-storey detached garage/shed located adjacent to the application site boundary.

- 5.1.8 There is a detached two-storey farmhouse (Gibbs Hill Farm) on the south side of Grigg Lane with an access directly opposite the application site's current access point. This dwelling is approximately 25m from the carriageway in Grigg Lane and has two small ground and first floor windows on its north flank elevation facing northwards towards Grigg Lane.
- 5.1.9 The buildings at Chance Holdings to the west of the application site are single storey wooden buildings and are well screened by existing planting.

## **5.2 Proposal**

### Previous proposal

- 5.2.1 As previously approved the doctors' surgery building was single-storey in form. The roof was shown to be formed of a series of curved 'lips' that rise from one end to the other. The building was indicated to accommodate 2 nurses rooms, 6 GP consulting rooms and a minor surgery room together with a plant and equipment room, storage and archives room, staff facilities, meeting room, a dispensary, practice manager's office, a general administration office, a waiting area and toilet facilities.
- 5.2.2 It would have been constructed using the 'Beko' method of construction and finished externally in off-white smooth cast rendered for the walls and a green roof. The roof form of this building would differ from the nursery building approved under application MA/09/2297 in that it would comprise a series of separate curved roof forms. A series of sun-pipes would also have been located on the roof of this building to provide internal light.
- 5.2.3 The plan form of the doctors' surgery as approved showed a building of approximately 49m in length and varying from approximately 18m in width to 9.5m in width. The walls would have varied in height from 5.5m to 2.8m and would be curved. The roofs would over-sail the walls by up to 2m approximately. The building would have been a maximum of approximately 7m in height.
- 5.2.4 Proposed parking provision for the surgery as previously approved would have comprised a 21-bay car park (including 4 disabled spaces) for patients, accessed from the main site access road that serves the nursery and housing. There would also have been a separate doctors'/staff car park with a second access point off Grigg Lane comprising 12 bays including 2 disabled bays.

### Current proposal

- 5.2.5 The current application seeks to provide a building of more traditional form and appearance than the previously approved contemporary 'organic' design. The design as now proposed is redolent of a barn-like structure. The main reason for the change in approach to the design is that the originally approved building did not ultimately meet the PCT requirements for a doctors' surgery. Principally it was the numbers, layout and shape of the rooms that did not meet the requirements. This application also includes the provision of a pharmacy within the building.
- 5.2.6 In plan form it would be approximately 41.98m in overall length and a maximum of 22.59m in width on the section of the building closest to Grigg Lane. The building is arranged with a taller section in the centre, which has maximum height of approximately 6.3m, and lower sections at either end (closest to Grigg Lane and the proposed housing), which have heights of 4.38m. These projections would have flat roofs behind up-stand sections. Eaves height of the building is 2.5m. It is proposed to set the building into the ground by 300mm and a finished floor level of 22.4mAOD has been set and shown on the drawing. The building as submitted was originally proposed at 6.8m in height.
- 5.2.7 Since the application was submitted, the proposed building has been rotated and moved within the site so that it is further away from Elizabeth House to the east. It is 6m away from the site boundary at its closest point (5.5m previously) and at the closest point of the building to Grigg Lane it is 20m from the eastern site boundary with Elizabeth House compared to 9m previously. It remains 7m from Grigg Lane at its closest.
- 5.2.8 The surgery building would have a plain clay tile roof with a red/brown stock brick plinth with the main facades finished either in black feather-edged boarding or yellow/buff stock brick. The entrance would have a pitched roof canopy supported in timber columns. The Pharmacy would have a separate entrance also with a canopy to allow for access when the surgery is closed. The eaves would have exposed rafter feet.
- 5.2.9 Four dormer windows are shown in the roof on the south west elevation, to help break up the expanse of the roof. The only first floor accommodation currently proposed is for the records room at the northern end of the building. A lift-shaft and stairwell are also to be provided at this stage to assist future expansion as required. The records room and the stairwell would be lit by rooflights and one of the dormer windows. No windows would face towards Elizabeth House.
- 5.2.10 The surgery would comprise 4 consulting rooms, treatment and minor ops rooms and two health care assistant rooms along with administration patient

waiting room and staff facilities. A new addition is the inclusion of a pharmacy within the surgery which would replace the existing pharmacy owned by the practice in the High Street.

- 5.2.11 The building is required by the Primary Care Trust to achieve a BREEAM Excellent rating. The pre-assessment report submitted indicates that all minimum standards to achieve such a rating have been achieved but that further work, (which is on-going) is required to raise the score from 66.31% to the 70% required. (The previous surgery design achieved 64.27%). Solar thermal panels and photovoltaic panels will be sited on the flat roof sections behind the up-stand pitched roof sections so that they are not visible from the street. It is currently proposed to power/heat the building using an air-source heat pump.
- 5.2.12 A revised mitigation strategy has been submitted to take into account the revised position of the surgery on the site. A pond is still proposed to the eastern side of the surgery building along with wildflower meadows. A landscape plan has also been submitted which also provides for a mixed native species hedge and shrub beds (including the use of Hazel, Hawthorn Holly, Privet, Dog rose, Purging buckthorn, Guelder rose, Dogwood, Ivy) to the northern and western sides of the surgery with planting areas closest to the surgery also utilising honeysuckle, cotoneaster, snowberry, cistus, escallonia, various roses and hydrangea. The proposed trees comprise Field maple (3), Oak (3), Rowan (3), Wild Service Tree (3) and Silver Birch (1) varying from Standard (Silver birch and Service Tree) through Heavy Standard (Rowan) to Specimen size (Field maple, Oak) when planted.
- 5.2.13 A staff car park of 10 spaces (1 disabled bay) is proposed and would use the existing access off Grigg Lane to the site. The patients' car park would be accessed from the road serving the housing development and would comprise 18 spaces (4 disabled bays), a further 4 spaces would be located outside the surgery gates. Cycle parking is proposed close to the surgery entrance.

### **5.3 Principle of Development**

- 5.3.1 Whilst the site is located in countryside outside the defined settlement boundary, a doctors' surgery has previously been approved on this site under application MA/09/2297 and as such the principle of this type of development on this site has been established. No objections are therefore raised.
- 5.3.2 Planning permission was granted previously due to the overriding need demonstrated for the new surgery (and the demonstrated need for the associated 'local needs' housing) and not the design of the new surgery and nursery buildings.



5.3.3 The main change to this current proposal is the proposed inclusion of a pharmacy within the building. The pharmacy would relocate from its current premises (owned by the doctors' practice) in the High Street in the centre of the village. Concern has been raised due to the loss of the facility from the High Street and the impact on its users particularly on those living on the west side of the village.

5.3.4 Policy R11 of the Borough-wide Local Plan 2000 is relevant and states:

**POLICY R11: IN CONSIDERING PLANNING PROPOSALS WHICH WOULD INVOLVE OR REQUIRE THE LOSS OF EXISTING POST OFFICES, PHARMACIES, BANKS, PUBLIC HOUSES OR CLASS A1 SHOPS SELLING MAINLY CONVENIENCE GOODS, PARTICULARLY IN VILLAGES, CONSIDERATION WILL BE GIVEN TO THE FOLLOWING:**

**(1) FIRM EVIDENCE THAT THE EXISTING USES ARE NOT NOW VIABLE AND ARE UNLIKELY TO BECOME COMMERCIALY VIABLE; AND  
(2) THE IMPACT ON THE LOCAL COMMUNITY AND ESPECIALLY ON THOSE ECONOMICALLY OR PHYSICALLY DISADVANTAGED; AND  
(3) THE AVAILABILITY OF COMPARABLE ALTERNATIVE FACILITIES IN THE VILLAGE OR THE LOCAL AREA; AND  
(4) THE DISTANCE TO SUCH FACILITIES AND THE AVAILABILITY OF TRAVEL MODES OTHER THAN BY PRIVATE MOTOR VEHICLE.**

5.3.5 The applicants have provided information on the running of the existing pharmacy. They state that 90-95% of the prescriptions handled by the pharmacy originate from the surgery, with little passing trade. They confirm that the delivery service will continue to operate from the new premises. They have also cited the fact that many of the products they sell in the pharmacy are sold by other outlets in Headcorn, such as Sainsbury's and the Factory outlet shop and at prices which it is not possible to compete against. They also state that the opening of the Photographic studio on the High Street has reduced the income of the pharmacy from photo related products and goods by 95%. They state the advantages of patients collecting their medicines from the pharmacy when located next to the surgery that prescribed them avoiding additional journeys.

5.3.6 The applicant's also advise that the proposed relocation of the pharmacy has been considered by the Pharmaceutical Regulations Committee who have agreed the move having been satisfied that there would be no interruption to the provision of services and on the following points:-

- the existing and proposed premises were situated in the defined neighbourhood,
- that whilst the distance was more than 500m there were no significant barriers to pedestrians (or vehicular) movement between the sites,
- the population served would be substantially the same, and;

- that a delivery services is provided and will continue to be provided for the new site.

5.3.7 In terms of policy R11, whilst I note that the new site is further away from some of the village population, conversely however, it is closer to others. It is a fact that the pharmacy would not be lost and that as such policy R11 would not be contravened. Given the extent of the existing link between the two uses and the continuing potential for linked trips between the surgery and the pharmacy, I raise no objections to its inclusion on the site.

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

#### **5.4 Design and Visual Impact**

5.4.1 Clearly the switch from the previously approved more contemporary approach to the design of the surgery building to the current 'barn-like' more traditional approach could be argued to be a retrograde step in that the organic form of the building and its series of raised and curved green roofs have been replaced by a building with a more traditional and hence more massive roof form, that potentially has a greater visual impact on the area. It is noted however, that the current building is overall some 41.9m in length compared to the 49m previously approved albeit slightly wider at 22.5m maximum compared to 18m previously.

5.4.2 The main visual impact of the current proposal does clearly arise from the changed roof scale and form of the currently proposed building which is now longer and has a uniform ridge height for much of the building and as a result has a greater mass, than the originally approved series of raised curved roofs.

5.4.3 The building is now however, some 6.3m in height at its maximum compared to the 7m previously approved and additionally is proposed to be set into the site by 300mm to reduce the impact further. The building itself has lower additions at its northern and southern sides which have reduced the length of the main roof ridge to approximately 22.5m. The bulk of the roof is broken up by the proposed dormer windows, the entrance canopy and the use of a hipped roof form. On balance I consider that the roof would have such an unacceptable visual impact on the character of the area as to warrant and sustain refusal.

5.4.4 In terms of the design of the building, I do not raise objections in principle to the revised approach, which has sought to draw on elements of a traditional barn. Overall, the height of the building is not excessive at 6.3m and the projections add interest and vitality to the building and break up its length. The proposed materials, a red brick plinth with black feather-edged boarding/yellow/buff stock brick walls under a plain clay tile roof are considered

to be acceptable subject to precise materials being agreed by condition. A materials board will be available at the meeting.

5.4.5 The requirement for the building to achieve a BREEAM Excellent rating is noted. I am satisfied that the additional credits can be found to raise the current predicted score to the 70% threshold required. This can be secured by means of an appropriate condition.

5.4.6 On balance, whilst the move away from the more contemporary design is regretted, the revised design is considered to be acceptable in terms of its potential visual impact on the character and visual amenities of the area. Members are reminded that it will be seen in the context of the adjacent two-storey housing that will be taller and potentially more intrusive.

## **5.5 Residential Amenity**

5.5.1 The revised position of the surgery has moved the building so that is sited approximately 33m from the flank wall of Elizabeth House located to the east of the site and which is the closest dwelling to the site. I consider that the degree of separation is acceptable. There are no windows in the roof of the surgery looking towards Elizabeth House and there is also intervening landscaping and existing hedgerows that will be retained.

5.5.2 Given the separation distance (20m from the flank of Elizabeth House) and the existing retained landscaping, the proposed staff car park and its will not result in an unacceptable loss of amenity to the occupiers of Elizabeth House.

5.5.3 The comments of the occupiers of Elizabeth House concerning the noise from amphibians in existing ponds nearby and potentially from the proposed pond are noted. This is not considered however to be a sustainable reason to refuse permission.

5.5.4 No objections are raised to the development in terms of its potential impact on residential amenity.

## **5.6 Highways**

5.6.1 Kent Highway Services have not raised objections to the development. The following improvements to the local highway network were secured through the earlier permission, which is now being implemented through the construction of the housing.

i) the provision of passing bays in Grigg Lane,

- ii) the provision of a footpath including dropped kerbs from the site to the point to the west of the site opposite to where the existing footpath in Grigg Lane currently ceases,
- iii) the provision of new road surfacing, signage and road marking at the junction of Grigg Lane and Oak Lane and along Oak Lane,
- iv) the provision of street lighting in Grigg Lane.

The changes are required to be implemented prior to first occupation of any part of that development.

5.6.2 I do not consider that the revised design of the surgery building or the inclusion of the pharmacy, which as stated earlier derives 90-95% of its trade from prescriptions issued by the surgery will result in any unacceptable impact on the local road network.

## **5.7 Landscaping and ecology**

5.7.1 The revised position of the development within the site has enabled appropriate landscaping and ecological mitigation to be provided.

5.7.2 The proposed landscaping scheme is described in paragraph 5.2.12 earlier in the report and follows the principles established under the earlier permission with a framework of native species hedgerows around the surgery site boundaries to provide connecting habitat to the site perimeters and also proposes the use of wildflower meadows and the creation of a new pond to the east side of the surgery. This provision was also secured through the earlier permission.

5.7.3 The details of the mitigation have been considered by both Natural England and the KCC biodiversity team and no objections have been raised by either body subject to the adoption of further enhancement measures for bats (bat bricks/tubes or boxes) and dormice (habitat connection) which can be secured by appropriate condition.

5.7.4 Given the earlier s106 agreement which related to the implementation of a wildlife management plan for a different on-site layout, I consider that it will be necessary to enter into a revised agreement, either a fresh agreement or a Deed of Variation reflecting the new planning permission and the re-sited building. Subject to the above, I am satisfied that the proposed landscaping and mitigation are acceptable and will provide appropriate enhancement of the site.

5.7.5 As stated earlier, works have commenced on site to implement the local needs housing. The necessary European protected species licence was obtained in 2011 and actioned prior to any works commencing on site. Appropriate barriers were put in place around the site and translocation as required undertaken prior to

works commencing. However, given the representations received regarding part of the original mitigation land (on the western part of the site not within the surgery site), I am currently awaiting further comment from Natural England and the KCC Biodiversity team as to the implications, if any. I will advise Members further at the meeting.

5.7.6 In relation to the completion of the current s106 agreement dated 5 July 2010, appropriate searches with the Land Registry were undertaken prior to its completion and those searches identified no parties other than those signed up to the agreement, as having an interest, as owners, in the development land. Subsequent to the completing of the s106 agreement, two individual third parties were registered by the Land Registry as owners of part of the mitigation land strip, on the basis of their adverse possession of it. They have indicated they do not want to offer up this land strip for mitigation land. The Head of Legal Services has advised the s106 agreement was properly completed by the identified land owners, and is of the opinion that the agreement is binding on those land owners, and successors in title.

## **6. CONCLUSION**

6.1 The Doctors' surgery as now proposed is considered to be acceptable in terms of its design and siting. The recent reduction in the roof height and re-siting of the building has reduced the previous potentially adverse impact on Elizabeth House and the building would not now result in any loss of privacy or unacceptable loss of amenity to the occupiers of that property in my view.

6.2 Whilst the loss of the more organic building with its series of green curved roofs and its replacement by a building with a roof of a larger mass is regrettable, at 6m to the ridge the new building is not overly tall and the proposed 300m cut into the ground for the building will reduce any impact further. The building would also be seen in the context of the two-storey (and taller) housing currently under construction on the remainder of the site. I do not consider therefore that the building would result in unacceptable visual harm to the character and appearance of the surrounding area.

6.3 The landscaping and mitigation details submitted with the application are acceptable and the additional enhancements suggested by Natural England and the KCC Biodiversity team can be secured by condition.

6.4 There remains a need for a new Doctor's surgery in the village and this site already has permission for such a building. The site was secured after an extensive search for a suitable site. I consider that the proposed inclusion of the pharmacy in the building is acceptable, given the relationship and the linkage between the two uses. Clearly there is disquiet in the village over the new

location. Some people will need to travel further but to others the pharmacy/surgery will be nearer. It is also the case that a lot of the products sold in the pharmacy can and are being retailed at other outlets in the village.

- 6.5 Subject to the revised s106 agreement and appropriate conditions the development is considered acceptable

## **7. RECOMMENDATION**

Subject to

A: the prior completion of a s106 Agreement or a Deed of Variation to the agreement entered into under application MA/09/2297 to secure a revised wildlife management plan as a result of the re-siting of the building;

The Head of Planning be given Delegated Powers to GRANT PLANNING PERMISSION subject to the following conditions:

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

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

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

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

3. The development hereby permitted shall be carried out strictly in accordance with the slab levels shown on the approved drawings with the surgery building have a finished floor level of no higher than 22.40mAOD;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site pursuant to policy CC6 of the South East Plan 2009.

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

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

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

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

6. The development shall not commence until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, and the design of kerb-stones/crossing points which shall be of a wildlife friendly design, have been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a high quality external appearance to the development pursuant to policy CC6 of the South East Plan 2009.

7. The development shall not commence until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To prevent light pollution in the interests of the character and amenity



of the area in general pursuant to Policy ENV49 of the Maidstone-Wide Local Plan 2000.

8. No development shall take place until details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority;

- i) Details of the roof overhangs and eaves.
- ii) Details of the form of the brick plinth.
- iii) Details of the entrance canopy to the surgery and pharmacy.

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

Reason: To ensure a satisfactory external appearance to the development in the interests of the visual amenity and character of the surrounding area in accordance with policy CC6 of the South East Plan 2009.

9. Prior to the commencement of any works which may affect reptiles or their habitat, and great crested newts and their habitat, a detailed mitigation strategy shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy unless any amendments are agreed in writing by the local planning authority.

Reason: In the interests of ecology and biodiversity pursuant to policy NRM5 of the South East Plan 2009.

10. The development shall not commence until details of mitigation and enhancement measures within the site for Dormice and Bats have been submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: In the interests of ecology and biodiversity pursuant to policy NRM5 of the South East Plan 2009.

11. The development shall not commence until details of cycle parking spaces have been submitted to and approved by the local planning authority. The subsequently approved spaces shall be provided prior to the first use of the building and shall be maintained thereafter.

Reason: In the interests of sustainability and to reduce reliance on the use of the private car pursuant to the advice in the NPPF 2012.

12. No part of the doctors' surgery hereby permitted shall be brought into beneficial use unless and until a detailed Travel Plan has been prepared and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. The agreed Travel Plan measures shall subsequently be implemented and thereafter maintained in full within 3 months of the first occupation of the development and by its subsequent occupiers, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that no more trips are generated than predicted and in the interests of sustainability and to reduce reliance on the use of the private car as a means of transport pursuant to policy T5 of the South East Plan 2009.

13. The doctors' surgery shall achieve a minimum BREEAM rating of Excellent. The building shall not be occupied until a final certificate has been issued for it certifying that a BREEAM rating of excellent has been achieved.

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

14. The development hereby permitted shall not be occupied until the following highway works have been completed in accordance with a detailed design and specification that has been submitted to and agreed by the local planning authority before the highway works commence;

- i) the provision of passing bays in Grigg Lane,
- ii) the provision of a footpath including dropped kerbs from the site to the point to the west of the site opposite to where the existing footpath in Grigg Lane currently ceases,
- iii) the provision of new road surfacing, signage and road marking at the junction of Grigg Lane and Oak Lane and along Oak Lane,
- iv) the provision of street lighting in Grigg Lane.

Reason: In the interests of pedestrian and vehicular safety pursuant to the advice in Manual for Streets.

15. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) 'Trees in Relation to Construction-Recommendations'. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of

barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development pursuant to policy ENV6 of the South East Plan 2009.

16. No additional floorspace shall be formed within the building or additional windows placed, formed or inserted into the roof of the building hereby permitted without the prior approval of the local planning authority.

Reason: To protect the privacy and amenity nearby residents and to ensure a satisfactory appearance to the building pursuant to policy CC6 of the South East Plan 2009.

17. The development hereby permitted shall be carried out in accordance with the following approved plans:  
10.039/20revB, 10.039/21revB, 10.039/29 and 1204/12/1revA;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers in accordance with policy CC6 of the South East Plan 2009.

### **Informatives set out below**

When designing the lighting scheme for the proposed development the recommendations by the Bat Conservation Trust must be considered (where applicable)

- a) Low-pressure sodium lamps or high-pressure sodium must be used instead of mercury or metal halide lamps where glass glazing is preferred due to its UV filtration characteristics.
- b) Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each light to direct the light and reduce spillage.
- c) The times during which the lighting is on must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to the minimum to reduce the amount of 'lit time'.
- d) Lamps of greater than 2000 lumens (150 W) must not be used.
- e) Movement sensors must be used. They must be well installed and well aimed to reduce the amount of time a light is on each night.
- f) The light must be aimed to illuminate only the immediate area required by using as sharp a downward angle as possible. This lit area must avoid being directed at, or close to, any bats' roost access points or flight paths from the

roost. A shield or hood can be used to control or restrict the area to be lit. Avoid illuminating at a wider angle as this will be more disturbing to foraging and commuting bats as well as people and other wildlife.

g) The lights on any upper levels must be directed downwards to avoid light spill and ecological impact.

h) The lighting must not illuminate any bat bricks and boxes placed on the buildings or the trees in the grounds.

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

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

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

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

No development shall commence until a scheme for the use of wheel cleaning, dust laying and road sweeping equipment, have been submitted to and the scheme approved in writing by the local planning authority. The approved scheme shall be implemented in its entirety once development has commenced, for the duration of demolition/construction works at the site.

You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at [www.considerateconstructorsscheme.org.uk](http://www.considerateconstructorsscheme.org.uk)

A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd. Anglo Street James House, 39A Southgate Street, Winchester, SO23 9EH.

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

The proposed development is not in accordance with the policies of the Maidstone Borough-Wide Local Plan 2000. However, the development does comply subject to the conditions stated, with the provisions of policies S2 and BE4 of the South East Plan 2009 and the advice in the National Planning Policy Framework 2012 which is considered to represent circumstances that outweigh the existing policies in the Development Plan and there are no overriding material considerations to indicate a refusal of planning consent.

**Item no. 15**

**Page no. 51**

**Address**

**Reference no. MA/12/0148**

**Land east of Chance Grigg Lane  
Headcorn**

### **Representations**

Solicitors acting for the adjacent landowner to the west (Chance Holdings) have confirmed their view that the original s106 agreement completed under application MA/09/2297 is not binding on the Chance Holdings land and that it is not enforceable. They cite Counsel's opinion (unseen by the Council) in support of this.

The agent has confirmed that the West Kent Primary Care Trust (PCT) have now confirmed that the surgery building should meet a minimum of BREEAM Very Good not Excellent as stated in the report.

### **Officer Comment**

Comments have been made by the Parish Council and others that the development does not accord with policy R1 or R10 of the Borough-wide Local Plan 2000 in that the vitality and viability of Headcorn High Street would be adversely affected. I do not consider that the closure of the pharmacy in the High Street would be of such a scale as to adversely affect the viability and vitality of the village centre. Clearly footfall patterns may change as the new pharmacy would be within the surgery building and that 90-95% of the prescriptions handled by the pharmacy are issued by the surgery. However, as set out in the report, a number of premises in the village sell goods that the pharmacy also sells and that a range of 'over the counter' medicines are also sold in the Sainsbury store and elsewhere. There would not therefore be a complete loss of the type of goods sold in the existing pharmacy from the village centre.

I wish to apologise to Members and to correct an error in the report at page 62 paragraph 5.4.3. The paragraph should read

5.4.3 The building is now however, some 6.3m in height at its maximum compared to the 7m previously approved and additionally is proposed to be set into the site by 300mm to reduce the impact further. The building itself has lower additions at its northern and southern sides which have reduced the length of the main roof ridge to approximately 22.5m. The bulk of the roof is broken up by the proposed dormer windows, the entrance canopy and the use of a hipped roof form. On balance I consider that the roof would not have such an unacceptable visual impact on the character of the area as to warrant and sustain refusal.

In relation the BREEAM condition I would remind Members that the previously approved scheme was required to achieve a BREEAM very Good rating and the score for that building was 64.27%. The current pre-assessment score for the new surgery design is 66.31% which is higher.

Given the revised position of the PCT I wish to amend condition 13 to reflect the need to achieve the minimum of Very Good which has been demonstrated can be achieved.

I also wish to amend condition 10 to require specific bat enhancement measures to be provided. Whilst ideally it would also be advisable to require provision for swifts as well, advice is that swift bricks should be sited a minimum of 5m high on walls, this is not possible on this building as the eaves are 2.5m.

### **Amendments to recommendations**

Amend condition 10 to read:-

The development shall not commence until details of mitigation and enhancement measures within the site for Dormice and Bats have been submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details. The details of enhancement measures for bats shall include inter-alia, the use of bat tubes or bricks or providing suitable crevices in the proposed weatherboarding or on the roof.

Reason: In the interests of ecology and biodiversity pursuant to policy NRM5 of the South East Plan 2009.

Amend condition 13 to read:-

The doctors' surgery shall achieve a minimum BREEAM rating of Very Good. The building shall not be occupied until a final certificate has been issued for it certifying that a BREEAM rating of Very Good has been achieved.

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



10

22.08.2012

102

NO  
UNAUTHORISED  
DOG WALKING

22.08.2012



103

22.08.2012



104

22.08.2012



105



22.08.2012







06

22.08.2012



107

22.08.2012





22.08.2012

# THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/12/0324

GRID REF: TQ7552

**RHENCULLEN, BRIDGE STREET,  
LOOSE.**



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 100019636, 2012. Scale 1:1250



**Rob Jarman  
Head of Planning**

APPLICATION: MA/12/0324 Date: 20 February 2012 Received: 21 February 2012

APPLICANT: Mr R Clements

LOCATION: RHENCULLEN, BRIDGE STREET, LOOSE, MAIDSTONE, KENT, ME15 0BY

PARISH: Loose

PROPOSAL: Retrospective application for hard landscaping works to rear garden (re-submission of MA/11/1872), as shown on drawing number P626/1 Rev A and site plan received 21 February 2012, and Heritage Statement and Design & Access Statement both dated 20 February 2012 received 21 February 2012.

AGENDA DATE: 30th August 2012

CASE OFFICER: Jon Lawrence

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

- it is contrary to views expressed by the Parish Council

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV28, ENV35, H27
- South East Plan 2009: CC1, CC4, CC6, BE1, BE6, C4, NRM4, NRM5
- Government Policy: NPPF

## **2. HISTORY**

MA/11/1872 – Retrospective application for hard landscaping works to rear garden – Withdrawn 6/12/2011

MA/03/1650 - Conversion of existing garage, erection of front porch, rear conservatory and other alterations – Approved 16/10/2003

MA/02/1740 - Erection of side extension, front porch, rear conservatory and change of windows – Approved 17/1/2003

MA/97/0302 – Erection of new roof including two dormers in the front elevation and a two storey rear extension together with a front porch – Refused 21/5/1997

### **3. CONSULTATIONS**

- 3.1 LOOSE PARISH COUNCIL – “A meeting of the Loose Parish Council planning committee took place on the 19<sup>th</sup> March 2012 to discuss the above application. We understood from Mr Clements, the landowner, at the meeting that he has followed and acted upon the advice he received from yourself and Mr Mike Parkinson, Principal Conservation Officer following the previous application which was withdrawn. We appreciate the consideration Mr Clements has accorded towards the changes proposed to the structure and landscaping.

The application was evaluated against the comments in our previous letter dated 1<sup>st</sup> December 2011. The Committee looked objectively at the proposed changes to the existing garden but felt that they had not gone far enough to alleviate the impact it has on the conservation area and article 4 directive. This is an extremely sensitive site.

The Loose Parish Council wish to see this application refused and request it is reported to the planning committee.

The Parish Council reiterates the reasons for refusal as outlined in its letter dated 1<sup>st</sup> December 2011. It considers the application continues to fail on the objectives of PPS1 specifically:-

Clause 17. In essence this calls for protecting and enhancing the quality of natural rural environments in particular, valued landscapes etc. The existing structure(s), mainly retaining walls, do not enhance the natural rural setting with their hard faces of brick, stone and railway sleepers. This is particularly the case when viewed from the north on the footpath through the Loose Valley near Kirkdale Cottages. The development creates a hard “face” from the stream edge to the roof ridge of the bungalow from this location.

The development is at odds with the trees, shrubs and grassland at the rear of adjacent properties. The terracing does not align with the gradient of the ground generally in that area. It stands out proud of it.

Clause 18 calls for designs to help mitigate effects of declining environmental quality. The design and construction do nothing to improve and detract from the natural environment in this location.

Clause 20 addresses the promotion of biodiversity of wildlife habitats etc. There is no evidence that a wildlife survey was made prior to the development. This is particularly relevant as there is a designated Site of Nature Conservation Interest (SNCI) in the north area of the adjacent property, “Westmount”, to the

west. There may well have been rare species in the area. The development itself can be seen as a barrier to the migration of wildlife along the stream bank.

Clause 38 indicates the need for scale, density, massing, height of development etc. to be in relation to neighbouring buildings and the local area. Here the mass and height of the vertical walling to the terraces is excessive. In fact the wall faces present an area similar to the north elevation of "Rhencullen" bungalow itself. There is nothing similar in the area.

It is appreciated that although attempts have been made to soften the appearance with planting and modifications to the retaining walls, we ask you to consider the impact such a development has on an area rich in natural character and appearance. This garden neither enhances nor improves the conservation area or natural landscape features of the Loose Valley.

Loose Parish Councillors visited the site at the time of the original application, and recommend that Borough Councillors also do this, and take in the view from the public footpath to the north of Kirkdale Cottages".

3.2 ENVIRONMENT AGENCY – "We maintain our **objection** to the application and recommend refusal of planning permission for the following reasons:

The site lies within Flood Zone 3a defined by Planning Policy Statement 25 as having a high probability of flooding, where the risk to life and / or property in upstream and /or downstream locations from fluvial inundation would be unacceptable if the development were to be allowed.

In particular:

1. The site lies within the flood plain and the proposed development will impede flood flow and/or reduce storage capacity thereby increasing the risk of flooding elsewhere.
2. The information provided suggests that the proposed development will cause an unacceptable risk of surface water flooding to people and property elsewhere.
3. There is no buffer zone to the Loose Stream.

Buffer zone

It may be possible to overcome this element of the objection if the development is moved back to provide an 8 metre buffer zone measured from the bank top (defined as the point at which the bank meets the level of the surrounding land) alongside the Loose Stream. The buffer zone should be free from all built development. Domestic gardens and formal landscaping should not be

incorporated into the buffer zone. The buffer zone should be planted with locally native species of UK genetic provenance and appropriately managed under an agreed scheme. Any scheme to provide a buffer zone will need to include a working methods statement detailing how the buffer zone will be protected during construction”.

- 3.3 KENT WILDLIFE TRUST – “The site abuts the Loose Valley Local Wildlife Site (LWS, MA20). The LWS comprises a mosaic of rough, unmanaged grassland, semi-improved grazed pastures, drier horse-grazed meadows and damp marshy grassland along the valley floor beside the river. The LWS citation confirms that the combination of woodland and riverside shrubs and plants creates good conditions for a wide range of bird species throughout the year. The river is also likely to be used by bats foraging and commuting between resting and feeding areas. Abundant river marginal vegetation means that a wide diversity of plant species is present.

The application seeks permission for a large-scale engineering operation that has used significant amounts of ‘hard’ surfaces and finishes. These features are particularly insensitive to wildlife interests and represent a severe disruption to the wildlife corridor established by the river. I note that the applicant has made no effort to evaluate the impact of development on local biodiversity interests as required under the recently-adopted National Planning Policy Framework let alone local planning policies.

In the circumstances, I urge the Borough Council to refuse the application and work with the applicant to achieve a more ‘natural’ profile to this valued river bank”.

- 3.4 MBC CONSERVATION OFFICER – “Although described as retrospective, the proposals now put forward incorporate amendments to the works as currently constructed.

As they currently stand, the works carried out without planning permission are considered to be inappropriate and out of character, resulting in an urbanisation of this riverside site on the village edge. However, amendments are now proposed which will go some way towards softening the impact, particularly by reducing the sheer height of the timber baulk wall to one half of the width by the use of stepped terraces. The combination of this with the planting proposed, and remedial works to the existing ragstone walling to achieve a better standard of pointing, will, in my view, result in a more acceptable scheme. Given the history of subsidence at this property some sort of retaining structure here would appear to be inevitable and there is evidence of some sort of ragstone walling having been built in the past. On balance I am prepared to raise no objections to these latest proposals, but conditions will be needed to secure the



implementation of the amendments now proposed within a specified timescale (3 months?) and to require approval of a sample of the repointing of the ragstone. I RAISE NO OBJECTION to this application on heritage grounds and recommend conditions as detailed above”.

3.5 NATURAL ENGLAND - (On previous withdrawn application MA/11/1872) they commented that “this proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development”. On the basis that this revised scheme is considered an improvement they were not therefore consulted on this current application.

3.6 K.C.C. ECOLOGY – “The river bank is included within the Loose Valley Local Wildlife Site.

The site was designated for a variety of reasons including:

- The combination of woodland and riverside shrubs and plants creates good conditions for a wide range of bird species throughout the year, including the unusual water rail in winter months. Species recorded include blackbird, mallard, goldfinch, kingfisher and green woodpecker
- The varying grassland conditions and abundant river marginal vegetation mean that a wide diversity of plant species is present.
- Several old crack willow and ash pollards along the river support a reasonable bryophyte and liverwort flora.

Before the works were carried out the area of river bank may have met the above criteria.

As an ecological survey was not carried out it is hard to establish exactly what the site was like prior to works starting.

From reviewing the 2003 aerial photos it appears that the area has been vegetated in the past and as a result could have acted as a corridor to wildlife along the river bank. As a result of the works the photos indicate that there is no or very minimal vegetation remaining and as a result it's suitability as a wildlife corridor has declined significantly.

From reviewing the information submitted with the planning we are aware of the reasoning behind the works however we question whether the works could have been carried out in a way that river bank and the vegetation could have been



retained. This would have been the preferred option as it would have retained the connectivity of the river bank.

The applicant is proposing to increase the planting within the area to minimise the visual impact. If planning permission is granted the landscaping scheme should be designed to incorporate native species which are already present within the river bank. Although not the ideal solution it will to some extent reduce the impact of the works. If planning permission is granted any native species planting which is carried out will improve the site for biodiversity compared to what it is now - for example it could provide suitable nesting habitat for birds using the river.

However I would like to stress that the connectivity will still be reduced - the hard standing of the terrace area could prevent wildlife from moving along the river bank”.

- 3.7 MBC LANDSCAPE OFFICER – “The application is retrospective, so in terms of potential impact on the Norway Spruce, designated T1 of Tree Preservation Order No.1 of 2004, any root damage resulting from the implementation of the proposal would have already taken place. The submitted plans demonstrate that development and excavation within the root protection area of the tree has taken place in my opinion. There is no evidence to demonstrate whether this actually involved severing of tree roots, but I consider that it is likely. Such works could have significantly increased the risk of windthrow failure or lead to the premature decline or death of the tree and carrying out root pruning without consent is an offence under TPO legislation.

If this application was not retrospective, I would almost certainly object to the proposal on the basis that such damage would be likely. As it has already taken place, it cannot be undone. The tree is protected, so a replacement tree can be secured under TPO legislation if it does fail, but this can be additionally strengthened through the use of a landscaping condition requiring replacement of failures in an approved landscaping scheme. I do not consider that the submitted landscaping proposals are sufficiently detailed and recommend the use of a standard condition (modified to reflect the fact that the application is retrospective) requiring a detailed scheme to be submitted and approved and a standard landscape implementation condition”.

#### **4. REPRESENTATIONS**

- 4.1 Thirteen objections have been received. These include from Loose Amenities Association, the Valley Conservation Society and local residents. In summary, the grounds for objection are as follows:

- Breach of Article 4 Direction
- Prominent position, entrance to valley
- Visible from public footpaths and areas, spoils views
- Inappropriate, poor and unnecessary design
- Out of character – does not complement unspoilt rural nature of valley
- Detrimental impact on area, including Conservation Area
- Loss of landscape features
- Dominates surroundings, imposing
- Dangerous precedent for further development if approved
- Incongruent materials more in keeping with urban setting
- Works completed without planning permission
- Terracing does not align with steady gradient of ground
- Destruction of natural line of stream bank
- Ragstone of poor standard
- Affect on wildlife habitats and trees – both lost - SNCI nearby
- Sleepers could pollute water
- Planting not of appropriate type to soften impact – and shouldn't be relied upon anyway
- Amendments do not overcome concerns over height, mass and materials
- Previous scheme preferable – latest scheme raises height and therefore increases visual impact
- Ragstone should be used to all vertical surfaces
- Balustrading could be removed, not necessary
- Loss of privacy through raised levels of garden
- Protected trees affected
- No environmental assessment
- Light pollution – compounds harm
- Doesn't preserve or enhance natural or historic environment, including Conservation Area
- Contrary to NPPF
- Formerly ALLI. Harms and alters natural landscape features
- Loss of natural drainage – water and flood concerns
- No ecological assessment
- Risk to irreplaceable beauty of village and valley

4.2 A local resident has also written in support, objecting to the removal of the development "as your plans will not enhance the walk through the valley and I believe that the structure is more in keeping with the woodland".

4.3 As part of the application submissions seven letters of support and a petition of seventy signatures in support have also been received. The reasons for support are summarised as follows:

- Rich diversity in architecture in Loose Village

- Limited development carried out in good faith
- Garden difficult to landscape due to steep slope
- Reflects style of bungalow with references to local vernacular
- Sympathetically constructed
- Improved amenity for use of property
- Stabilized an area prone to subsidence, raising integrity of bank
- Further land shift would have occurred harming stream and wildlife
- To remove the development would have no positive effect on Conservation Area
- Visually pleasing – bank was an eyesore
- Enhances appearance of property, not out of character or inappropriate
- Materials blend well with others in vicinity
- Established tree provides focus and height
- Greatly improved appearance when viewed from path leading to Loose Valley
- Soft landscaping will improve further

## **5. CONSIDERATIONS**

### **5.1 Site Description**

5.1.1 This application relates to a detached bungalow property in a discreet location just within the `built' envelope of Loose village, at the lowest part. It is also within the Loose Valley Conservation Area, and within a designated Area of Local Landscape Importance. It is also on land previously designated as a Site of Nature Conservation Interest. An Article 4 Direction confirmed for the Loose Valley Conservation Area also covers this property, removing residential and other permitted development rights. A stream/brook runs along the rear of the property, which is within designated Flood Zones 2 and 3. A protected Norway Spruce tree is located near the stream/brook within the curtilage. There is also other planting and vegetation generally around the rear of the site. The land rises northwards in the field to the north on the opposite side of the stream/brook, within which there is also a handful of trees. Public footpath KM58 runs along the north side of this field, from KM52 just to the east. There are other residential properties south of the site including one adjacent to the south-east, and other residential properties to the north-east and north-west on the opposite side of the brook/stream.

5.1.2 The bungalow has been previously extended and altered with planning permission. This application seeks permission for hard landscaping works that have been carried out within the rear garden backing onto the stream at the rear of the property and foot of the garden. Amendments are also proposed under this application to the development "as built". At present the development consists of raised terraced areas with lawn and slab paving, lower terraced areas with gravel finish, timber sleeper retaining walls with timber handrails above,

and elements of brick and ragstone retaining walling. Central brick and concrete steps lead down to the stream/brook. There is also a narrow concrete platform at the bottom by the stream/brook.

## **5.2 Proposal**

- 5.2.1 This application seeks permission for the hard landscaped terraced areas, but with proposed amendments. The principle amendment is the inclusion of an extra step/terrace on one side of the central steps between the ragstone wall and timber sleeper retaining wall. This also involves the reduction in height of the land levels on that side where nearest to the brook/stream, and the reduction in height of the timber sleeper wall retaining those present land levels. Further, it involves the inclusion of an additional sleeper retaining wall behind that and in front of the ragstone wall. It is also proposed to reposition the handrail currently positioned on top of the higher timber sleeper wall to the top of that existing ragstone wall.
- 5.2.2 Hanging and trailing vegetation/planting is also proposed, including to the existing and proposed terraced levels, and darker mortar with recessed joints to the existing areas of ragstone walling.

## **5.3 Principle of Development**

- 5.3.1 Although the application site lies within a designated Conservation Area and designated Area of Local Landscape Importance, it is also within the built up envelope of Loose Village. In principle, therefore, I am satisfied that this development is acceptable in line with development plan policies and government advice aimed at rural settlements.
- 5.3.2 However, strong regard must be had to development plan policies and government advice aimed at conserving and enhancing the natural and historic environment and protecting landscapes of quality and character. Further, the development must accord with the principle of sustainable development that underwrites government policy.

## **5.4 Visual Impact**

- 5.4.1 The development as existing is visible and as proposed would remain visible from public areas to the north that includes the footpath that runs along the north edge of the field on the opposite side of the brook/stream. This would be around 40 metres away from the back edge of the application site and therefore also the subject development, so it is at a reasonably close distance.

- 5.4.2 As built, the height, scale, mass and material of the development is considered to be inappropriate and out of character for this location on the edge of the village. It does, therefore, have an unacceptable impact on the character of both the natural and historic environment.
- 5.4.3 However, the development as proposed under this application is considered to be a significant improvement. The reduction of the height of the rearmost timber sleeper wall on the stream edge by some 50% contributes to softening the visual impact, and this will only serve to be improved further by the removal of the timber railing currently atop and its repositioning on top of the ragstone wall further back. Hanging and trailing vegetation/planting also proposed all around the terracing will further soften its appearance.
- 5.4.4 The proposal to carry out remedial pointing works to the ragstone walling will also improve the appearance of the development. The predominant materials used of timber and ragstone also reflect that used and included generally in built form in the area.
- 5.4.5 Taking into account the apparent need for some sort of retaining structure at the property due to the subsidence problems that have historically existed, and that ragstone walling apparently previously existed in a similar location at the property, I do therefore consider that on balance the proposed scheme is acceptable in visual terms.

## **5.5 Residential Amenity**

- 5.5.1 The rear garden of this property has been raised (in terracing format) as part of this development. As a result it is possible to see over the dividing fence with the adjacent property to the east (Millbourne Cottage). However, there is a distance of around 20 metres to the private areas immediately behind the rear of that dwelling, whilst the detached garage at that property is also in between. I therefore consider that this dwelling and its private areas are unaffected in terms of overlooking/loss of privacy.
- 5.5.2 Given the considerable distances and orientation involved between the application property and the properties on the other side of the stream/brook to both the north-east (Kirkdale Cottages) and north-west, combined with the various vegetation and enclosures between, I do not consider that there is any unacceptable overlooking of these dwellings or their private areas as a result of the development.

## **5.6 Landscaping**

- 5.6.1 Hanging, climbing and trailing planting is proposed as part of the submissions all around this terraced area, which should provide good cover generally even on the ground. Although some of the planting type is detailed on the submitted drawing, some is left unspecified and stated to be to LPA approval. In this respect, for ecological reasons, species native to the riverbank and area would be preferred. An informative could advise of this. The exact type and detail of all this planting can therefore be secured by condition.
- 5.6.2 Submission of a detailed landscaping scheme by condition and a further condition concerning implementation and maintenance of any such scheme would then also ensure that if the protected Norway Spruce tree on the lower terrace of the development was to die, then a suitable replacement would be required. It has already been suggested by the Council's Landscape Section that the roots of this tree at least are likely to have been damaged by the work that has already taken place.

## **5.7 Ecology**

- 5.7.1 Although this development will have involved removal of vegetation along the corridor of the riverbank, leading to a significant decline in its suitability as a wildlife corridor, planting is proposed within the area to minimise the general impact of the development. If the landscaping scheme were designed to incorporate native species already common to this riverbank then this would to some extent reduce the ecological impact of these works as already carried out and proposed under this application, and improve the site for bio-diversity. This landscaping scheme and its implementation can be secured by condition. KCC Ecology accept that this could limit the impact. They do, however, also point out that connectivity will still be reduced as the hardstanding of the terraced area could prevent wildlife from moving along the river bank.

## **5.8 Flooding**

- 5.8.1 The Environment Agency have recommended that permission be refused for this development within Flood Zone 3a, on the basis that it will impede flood flow and/or reduce storage capacity and thereby increase flood risk elsewhere, that the development will cause an unacceptable risk of surface water flooding; and that there is no buffer zone to the Loose Stream.
- 5.8.2 There will, however, be planted areas on the development and site which will help to minimise this loss of flood storage and interruption to flood flow, and therefore also the consequent flood risk. It also needs to be considered that unchecked subsidence of the bank could have caused greater problems.

5.8.3 Also, I consider that the development is of a minimal size and scale, and that therefore any resultant flood risk is not to the extent that permission should be refused.

5.8.4 Further, it would not be practical for the development to be moved back to create an 8 metre buffer zone from the stream considering the relative size of the back garden, nor appropriate considering the structures and levels of land that previously existed within this "zone".

## **5.9 Other matters**

5.9.1 It needs to be considered how best to secure implementation of the proposed scheme as opposed to the development constructed.

5.9.2 Enforcement action could be taken against the unauthorised development as constructed (prior to it achieving immunity which would be in at least another 3 years) should any planning permission granted for the proposed scheme not be implemented in the meantime. Whilst I could understand any demand for the proposed scheme to be implemented within a restrictive timescale, I do not therefore consider it necessary to impose a short time limit for implementation by way of condition on any permission granted for the proposed scheme, if this were indeed even possible. The applicants could also be advised by way of Informative that appropriate enforcement action will be taken by the LPA should the unauthorised development remain in place without any progress/steps being made to implement the planning permission granted. Such action would not necessarily have to wait until near the time when immunity would be reached.

5.9.3 Conditions requiring submission within 2 months of details of landscaping, details of materials and details of the repointing of the ragstone will also provide focus in this respect.

## **6. CONCLUSION**

6.1 The proposed scheme would not have an unacceptable visual impact on the character of the natural and historic environment including the Conservation Area and designated ALLI. Proposed hanging, climbing and trailing planting will assist in this respect.

6.2 The proposed scheme would not have an unacceptable impact on residential amenity.

6.3 The ecological impact of the development can be reduced by incorporating native species common to the riverbank in the proposed planting.



- 6.4 It can be assured that the details of proposed planting, materials to be used and repointing of the ragstone are acceptable and appropriate by securing all for submission and implementation by condition.
- 6.5 Should the proposed scheme not be implemented then enforcement action could still be taken against the unacceptable development as constructed before it achieves immunity.
- 6.6 I therefore consider the development to be acceptable and that planning permission should be granted subject to 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. Within 2 months of the date of this permission, a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, shall be submitted to the Local Planning Authority for approval together with a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted, and in accordance with policies ENV28, ENV35 and H27 of the Maidstone Borough-Wide Local Plan 2000 and policies CC1, CC4, CC6, C4, NRM5, BE1 and BE6 of the South East Plan 2009.

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

Reason: To ensure a satisfactory setting and external appearance to the

development, in accordance with policies ENV28, ENV35 and H27 of the Maidstone Borough-Wide Local Plan 2000 and policies CC1, CC6, CC4, C4, NRM5, BE1 and BE6 of the South East Plan 2009.

4. Within 2 months written details and samples of the materials used and to be used in the development shall be submitted to and approved in writing by the local planning authority and the development shall thereafter be constructed using the approved materials within 2 months of the date of any subsequent approval of those details;

Reason: to ensure a satisfactory appearance to the development, in accordance with policies ENV28, ENV35 and H27 of the Maidstone Borough-Wide Local Plan 2000 and policies CC1, CC6, C4, BE1 and BE6 of the South East Plan 2009.

5. Within 2 months of the date of this decision written details and a sample of the proposed repointing of the existing ragstone walling included in the development shall be submitted to and approved in writing by the local planning authority and the approved details shall thereafter be implemented within 2 months of the date of any subsequent approval of those details;

Reason: to ensure a satisfactory appearance to the development, in accordance with policies ENV28, ENV35 and H27 of the Maidstone Borough-Wide Local Plan 2000 and policies CC1, CC6, C4, BE1 and BE6 of the South-East Plan 2009.

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

Drawing number P626/1 Rev A received 21 February 2012.

Reason: To ensure the quality of the development is maintained in accordance with policies ENV28, ENV35 and H27 of the Maidstone Borough-Wide Local Plan 2000 and policies CC1, CC4, CC6, C4, BE1, BE6 , NRM4 and NRM5 of the South East Plan 2009.

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

The applicant is advised that, for biodiversity reasons, the inclusion of species native to the riverbank should be included and incorporated in the landscaping scheme required to be submitted.

The applicant is reminded that the existing development as constructed is in breach of planning control and considered unacceptable, and that therefore appropriate formal enforcement can and will be pursued by the local planning authority should it remain without implementation of the scheme hereby approved.

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.

125



126





127



128





129



130



131





132



**THE MAIDSTONE BOROUGH COUNCIL**

**PLANNING APPLICATION NUMBER: MA/12/0552**

**GRID REF: TQ7149**

**GUDGEON OAST, WEST STREET,  
HUNTON.**



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 100019636, 2012. Scale 1:1250



**Rob Jarman  
Head of Planning**

APPLICATION: MA/12/0552 Date: 23 March 2012 Received: 1 August 2012

APPLICANT: Mr & Mrs D Collins

LOCATION: GUDGEON OAST, WEST STREET, HUNTON, MAIDSTONE, KENT,  
ME15 0SA

PARISH: Hunton

PROPOSAL: Conversion of and alterations to two existing outbuildings for use as garden room and annex ancillary to Gudgeon Oast and alterations to approved scheme for conversion of Gudgeon Oast to residential (MA/10/1021) being changes to the arrangement of openings, introduction of external steps as shown on drawing numbers DHA/7452/01, DHA/9355/02 rev A and DHA/9355/05, supported by a covering letter all received 23rd March 2012; drawing numbers DHA/9355/03 rev A and DHA/7452/04 rev B received 8th June 2012; and DHA/9355/06 rev A received 30th July 2012.

AGENDA DATE: 30th August 2012

CASE OFFICER: Catherine Slade

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

- Councillor Collins is the applicant.

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV28, ENV45
- South East Plan 2009: CC1, CC6, C4, BE6
- Government Policy: National Planning Policy Framework 2012, PPS5 Planning for the Historic Environment Practice Guide 2010
- Other: Maidstone Borough Council Residential Extensions SPD 2009

## **2. HISTORY**

- MA/12/0209 - An application to vary condition 1 of MA/11/0944 to allow the painting of the approved feather boarding in white - APPROVED WITH CONDITIONS
- MA/11/0944 - An application to discharge conditions relating to MA/10/1021 - (conversion and adaptation of the oasthouse to form a two bedroom residential

dwelling) - being details of condition 2 materials being Ashdown red bricks, plain clay Babylon Kent peg tiles and feather edged boarding; condition 4 joinery and condition 6 landscaping – APPROVED WITH CONDITIONS

- MA/10/1021 - Conversion and adaptation of the oasthouse to form a two bedroom residential dwelling – APPROVED WITH CONDITIONS
- MA/08/0026 - Conversion and adaptation of oasthouse to form a B1 office unit (Resubmission of MA/07/0429) – REFUSED, ALLOWED AT APPEAL
- MA/07/0429 - Conversion and adaptation to form a live/work unit – REFUSED
- MA/93/0019 - Change of use of redundant agricultural building to uses within class B1 (renewal of MA/88/0445) - APPROVED WITH CONDITIONS
- MA/89/0273 - Change of use from oasthouse and outside store for light building materials – REFUSED
- MA/88/0445 - Change of use of redundant agricultural building to a Class B1 business use - APPROVED WITH CONDITIONS

### **3. BACKGROUND**

- 3.1 Planning permission has previously been granted subject to conditions for the conversion of Gudgeon Oast to a dwellinghouse under MA/10/1021. The current application seeks amendments to the approved scheme and the conversion of existing outbuildings associated with the building to provide ancillary accommodation.

### **4. CONSULTATIONS**

- 4.1 **Hunton Parish Council:** Raise no objection to the proposal.
- 4.2 **Maidstone Borough Council Conservation Officer:** Raises no objection to the proposal.

### **5. REPRESENTATIONS**

- 5.1 No representations have been received.

### **6. CONSIDERATIONS**

#### **6.1 Site Description**



- 6.1.1 The application site is located in open countryside in the rural parish of Hunton, to the south of West Street, a classified road (the C65). The site has no specific environmental or economic designations in the Local Plan.
- 6.1.2 Gudgeon Oast is located to the north side of the site, immediately adjacent to West Street from which the building is clearly visible in public views. The building comprises an oasthouse, the roundel of which is in the process of being restored and the stowage rebuilt as part of the implementation of planning permission MA/10/1021 for the conversion of the building to a dwellinghouse.
- 6.1.3 Within the site are two single storey outbuildings, one to the east of the oasthouse adjacent to, and backing onto, the highway (referred to as a "cookroom" in the application documentation), and the other to the south west of the oasthouse adjacent with the boundary with a neighbouring residential property (referred to as "outbuilding" in the application documentation). The first is a free standing mono-pitched roof building, the second a double pitched roof building adjoining a similar building within the curtilage of Gudgeon Farmhouse.

## **6.2 Proposal**

- 6.2.1 The current application seeks planning permission for amendments to the approved scheme for the conversion of the oasthouse including the use of false doors to the west elevation rather than the approved door and glazing and the introduction of external steps to the south elevation.
- 6.2.2 The application also seeks planning permission for alterations to the two buildings described above in paragraph 6.1.3 in order to facilitate their use as ancillary to the main dwellinghouse. The buildings are both within the defined garden land approved under MA/10/1012, and as such their use for purposes incidental to the use of Gudgeon Oast as a dwelling is considered to be acceptable in principle.
- 6.2.3 The proposed works to the "cookhouse" (located to the north of the site) comprise the introduction of a mono-pitched roof extension to the south elevation, the building up of the existing walls and the replacement of the existing corrugated roof to the building with a timber and slate roof. The proposed extension would have a projection of 1.65m and would extend the full width of the building. The form of the extension would be simple with a mono-pitched lead roof and glazing to the south elevation. The internal space would be left open.
- 6.2.4 The proposed works to the "outbuilding" comprise alterations to the north elevation including alterations to the openings and the replacement of the existing front projection with a structure of a similar scale and form to provide

an entrance, having the same footprint and a similar roof pitch; the replacement of the existing garage doors to the east elevation with glazing; and the replacement of the existing corrugated roof. The interior space, currently subdivided to provide two storage areas of comparable volume, would be opened up to provide additional accommodation and a shower room.

6.2.5 The design of the proposed extensions to the existing buildings before Members has been arrived at in consultation with the Maidstone Borough Council Conservation Officer.

### **6.3 Considerations**

6.3.1 The main issues for consideration are whether the proposed amendments to the scheme and the alterations to the buildings would be harmful to the character of the surrounding area or the buildings themselves.

6.3.2 The proposed amendments to the approved scheme are considered to be modest and in keeping with the character of the oasthouse, and as such are acceptable.

6.3.3 The proposed alterations to the outbuildings are considered to be appropriate in terms of their design and overall appearance, and in respect of the extensions in particular, to be suitable in respect of their scale and relationship to the original buildings, retaining the original character of the buildings through the contrast between the more contemporary appearance of the additions, which are not overly domestic in appearance. Although the proposed works to the north elevation of the "outbuilding" would be visible in views from West Street, they are not considered to be unacceptable in respect of their appearance, and it is not considered that they would be detrimental to the streetscene. The other works would not be apparent in views of the site from West Street. On these grounds, notwithstanding the prominent position of the buildings in the streetscene and views of the open countryside, it is not considered that the proposal would result in visual harm to the quality of the countryside or the historic integrity of the oasthouse or existing buildings on the site.

6.3.4 However, to safeguard the quality and appearance of the proposed development, conditions should be attached to the permission requiring the submission and approval of details and samples of materials and large scale details of joinery and rainwater goods in respect of the works to the outbuildings, and removing permitted development rights, as per the previous permission. Similarly, conditions should be imposed requiring the works to the oasthouse and the site as a whole to be in accordance with the details of materials, joinery and landscaping to be undertaken in accordance with those approved under MA/11/0944.

6.3.5 The Maidstone Borough Council Conservation Officer raises no objection to the proposal.

6.3.6 It is not considered that the proposed amendments to MA/10/1021 or the conversion of the existing outbuildings would result in any impact upon the residential amenity of the occupiers of the neighbouring residential dwellings or have any implications for highway safety. The proposal would not have any implications for landscaping or ecological assets.

## **7. CONCLUSION**

7.1 For these reasons, it is considered that the proposal to amend the approved scheme and convert the existing outbuildings to ancillary accommodation serving Gudgeon Oast are such that planning permission be granted subject to the conditions set out above.

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

Reason: To ensure a satisfactory appearance to the development, secure the historic character of the building and safeguard the character and appearance of the open countryside in accordance with policies ENV28 and ENV45 of the Maidstone Borough-Wide Local Plan 2000, CC1 and CC6 of the South East Plan 2009 and central government policy and guidance as set out in the National Planning Policy Framework 2012 and PPS5 Planning and the Historic Environment Practice Guide 2010.

3. The conversion of the existing buildings shall not commence until, full details of the following matters must be submitted to and approved in writing by the Local Planning Authority:-

Internal and external joinery in the form of large scale drawings to a scale of 1:10 or 1:20.

Waste water and rain water goods in cast iron or black painted aluminium to a scale of 1:10 or 1:20.

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

Reason: To ensure a satisfactory appearance to the development, secure the historic character of the building and safeguard the character and appearance of the open countryside in accordance with policies ENV28 and ENV45 of the Maidstone Borough-Wide Local Plan 2000, CC1 and CC6 of the South East Plan 2009 and central government policy and guidance as set out in the National Planning Policy Framework 2012 and PPS5 Planning and the Historic Environment Practice Guide 2010.

4. 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, Class(es) A, B, C, D, E, F and G shall be carried out without the permission of the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development, secure the historic character of the building and safeguard the character and appearance of the open countryside in accordance with policies ENV28 and ENV45 of the Maidstone Borough-Wide Local Plan 2000, CC1 and CC6 of the South East Plan 2009 and central government policy and guidance as set out in the National Planning Policy Framework 2012 and PPS5 Planning and the Historic Environment Practice Guide 2010.

5. All planting, seeding or turfing comprised in the details of landscaping approved under MA/11/0944 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 an appropriate setting to the development in accordance with

policies ENV6, ENV28 and ENV45 of the Maidstone Borough-Wide Local Plan 2000, CC1 CC6 and C4 of the South East Plan 2009, and central government policy and guidance as set out in the National Planning Policy Framework 2012 and PPS5 Planning and the Historic Environment Practice Guide 2010.

6. The works to the oasthouse shall be undertaken in full accordance with the details of materials and joinery approved under MA/11/0944 subject to the variation of condition 1 of MA/11/0944 approved under MA/12/0209;

Reason: To ensure a satisfactory appearance to the development, secure the historic character of the building and safeguard the character and appearance of the open countryside in accordance with policies ENV28 and ENV45 of the Maidstone Borough-Wide Local Plan 2000, CC1 and CC6 of the South East Plan 2009 and central government policy and guidance as set out in the National Planning Policy Framework 2012 and PPS5 Planning and the Historic Environment Practice Guide 2010.

7. The development hereby permitted shall be carried out in accordance with the following approved plans:  
drawing numbers DHA/7452/01, DHA/9355/02 rev A and DHA/9355/05, supported by a covering letter all received 23rd March 2012; drawing numbers DHA/9355/03 rev A and DHA/7452/04 rev B received 8th June 2012; and DHA/9355/06 rev A received 30th July 2012;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers in accordance with policy CC6 of the South East Plan 2009.

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.

141

22.08.2012

142

22.08.2012



143

22.08.2012

144

22.08.2012



145

22.08.2012



146



22.08.2012

147



22 08 2012

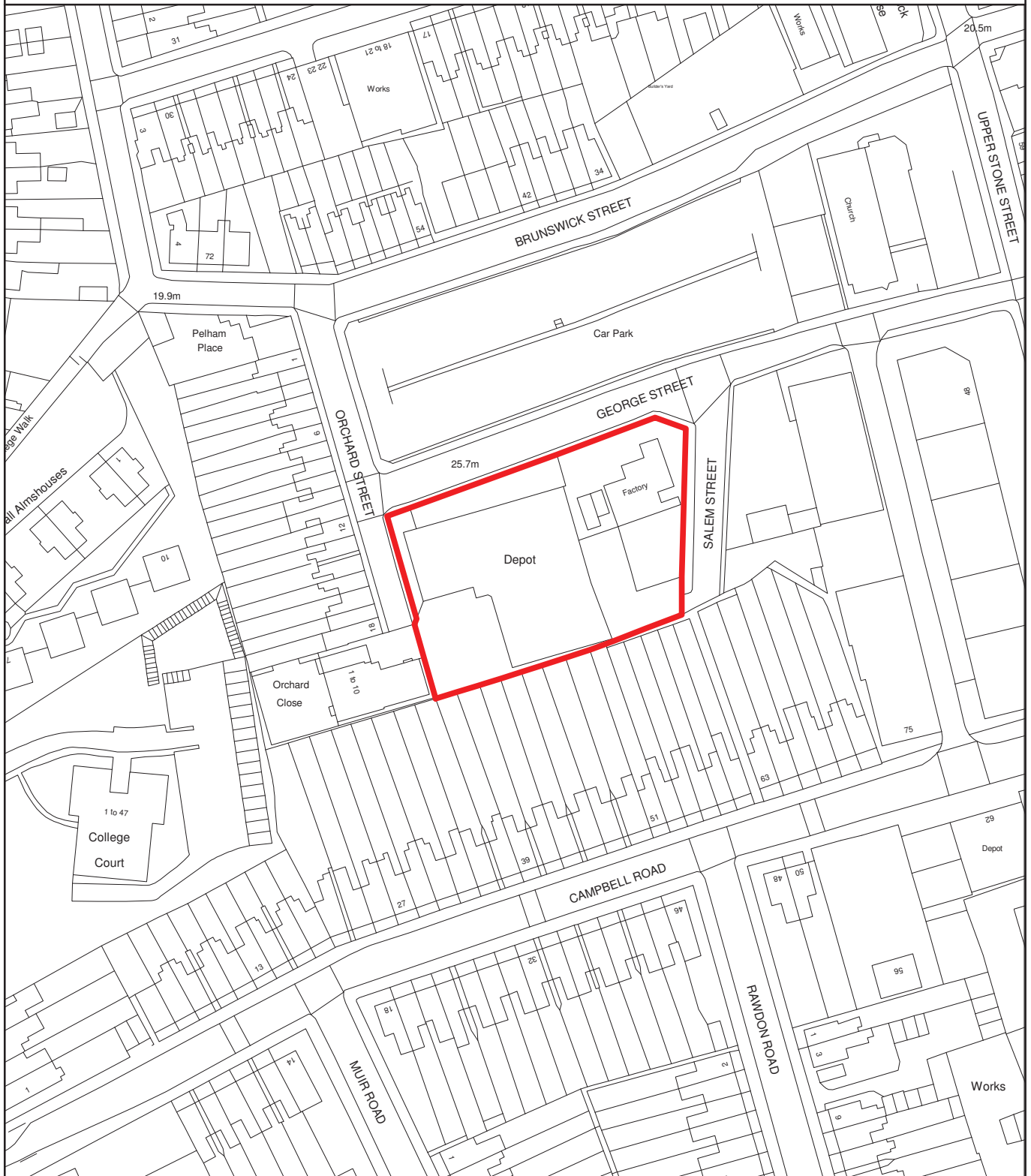
# Agenda Item 18

## THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/12/0590

GRID REF: TQ7655

LAND AT DEPOT SITE,  
GEORGE STREET, MAIDSTONE.



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 100019636, 2012. Scale 1:1250



**Rob Jarman**  
Head of Planning

APPLICATION: MA/12/0590 Date: 30 March 2012 Received: 30 March 2012

APPLICANT: Hyde Housing Chartway Group

LOCATION: LAND AT DEPOT SITE, GEORGE STREET, MAIDSTONE, KENT, ME15 6NX

PARISH: Maidstone

PROPOSAL: Demolition of existing commercial buildings and erection of a residential development comprising of 33 dwellings and associated parking as shown on amended Drawings 2011-160-001,2011-160-10, 2011-160-011, 2011-160-012, 2011-0160-013, 2011-0160-014 2011-160-015, 2011-160-016 2011-160-017, 2011-0160-018 and Drawing 137901 Rev D received 18 May 2012 and supporting Design and Access Statement, Planning Statement, Sustainability Report, Acoustic Report and Land Contamination Preliminary Risk Assessment received 30 March 2012

AGENDA DATE: 30th August 2012

CASE OFFICER: Laura Gregory

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

- Councillor English has requested it be reported for the reason set out in the report

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: T13, ENV6
- South East Plan 2009: CC1, CC4, CC6, H3, H4, H5, T4, BE1, M1, NRM8, NRM19, AOSR7
- National Planning Policy Framework 2012; Ministerial Letter on Planning for Growth

## **2. HISTORY (Most Relevant)**

**MA/08/1997** The demolition of the commercial buildings and erection of 22 new residential units comprising of 14 no houses and 8 no flats together with ancillary parking, new access road, alterations to existing site access and re-siting of electricity



substation – Withdrawn (following a resolution to grant by Members, but the S106 agreement was not completed).

**MA/07/1449** Comprising six, one-bedroom apartments, twenty, two-bedroom apartments, one, two-bedroom penthouse apartment, one, one-bedroom maisonette and six, three-bedroom houses and associated parking - Refused.

- 2.1 The two most recent planning applications are for a site that does not include the former foundry on the corner of George Street and Salem Street. This now forms part of this application.
- 2.2 There is a significant amount of other planning history for this site, however, much if this relates to the previous commercial use, with a significant number of applications relating to advertisements for the site. There is considered to be no other planning history that is considered relevant to this application.

### **3. CONSULTATIONS**

**3.1 MBC Landscape Officer** was consulted and made the following comments:

- 3.1.1 'An arboricultural method statement (AMS) is required in accordance with the recommendations of BS5837:2012, which should include a tree protection plan and cover the existing trees immediately adjacent to the southern site boundary.
- 3.1.2 The landscape master-plan submitted with the application outlines the landscape principles. I have no objection to these principles but would recommend the inclusion of a proportion of native or at least near native species. Planting details and a specification are required and therefore standard landscape conditions should be attached to any consent accordingly.'

**3.2 MBC Environmental Health Officer** was consulted and made the following comments:

- 3.2.1 'It would appear that the previous application for this site, MA/08/1997 (for 22 dwellings), was withdrawn. I also note that an earlier application, MA/07/1449, was refused on the grounds of excessive coverage of the site by buildings and hard standings.
- 3.2.2 Previously noise from commercial and industrial sources, as well as that from road traffic, was addressed through Environmental Noise Assessment, Report No P731/532/1, dated 14 March 2007 by Philip Northfield & Associates. The neighbouring commercial premises are/were a car showroom with workshop and a small foundry. The report concluded that noise is not an issue and that the

required internal ambient noise levels would be achieved through the use of conventional construction methods. I also note that any demolition or construction activities will definitely have an impact on local residents and so the usual informatives should apply in this respect.

- 3.2.3 The site is within the Maidstone Town Air Quality Management Area and is just over 80m from a known air quality hotspot, and this plus the scale of this development and its site position leads me to consider that an air quality assessment should be required. Any buildings to be demolished should be checked for the presence of asbestos and any found must only be removed by a licensed contractor.
- 3.2.4 I note that the apartments incorporate a centrally located refuse and recycling area allowing ease of collection for the service providers and areas for refuse storage to the frontages of the dwellings are screened by walls/rails or fencing; and the Planning & Design statement also lists examples (including cycle storage) of how the development may achieve Code Level 3 for Sustainable homes. This is confirmed by the Sustainability Report (dated 20<sup>th</sup> February 2012), which concludes that the scheme will achieve code level 3 including ENE7 where a minimum of 10% carbon emissions reduction will be contributed from renewable technologies.
- 3.2.5 As the site was formerly an old depot a preliminary site investigation report by Bureau Veritas, LMAX0154, was submitted in February 2007. The report concluded that further work was required through a thorough intrusive investigation of the site prior to further conclusions being made. I also note that the relocated electricity sub-station at the proposed development must comply with the requirements of the standards prescribed by the HPA.
- 3.2.6 Section 54 of the Clean Neighbourhoods and Environment Act 2005 requires the developer to produce a site waste management plan for any development which is over £300,000. The plan must be held on site and be freely available for view by the local Authority at any time.'
- 3.2.7 The Officer requested that conditions be imposed relating the contamination – details of which are set out at the end of the report.

**3.3 MBC Parks and Open Spaces** were consulted and raised no objections to this proposal subject to the receipt of suitable contributions that would mitigate against the extra strain placed upon the existing recreation areas within the vicinity. The contribution sought is £51,975 (£1575 x 33 units) which is proposed to be spent within a 1 mile radius of the application site.

**3.4 Kent County Council (Mouchel)** were consulted and raised no objections subject to financial contributions being made to mitigate against the impact that the proposal would have upon the existing infrastructure within the vicinity. The requests for contributions are as follows:

- Libraries – To cover additional book stock, extended opening hours, additional staff at Maidstone Library, a total financial contribution of £8030.95 is sought.
- Youth Services - To cover additional staff and equipment for Maidstone Borough Youth Outreach services, a total financial contribution of £513.13 is sought
- Community Learning. To cover additional staff and equipment and extended classroom hours a total financial contribution of 1411.40 is sought.
- Adult Social Services: To cover the various service users and local projects including a local vocational hub, integrated dementia care, co-location with Health and changing place facility all in Maidstone, changing place facility at Maidstone leisure centre and assistive technology fitted to clients homes a total financial contribution £2470.00 is sought.

**3.5 West Kent PCT** were consulted and made the following comments:

3.5.1 'NHS West Kent has used the same formulae for calculating s106 contributions for some time and believes these are fair and reasonable contributions given the planned developments. The Primary Care Trust will not apply for contributions if the units are for affordable/social housing, as identified in the Maidstone Borough Council proposal letter.'

**3.6 Kent Highways** were consulted and raised no objections to this proposal subject to the imposition of suitable safeguarding conditions, that would ensure that the parking spaces would be retained, and that suitable visibility splays are provided at the access.

**3.7 Environment Agency** were consulted and raised no objections to the proposal subject to the imposition of suitable safeguarding conditions that would ensure that would remediate any contamination within the site.

**3.8 Kent Police** were consulted and raised no objection subject to the imposition of a condition requiring the applicant to comply with 'Secure by Design'.

**3.9 Southern Water Services** were consulted and raised no objections subject to the imposition of a condition relating to drainage.

**3.10 UK Power Networks** were consulted and raised no objection to the proposal.

#### **4. REPRESENTATIONS**

**4.1 Councillor English** – If recommended for approval, requested that the application be reported to the Planning Committee for the following reasons:

4.1.1 'Site is in a sensitive and constrained setting and requires careful consideration of the layout and design'.

**4.2 Neighbouring occupiers** were notified and four letters of objection have been received. The concerns raised within these letters are summarised below:

- Development will put further strain on existing parking arrangements.
- Development will increase amount of traffic using Brunswick Street.
- Development will cause loss of light and privacy to properties in Orchard Street.
- Flats are too high and not in keeping with the surrounding terraced houses.
- Development will cause noise problems.
- Site will appear overdeveloped.

#### **5. CONSIDERATIONS**

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

5.1.1 The application site is approximately 0.27ha in area and is within the defined urban area of Maidstone. Located on the south side of George Street, the site has no specific designation or allocation within the Development Plan.

5.1.2 The site comprises a dilapidated car sales show room and associated workshop and buildings with an overgrown yard which is enclosed by hoardings. It is bound by three streets, Orchard Street to the west, George Street to the north and Salem Street to the east. To the south, the site backs onto gardens serving houses on Campbell Road which are some 35m from the site boundary. These buildings are two storey terraced properties. The properties are set at a slightly higher level than the application site.

5.1.3 Located on the periphery of the town centre, the area which surrounds the site is a mixture of residential properties; with commercial buildings and uses to the east of the vicinity. The buildings in the area are varied both in age, scale and design, and there is a varied roofscape with two and three storey residential terraces fronting Orchard Street and Campbell Road, three/four storey blocks of

flats to the south west in corner of Orchard Street and to the north west, in Brunswick Street. To the east are two storey flat roofed warehouses and offices which back onto Salem Street. To the north is an open public car park with properties within Brunswick Street that face onto it on the southern side. This is not dissimilar to Orchard Street - in that it is fronted by two and three storey terraced dwellings although these houses are set back and have small front gardens which are bound by low brick walls.

5.1.4 The site is well serviced by public transport and local services. Located approximately half a mile from the town centre, both the train station and bus stations are within walking distance of the site. There is also local retail centre located on Upper Stone Street to the south west of the site and a medical centre within Foster Street.

## **5.2 Proposal**

5.2.1 Planning permission is sought for the erection of 16 houses and 17 flats. The density of this proposal would exceed 70 dwellings per hectare (122 dwellings per hectare to be exact). I consider the proposal to consist of two distinct parts, the terraces fronting George Street and within the rear of the site, and the flat block that fronts George Street, and Salem Street. It is proposed that the development be for 100% affordable housing providing affordable rent tenure.

5.2.2 The George Street frontage would consist of 9 terraced properties, which would be two storeys in height, with a room within the roof in the two end properties. These properties would be relatively traditional in design, reflecting the terraced properties within the locality of the site. These properties would have a width of 5m, a depth of 9.2m, and a maximum height of 9.1metres, and would have a relatively uniform appearance. It is proposed that a dwarf wall with railings be erected along the front boundary, with the properties set back approximately 2metres from the highway. Each property would have a parking space to the rear – accessed from a private drive, served off Orchard Street – and a garden measuring approximately 4m deep to rear. Each property would be designed so as to respond to the character of the surrounding area, with a vertical emphasis, and flat roof dormer windows within the roof slope.

5.2.3 The proposed terrace to the rear of the site is designed so as to mirror the terraced fronting George Street. It is proposed that seven houses be erected within the terrace and that these would be served off the same access road. As with the terrace fronting George Street, flat roof dormer windows are proposed within the front elevation on the two end houses and, within this terrace, the central dwelling. The houses would have the same dimensions as the houses that would front George Street but would not be bounded by a dwarf brick wall with railings to the front. The properties would be set back approximately

5metres from the access road (with a parking space proposed within the front garden) and have a rear garden of approximately 4.2metres. The first property in this terrace would be set approximately 2metres from the boundary with the flats in Orchard Street.

- 5.2.4 The remaining building proposed within this development is the flatted element, which is accessed from both Salem Street, and the proposed access off Orchard Street to the rear. In comparison to the terraces this element is of a more contemporary design. The buildings would accommodate 17 flats (all being two bedroom units) over four floors and would be effectively staggered on the Salem Street elevation, which would result in some relief/articulation. It is proposed that balconies project from the front and rear elevations, so that all units have an element of outside space. The building would have a maximum width of 38.2m. A depth of 8.8m (excluding balconies/canopies) and would have a maximum height of 13m. The building is proposed to be set back from Salem Street by approximately 5m (although this does vary due to the staggered building line) and would be fronted by a 1.2m ragstone wall on the corner of Salem Street and George Street. A landscaped area is proposed to both the south and the west of this building.
- 5.2.5 The access road into the site runs at 90° to Orchard Street, and runs straight through the application site, with a turning head at the end. It is from this street that the parking for the residential properties is reached. This is proposed to be a shared surface, with a maximum width of 4metres.
- 5.2.6 It is proposed that the houses would achieve a Code for Sustainable Homes rating of Level 3 using sustainable energy system such as solar smart hot water systems in the house, photovoltaic arrays supplying electricity to the flats and high insulation in the wall, windows, roof and floors.

### 5.3 **Principle of Development**

- 5.3.1 Development Plan policy and the National Planning Policy Framework (herein referred to as the NPPF) encourages new housing in sustainable urban locations as an alternative to residential development in more remote countryside situations.
- 5.3.2 The proposal site is previously developed land and lies in within the urban area, approximately 0.5 miles from the town centre. Located within walking distance of the local facilities and good local transport links, the site is within a highly sustainable location. Moreover, with 33 dwellings proposed in just over a quarter of a hectare, the proposal would yield approximately 122 dwellings per hectare. Whilst this is a high density development, I consider it responds to the character

of the area, and makes very efficient use of land. This is in accordance the objectives of both the Development Plan and the National Planning Policy Framework and therefore in principle, I consider the proposal to be acceptable.

5.3.3 However, as with any development of this nature as balance must be struck between providing efficient use of the land in terms of the density of the development, and reflecting the pattern, character and grain of the surrounding development. This advice is reflected within National Planning Policy Framework, and the Kent Design Guide which seeks to ensure that development is of a good standard of design, and reflects the local character.

#### 5.4 **Scale, Layout and Design**

5.4.1 The NPPF advises that new development should respond positively to the character and appearance of the area in which it is located. As with the former PPS1, the importance of good design is highlighted.

5.4.2 A significant level of pre-application discussion has taken place with regards to this application and in particular with regard to the design of the proposal. This has led to amendments having been received, which reduce the scale of the proposal, and address the appearance of the dwellings within the application site. I will address the scale of the development first.

5.4.3 The largest element of the proposal – the flats – would constitute a four storey corner block, which would have a ‘stretched’ top floor. Whilst this is larger than the majority of the development within the locality, it is important to note however, that the footprint of this building, and the site as a whole is significantly larger than that of the surrounding development. In addition, the building is situated on the junction of George Street, and Salem Street and as such does not directly relate to any adjoining buildings. As one moves along Salem Street, the buildings remain at four storey, however, as there is variation in form, and there is layering in the buildings, they would not appear as monolithic, or dominant within the street scene. It is also worth noting that this is a no-through road, and these buildings would be sited adjacent to long gardens, and as such would not have to relate or respond to neighbouring development.

5.4.4 I consider the scale of the terraced dwellings, and the pattern in which they are laid out does respond to the character and appearance of the locality. Because of their proximity with properties within Orchard Street, it is important that their height, and also (importantly) their width respond to these properties. I consider that this has been done successfully.



- 5.4.5 The relationship between the two elements has been a detail of some discussion prior to the submission of the application. How the more modern element steps down to the terrace, and, although joined, how there is a clear visual break is an important feature. The juxtaposition of a four storey block, to a two storey dwelling has been achieved with a large glazed panel, which projects from the building, creating a clear break. The building also has a gradual stepping down from its maximum height to the two storey dwellings.
- 5.4.6 I consider the design of the terrace to be of an acceptable standard. The applicant has included features such as soldier courses, porches, gables, chimneys, and dormers within the roofslope. Furthermore, the provision of a dwarf wall with railing, with the ability to plant a hedge behind will help to soften the character not only of this development, but the surrounding area – which at present has little in the way of landscaping. There is an obvious rhythm to these buildings that responds to the rhythm of the existing terraces, which as with these, are functional in design rather than ornate.
- 5.4.7 Located on the north west corner of the site and fronting both Salem Street and George Street, the proposed flats provide a strong contrast to the remainder of the development and would be a more contemporary approach. With balconies, recessed and projecting fenestration, the design of the proposed flats provides variation and layering, which is key to a building of this scale. With a high level of glazing proposed on both Salem Street and George Street frontages and the use of both render and brickwork, there is a good level of articulation, which breaks up the mass of the building. In particular the introduction of balconies on the corner would add significant layering (it is important however, to control the detailing on the balconies, to ensure a 'delicate' and high quality finish). The design of the proposed roof, the variation in its height and good level of overhang, results in shadows over the building, thus creating greater visual interest. Furthermore the stepping down of the roof on the George Street results in a good relationship and contrast between the flats and the adjoining terraces. I consider the introduction of a 1.2metre high ragstone wall to the front elevation to add a further 'layer' and also to relate to the local materials of the Maidstone area (again specific details of this ragstone wall should be provided prior to works commencing on site).
- 5.4.8 The provision of more soft landscaping along the road frontages, and also within the application site would enhance the character and appearance of the locality. As stated, at present there is little planting within the area, and very little within the site. Nevertheless, it is important that the development be provided with suitable, high standard planting, that would enhance not just immediately, but in the longer term also.

5.4.9 The materials proposed within the development would consist of yellow stock bricks (two types – one for the flats, and one for the houses), render, and of grey composite tiles. Windows are proposed to be constructed of aluminium and UPVC. I consider this to be acceptable within this locality, however, I think it important that the precise brick type be conditioned, to ensure a high quality finish of the development.

5.4.10 Overall, I am satisfied that the design and layout of the development would be of a high standard and suitable form for this site. By contrasting contemporary design with traditional design and drawing reference from some of the historic buildings surrounding the site, the proposal in my view would respond positively to local character and history of the area. The development would also significantly improve the character and appearance of the site which in accordance with the Development Plan.

## **5.5 Highway Considerations**

5.5.1 The applicant has demonstrated within the application that for each unit proposed, one parking space would be provided. This is sustainable and therefore acceptable. Whilst no visitor parking is proposed this is acceptable given the visitors can use the nearby car park.

5.5.2 The proposal includes an area set aside for bicycle storage (for the flats) with space in the garden of each dwelling for a shed (to provide bicycle storage)

5.5.3 Access into and out of the site will be via an existing access off Orchard Street. This is considered to be wide enough for the use proposed and given that it is onto a private residential street, the impact of the increased use of this access, on highway safety in my view, would be minimal. Orchard Street would see some increase in the number of vehicular movements but given that these vehicle movements would not be over and above that which would otherwise be generated by the business use of the site, I do not consider that any harm to highway safety would be caused.

## **5.6 Landscaping**

5.6.1 In terms of the landscaping, negotiations have taken place to ensure a suitable level of landscaping which is in accordance within the Councils adopted landscape character assessment and guidelines. This has led to amendments having been received, which address landscaping within the proposal.

5.6.2 A communal outdoor amenity area is now proposed to the south of the site with Silver Birch trees planting and low level hedging proposed to the rear of the

flats. The introduction of landscaping to the rear of the flats is appropriate creating a softer frontage in the proposed courtyard area and enhancing the appearance of the allocated parking areas. The proposed communal area provides all the residents with area of open amenity and significantly enhances the character of the development by creating a well landscaped and attractive area of open space within the site where, there is very little at present.

- 5.6.3 The houses fronting George Street would be provided with small gardens to of a depth of approximately 2m and this allows for a small level of herbaceous planting to be provided. The houses to rear of the site would not be provided with front gardens however, ornamental planting is proposed to delineate between the footpaths to each house. The planting of additional trees within the site and introduction of gardens and herbaceous borders in my view would significantly improve the character the area, which at present does not contain a significant volume of trees or planting.
- 5.6.4 On either side of the new access would be additional planting – with new trees and shrubs planted on either side, and with three trees on the northern side, and two on the southern. These trees are proposed to be Silver Birch Trees. I am of the opinion that this not only improves the appearance of the access, but also makes it more visible, by creating a more formal entrance into the site.
- 5.6.5 The amendments made to the proposed landscaping scheme are therefore considered acceptable. The introduction landscaping where at present there is very little, would significantly improve the character and appearance of the area. I am therefore satisfied that the proposal has the potential to improve the soft landscaping provision within the locality, and as such, the proposal complies with the Development Plan.

## **5.7 Legal/Heads of Terms**

- 5.7.1 Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Act. This has strict criteria that sets out that any obligation must meet the following requirements: -  
It is:
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.
- 5.7.2 Both central government, and subsequently this Authority has agreed that the provision of affordable housing is a priority. Indeed Maidstone has identified affordable housing and parks and open space as its joint number one priority. This proposal would see 100% of the residential units provided as affordable The

Council's adopted DPD requires a minimum of 40% to be provided, and as such, this proposal accords with the Development. I am therefore satisfied that this proposal would meet the requirements of the Development Plan.

- 5.7.3 Maidstone Borough Council Parks and Open Space Department have requested that a sum of £51,975 is provided to assist in the enhancement, maintenance and repair of play equipment in three parks within the a one mile radius of the vicinity of the application site - Whatman Park, Mote Park and South Park. I consider the works proposed by Parks and Open Space to be related to this development, as they are within close proximity of the site. Moreover, there is no space within the site to provide any on-site open space (except for the properties rear gardens) and Maidstone Borough Council does have an adopted Development Plan Document (DPD) that requires applicants to provide open space on site. So, when open space is not provided on site, off-site contributions are sought, to improve the facilities within the locality, that will ensure that the additional strain placed upon the open spaces is addressed.
- 5.7.4 Kent County Council (Mouchel) has requested that a total contribution of £9955.48 for libraries, youth and community learning is made. This would be spent on projects local to the application site, providing additional book stock, extended opening hours and additional staff and equipment. I am satisfied that this contribution would meet the tests of Regulation 122, in that it would be necessary, directly related and of a suitable scale.
- 5.7.5 A request of £12,470. 00 for adult social services has also been made, to cover local projects in the Maidstone urban area including a local vocational hub, a co-location with Health and changing places facility, assistive technology and integrated dementia care. It is not as important for these services to be within walking distance of the site and in any case several of these services are provided by way of home-based visits by carers/assessors. I am satisfied that this request is reasonable, necessary and related to the proposed development.
- 5.7.6 NHS West Kent has used the same formulae for calculating s106 contributions. However, it has been agreed that the Primary Care Trust will not apply for contributions as the units are for affordable/social housing.
- 5.7.7 Overall I consider that this proposal would provide a significant level of contributions, as well as providing a high level of affordable housing. As such, I consider the provision of these S106 contributions to be a positive factor in the balancing of this planning application.

## **5.8 Residential Amenity Considerations**

- 5.8.1 In terms of residential amenity objections have been received stating the development would cause loss of privacy and light to neighbouring residential properties and result in, increased noise.
- 5.8.2 The application site is set within the grounds of existing commercial premises, which has a significant level of built form upon it. These existing buildings are both significant in scale, and are positioned in close proximity to a number of the boundaries, in particular to the southern boundary, backing onto residential properties. In addition, the development also provides large areas of hard standing, which again, are located up to the boundaries of the neighbouring occupiers.
- 5.8.3 The introduction of two storey houses on this site would not result in a detrimental impact upon the amenities of the neighbouring occupiers. Addressing the impact of the development on the houses is Orchard Street first; the proposed houses will not face onto Orchard Street and therefore will not cause any loss of privacy. Whilst the proposed flats would face Orchard Street, these would be some 60m away at this distance I do not consider that the flats would cause an unacceptable level of overlooking. Sited east of the houses in Orchard Street I do not consider that the development will cause an unacceptable loss of light.
- 5.8.4 Considering the impact of the development upon the houses in Campbell Road, the proposed houses would be set approximately 35m from the houses in Campbell Road, with the proposed flats, some 31m. The development would also be positioned to the north. Given the orientation of the development and the distance between the news and the existing houses I do not consider that significant or unacceptable loss of light to the properties in Campbell Road will be caused. In terms of privacy there would be windows in the proposed flats which face the rear gardens of the Campbell Road dwellings, but these are secondary windows serving living rooms and therefore I do not consider that these windows would give rise to any unacceptable loss of privacy. In any case along the rear boundary of a number of these gardens are large trees which would be unaffected by this proposal. These trees would provide a good level of natural screening of any development proposed within this site, further reducing its impact the proposed flats and houses.
- 5.8.5 In terms of the noise, I would expect significantly more noise disturbance to arise from the existing use of the site as opposed to its use for housing, I therefore do not consider that unacceptable level of noise would be caused by this development.

5.8.6 I therefore consider that this proposal would not have any significant impact upon the amenities of the existing neighbouring occupiers, and as such the proposal complies with the policies within the Development Plan.

## **5.9 Code for Sustainable Homes**

5.9.1 The applicant has stated within the application that the proposed development would achieve a Code for Sustainable Homes rating of Level 3. It is proposed that this will be achieved using sustainable energy system such as solar smart hot water systems in the house, photovoltaic arrays supplying electricity to the flats and high insulation in the wall, windows, roof and floors. Whilst in many instances this Authority request that new residential development achieve a minimum of level 4 of the code for sustainable homes, the applicant has verbally indicated that this would not be achievable in this instance, due to the proposal consisting of 100% affordable housing.

## **5.10 Other Matters**

5.10.1 The site is a previously developed site close the town centre. Due to the level of building and hardstanding on site and given that it is not located within close proximity of waterways or ponds I do not consider that the proposal raises any ecological issues. Indeed, I consider that the development is likely to give rise to greater opportunities for biodiversity due to the provision of garden spaces and new shrubs hedgerows and trees within the scheme.

5.10.2 The site was previously use for car sales and the buildings have been used as workshops. The EHO has been consulted and raised no objections to the proposed subject to a land contamination investigation has been carried out. This can be dealt with by condition which I suggest be imposed accordingly.

5.10.3 With regard to the Environment Agency's comments, the issues over land contamination I suggest are dealt with by a standard land contamination condition. With regard to drainage the EA has not raised any objection to the proposal to use sustainable water drainage systems and the collection and disposal of clean surface water to ground to recharge aquifer units to prevent localised flooding. It is proposed that the surface water drainage will be via the mains sewer and this in accordance with the EA's advice.

## **6. CONCLUSION**

6.1 In conclusion, I therefore conclude that this is a well designed proposal that would respond positively to the character and appearance of the locality. The

proposal would not have a significant impact upon the existing residents of the locality, and would not be to the detriment of highway safety.

- 6.2 I therefore recommend that, subject to the receipt of a suitable S106 agreement, and the conditions set out below, Members should give this application favourable consideration and grant delegated powers to the Head of Planning to approve.

## **7. RECOMMENDATION**

Subject to the prior completion of a legal agreement to provide the following;

- The provision of 100% affordable residential units within the application site.
- A contribution of £ 8030.95 as a contribution to improving the library book stock for the local community (to be made to KCC).
- A contribution of £513.13 for youth services (to be made to KCC).
- A contribution of £1411.40 for community learning (to be made to KCC).
- A contribution of £2470 for adult social services (to be made to KCC).
- A contribution of £ 51.975 for the enhancement, maintenance and repair of play equipment in South Park, Mote Park and Whatman Park.

The Head of Planning be given delegated powers to GRANT PLANNING PERMISSION SUBJECT TO THE FOLLOWING CONDITIONS:

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

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

2. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces (which shall include Hanson London bricks 'Golden Buff' and Hanson London bricks 'Ironstone') of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development and in accordance with policy CC6 and BE1 of the South East Plan 2009 and advice contained within the National Planning Policy Framework 2012.



3. Development shall not take place until details, in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the local planning authority;
  - i) Details of the roof overhangs and eaves;
  - ii) Details of windows and doors and recesses/reveals, which shall be a minimum of 100mm;
  - iii) Details of 'glazed panel' in the George Street elevation

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

Reason: To ensure a satisfactory external appearance to the development in the interests of the visual amenity and character of the surrounding area and in accordance with Policies CC6 and BE1 of the South East Plan 2009 and advice contained with the National Planning Policy Framework 2012.

4. The development shall not commence until, details of the proposed permeable materials to be used in the surfacing of all access road, parking, turning areas, and pathways within the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the subsequently approved details;

Reason: To ensure that the development positively responds to the character and appearance of the locality and to ensure highway safety. This is in accordance with policies CC6 and BE1 of the South East Plan 2009 and the National Planning Policy Framework 2012.

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include details of the proposed hedges along the road frontages together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted and in accordance with Policies CC6 and BE1 of the South East Plan 2009 and advice contained within the National Planning Policy Framework 2012.

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 and in accordance with Policies CC6 and BE1 of the South East Plan 2009 and advice contained within the National Planning Policy Framework 2012.

7. The development shall not commence until details of measures to provide for the installation of bat boxes and swift bricks within the site, have been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: In the interests of biodiversity and ecology pursuant to policy NRM5 of the South East Plan 2009 and in accordance with the National Planning Policy Framework 2012.

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers and in accordance with policies CC6 and BE1 of the South East Plan 2009 and the National Planning Policy Framework 2012.

9. No development shall take place until precise details of cycle storage facilities have been submitted to and approved in writing by the Local Planning Authority. Such details as are approved shall be available prior to the first occupation of any of the units, and thereafter maintained.

Reason: To secure a satisfactory standard of development and in the interests of the amenities of the area and in accordance with Policies CC6 and BE1 of the South East Plan 2009 and the National Planning Policy Framework 2012.

10. The development shall not commence until a sample panel of the ragstone wall has been constructed on site for the approval of the Local Planning Authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a satisfactory appearance to the development and in accordance with Policies CC6 and BE1 of the South East Plan 2009 and the National Planning Policy Framework 2012.

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

Reason: To ensure a sustainable and energy efficient form of development in accordance with Policy CC4 of The South East Plan 2009 and the National Planning Policy Framework 2012.

12. The development shall not commence until:

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

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

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

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

Reason: To prevent harm to human health and pollution of the environment and in accordance with advice contained with the National Planning Policy Framework 2012.

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

Reason: In order to secure a satisfactory form of development having regard to the topography of the site and in accordance with Policies CC6 and BE1 of the South East Plan 2009 and the National Planning Policy Framework 2012.

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

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety and in accordance with policy T13 of the Maidstone Borough-Wide Local Plan 2000 and Policy T4 of the South East Plan 2009.

15. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawings 2011-160-001, 2011-160-10, 2011-160-011, 2011-160-012, 2011-0160-013, 2011-0160-014 2011-160-015, 2011-160-016 2011-160-017, 2011-0160-018 and Drawing 137901 Rev D

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers in accordance with policy CC6 of the South East Plan 2009 and advice contained within the National Planning Policy Framework 2012.

### **Informatives set out below**

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of

noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

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

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

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

The 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.

**Item 18 , Page 97**  
**Reference number: MA/12/0590**

**Address:**  
**LAND AT DEPOT SITE, GEORGE**  
**STREET, MAIDSTONE, KENT, ME15**  
**6NX**

Amendments to the agreed Heads of Terms have been made following discussions over the contributions requested for Parks and Open Spaces. Requesting contributions toward Whatman Park is not considered to meet the three tests of planning obligations as it is not considered to be directly related to the proposed development. It is therefore considered to be unreasonable to ask for contributions toward this park. It is therefore recommended that reference to Whatman Park should be removed from the Heads of Terms.

The Heads of Terms have been amended and should now read as follows

Subject to the prior completion of a legal agreement to provide the following;

- The provision of 100% affordable residential units within the application site.
- A contribution of £ 8030.95 as a contribution to improving the library book stock for the local community (to be made to KCC).
- A contribution of £513.13 for youth services (to be made to KCC).
- A contribution of £1411.40 for community learning (to be made to KCC).
- A contribution of £2,470 for adult social services (to be made to KCC).
- A contribution of £51,975 for the enhancement, maintenance and repair of play equipment in Collis Millennium Green, Mote Park and South Park.

The Head of Planning be given delegated powers to GRANT PLANNING PERMISSION SUBJECT TO THE CONDITIONS

### **Recommendation**

My recommendation remains unchanged

170



25.04.2012



171

25.04.2012

172

01622  
663676

USEFUL CAR CENTRE  
01622 663676

COUDGE STREET

25.04.2012

173

25.04.2012

174

25.04.2012



175

25.04.2012



176



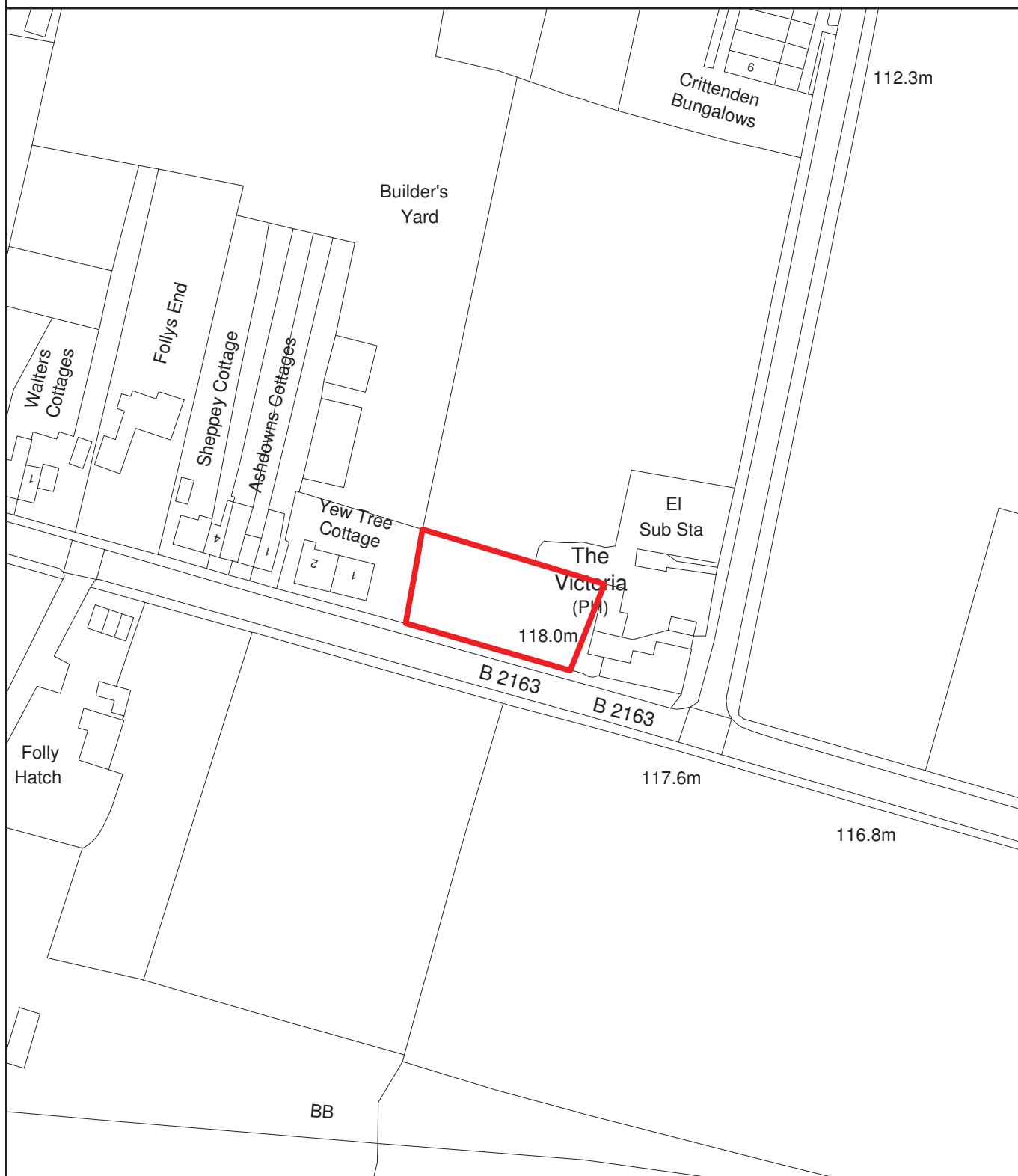
25.04.2012

**THE MAIDSTONE BOROUGH COUNCIL**

PLANNING APPLICATION NUMBER: MA/12/0817

GRID REF: TQ7251

**THE VICTORIA INN, HEATH ROAD,  
EAST FARLEIGH.**



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 100019636, 2012. Scale 1:1250



**Rob Jarman  
Head of Planning**



APPLICATION: MA/12/0817 Date: 1 May 2012 Received: 3 May 2012

APPLICANT: Mr & Mrs B Older

LOCATION: THE VICTORIA INN, HEATH ROAD, EAST FARLEIGH, MAIDSTONE, KENT, ME15 0LR

PARISH: East Farleigh

PROPOSAL: Construction of 5 No. 3 Bed Houses as shown on drawing nos VET 11 - 01/01, VET 11 01/02, S100 /1 and as described in the Design & Access Statement all received on the 3 May 2012.

AGENDA DATE: 30th August 2012

CASE OFFICER: Amanda Marks

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

- Cllr J A Wilson has requested it be determined by planning committee for the reasons set out in this report.

## **1. POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, T13  
South East Plan 2009: CC1, CC6, C4, H4  
Government Policy: National Planning Policy Framework 2012

## **2. HISTORY**

None relevant on the application site. However, I note that immediately north of the site is a small development of 5 dwellings which was approved in 2008 on land with the same countryside designation (MA/07/2249 refers). The development proposed was deemed acceptable due to it providing affordable housing.

## **3. CONSULTATIONS**

- 3.1 **East Farleigh Parish Council:** Would like to see the application refused on the grounds of over development and it being outside the village envelope. Concerns were expressed about the high cost of these houses, which are apparently intended for first time buyers.

- 3.2 **Heritage, Landscape & Design** – ‘Whilst there appear to be no trees on site worthy of protection, I am concerned about the feasibility of the statement contained in paragraph 3.6 of the applicant’s design and access statement that the ‘existing mature hedges to the north, west and south boundaries will be maintained to screen the proposed houses and soften their impact’.

The proposed site plan shows no retained hedge to the western boundary and the position of plot 1 would necessitate the removal of the hedge, leaving no room for replanting to mitigate the loss. In any case, details of protective fencing for those hedges that are proposed to be retained will be required together with details to demonstrate that the hedges can be successfully retained.

The proposed landscape scheme will be important in softening the impact of the development with particular emphasis on the boundaries and the space between plots 3 and 4 adjacent to Heath Road. The applicant should be encouraged to achieve a better quality/more sustainable scheme by addressing the above issues.’

- 3.3 **Environmental Health Officer** - No objections subject to standard informatives relating to method and management of development works.
- 3.4 **KCC Highways** – No objections subject to conditions relating to provision of parking spaces and retention of the visibility splay onto Gallants Lane.
- 3.5 **KCC Ecological Advise Service** – Have reviewed the information available to them (aerial photographs & biological records) in conjunction with the proposed development and conclude the development has minimal potential to impact on protected species.
- 3.6 **UK Power Networks** – no objections

#### **4. REPRESENTATIONS**

- 4.1 **Cllr J A Wilson** – Wishes the application to be heard at planning committee due to the history of the approved development and due to local interest, in that the parish council sitting in September 2012 had no objections to the preliminary plans shown to them, but the new parish council have refused the application.

- 4.2 No neighbour representations were received.

#### **5. CONSIDERATIONS**

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

- 5.1.1 The application site lies within the open countryside on the north side of the B2163 Heath Road. East Farleigh lies 1.5km to the north and Coxheath is approximately 1 km to the east. Whilst the site fronts Heath Road, access is taken from Victoria Close to the north, which in turn is taken from Gallants Lane. No new accesses are required. There is currently a field gate into the application site. The site has a gentle downward slope from West to East and South to North.
- 5.1.2 The site is generally laid to lawn with a scattering of fruit trees. There is existing boundary hedging on the north, west and southern boundaries. To the west of the site is one pair of semi-detached properties and then a row of terraced cottages. There is a footpath at the front of the site adjacent to Heath Road. To the north-west is a builders yard, to the north the dwellings permitted in 2008, to the east is the Victoria Pub and Coach House on Gallants Lane and to the south Heath Road and beyond this open fields. Travelling along Heath Road in either direction from the application site is sporadic residential development with stretches of hedge lined road and open views across fields. Similarly, the character along Gallant's Lane is predominantly rural.

## **5.2 Proposal**

- 5.2.1 This is a full planning application for the erection of 5 dwellings in the open countryside on land formerly used as a pub garden. The proposed dwellings have a kitchen, lounge/diner and cloakroom on the ground floor, two bedrooms (one with ensuite) on the first floor and a third bedroom in the roof space – served by velux windows. There are two blocks arranged as a 3 bed terrace and a pair of semi detached dwellings. A central parking area divides the terraced row from the pair of dwellings and provides two parking spaces per dwelling. The five dwellings have their principal elevation fronting Heath Road (south facing) with gardens to the rear (north), the existing hedge on the frontage is shown to be retained. The front door to Plots 1,3, 4& 5 are all located on the side elevations.
- 5.2.2 The dwellings are 4.95m high to the eaves, 8.3m high to the ridge, with a 35 degree pitched roof. The proposed materials are yellow stock brick with red detailing, reconstituted roof tiles and timber sash windows. The external features include bay windows on all of the dwellings on the ground floor. The parking area is to be finished in block paving. There would be pedestrian access to each of the properties created by inserting gaps in the existing privet hedge on the front boundary. It is stated that the dwellings would achieve Level 6 of the Code for Sustainable Homes – I note the plans show a passive solar collector and PV panels.

5.2.3 The rear gardens would vary in width from 4m to 6m they would be approximately 8m deep. Plots 2 and 3 would be approximately in line with the flank elevation of the end terrace in Victoria Close at a distance of 8.5/9m. Plot 1 would protrude approximately 5.6m past the rear of the existing terrace. The pair of semi detached dwellings (plot 4 & 5) are closest to the rear of the pub. The pub is still in operation and if acceptable the development would leave the pub without a garden.

### **5.3 Principle of Development**

- 5.3.1 The application site is located outside the urban area and by definition is open countryside. New residential development is unacceptable in principle unless there are other determining factors or policies which can justify such development. Guidance contained in the National Planning Policy Framework considers new residential development is best located within the existing settlement and urban areas and as such the proposed development is contrary to central government guidance.
- 5.3.2 In addition, Policy ENV28 of the MBWLP 2000, restricts new development within the countryside unless it causes no visual harm and falls within one of five categories. In this instance the proposed dwelling does not fall within any of those categories and furthermore the proposal would see the erosion of the open countryside. The reason behind the policy is to protect the countryside for its own sake in terms of character and encroachment from development; as mentioned this Policy is seen reinforced in NPPF.
- 5.3.3 The proposed dwellings are not a replacement for or conversion of an existing building; nor are they proposed to support agricultural, forestry or other rural workers. The proposal is not acceptable under any other policy within the Development Plan. The proposed development would therefore result in new residential development within the open countryside for which there is no justification.
- 5.3.4 It is also necessary to consider the development of this site in the wider context of the supply of housing land in the Borough. The LDF Annual Monitoring Report 2010-2011 states that the council has an identified housing supply in excess of 6 years, completions are also high and as such there is no need to develop other sites to fulfil the council's housing targets. It is important to note that whilst providing housing in excess of the targets is not unacceptable (we need only 5% excess not 20% therefore), all housing must be provided on suitable sites. In this case, the site is not considered suitable for residential development as it is unacceptable in principle, is in an unsustainable location, is not proposed as a rural exception site and causes harm to the character of the countryside in this location by extending the built frontage along Heath Road.

- 5.3.5 In terms of visual impact, policy ENV28 states that permission will not be granted for development which harms the character and appearance of the area. The new dwellings, for which there is no justification, would be clearly visible along the main B2168 Heath Road, but the main harm would be caused by the erosion of a historic gap between existing dwellings and the built form of the pub. The rural character of Heath Road and Gallant's Lane is made up of stretches of open countryside and then small pockets with a cluster or individual dwellings and the odd business. There are either little or no footpaths in place which further highlights the rural setting.
- 5.3.6 Despite its age, Policy ENV28 conforms with the objectives of the NPPF. Whilst the applicant considers the site as previously developed land and appropriate for development, the site is redundant garden land previously associated to the pub. The NPPF does not provide for such development in an unsustainable location.
- 5.3.7 Cllr J A Wilson has raised the issue of the history of the development of 5 dwellings in Victoria Close. These dwellings were permitted under the provisions of affordable housing and were acceptable as a 'rural exception' site under a 2007 application. East Farleigh Parish Council are aggrieved that this proposal does not provide affordable housing which they had been led to believe it would. In a discussion with the applicant's agent I sought clarification as to whether there was any intention to provide affordable housing and it was confirmed this was not the case. The development has therefore been assessed on the basis of not being for affordable rural housing and there appears to be no suggestion of the Parish Council being involved in delivery of such housing on this site. The development is therefore unacceptable in principle.

## **5.4 Visual Impact**

- 5.4.1 From Heath Road the view would be of two new residential blocks separated by a car park. I consider this will detract from the character of this rural area and cause harm by a disjointed and incongruous development. Whilst the remaining public house will screen the new development when approaching from Coxheath, it will be prominent from Gallant's Lane particularly when travelling from the north, and clearly more so from Heath Road. The proposal will transform the historic setting of the pub and leave the pub with no grassed curtilage for amenity use. The loss of openness together with domestic paraphernalia will be contrary to the key objectives of the aforementioned policy and guidance. Whilst it is proposed to keep the hedgerow on the site frontage and punch pedestrian openings through this, the appearance of this section of road will be radically altered.
- 5.4.2 I consider the combined loss of the pub curtilage together with development as described above with a central car park will cause harm to the character and appearance of the countryside in this location.

## **5.5 Residential Amenity**

- 5.5.1 The Environmental Health Officer has raised no objection on noise grounds from the building yard (Yew Tree Builders) to the north west corner of the site. The proposal would not result in the loss of overlooking as dwellings on look blank flank walls or the car parking area for Victoria Close. Lying to the south of the existing two storey terrace in Victoria Close, when taking a 45 degree angle from the end of plot 1 the proposal passes the relevant light test. This is due to the 9m separation distance between building blocks.
- 5.5.2 The occupier of plot 3 will have parking spaces aligning the eastern boundary of the rear garden; similarly plot 4 will have the arrangement on the western boundary. It is my view that this parking arrangement would represent poor amenity for the occupants of those dwellings.

## **5.6 Highways**

- 5.6.1 The vehicular access into the site is existing. Two parking spaces are shown per dwelling. No objections are raised on highway grounds.

## **5.7 Landscaping**

- 5.7.1 In landscape terms, the landscape officer queried the statement relating to the retention of existing hedgerows and considers that Plot 1 on the western boundary would result in the loss of the hedgerow. Further detail would be required to ensure that the hedgerows referred to could be successfully retained. In summary, the landscape officer would wish to see the applicant encouraged to achieve a better quality/more sustainable scheme on the site. I have not asked for this however, as the principle of development is considered unacceptable.

## **5.8 Other Matters**

- 5.8.1 The Design and Access Statement makes reference to the proposal achieving Level 6 of the Code for Sustainable Homes; however very little information is provided on how this would be achieved other than photo voltaic panels and a passive solar collector. I am therefore uncertain as to how this could be achieved and in any event doesn't override the policy objection.
- 5.8.2 The site appears as a well maintained lawn with ornamental/fruit trees within and privet hedge on the boundary, it is not considered the site offers any specific ecological potential. No ecological report was submitted with the application.

5.8.3 KCC Ecology were still consulted as a safeguard and comment that the development has minimal potential to impact on ecology. From my visit I did not consider that there were vegetation or landscape characteristics on the site that would lead to a significant presence of species within or on the boundary's of the site.

## **6. CONCLUSION**

6.1 In light of the above assessment, it is considered that that the proposal is not in accordance with the provisions of the Development Plan, nor guidance within the NPPF. It would prove an unsustainable form of development that would cause harm to the character and appearance of the countryside for the reasons stated in the report. In the absence of any reason to override the policy objection the application is considered unacceptable.

## **7. RECOMMENDATION**

REFUSE PLANNING PERMISSION for the following reason:

1. The development is contrary to the National Planning Policy Framework Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and the National Planning Policy Framework 2012 in that the dwellings would constitute additional unsustainable sporadic development in the open countryside causing harm to the character of the area by virtue of the further erosion of open space between the built development. In the absence of any special circumstances to override the policy objection there is no justification for this unsustainable development outside the village envelope.



Ward  
& Partners  
185

17.08.2012

186

WELLS COMMUNITY  
RECREATION  
CENTRE  
WELLS  
SOMERSET

17.08.2012

187

17.08.2012

888

17.08.2012



189

17.08.2012

VICTOR



17 08 2012

191

VICTORIA COURT

17.08.2012





17.08.2012



193

17.08.2012

194

17.08.2012

195

17.08.2012





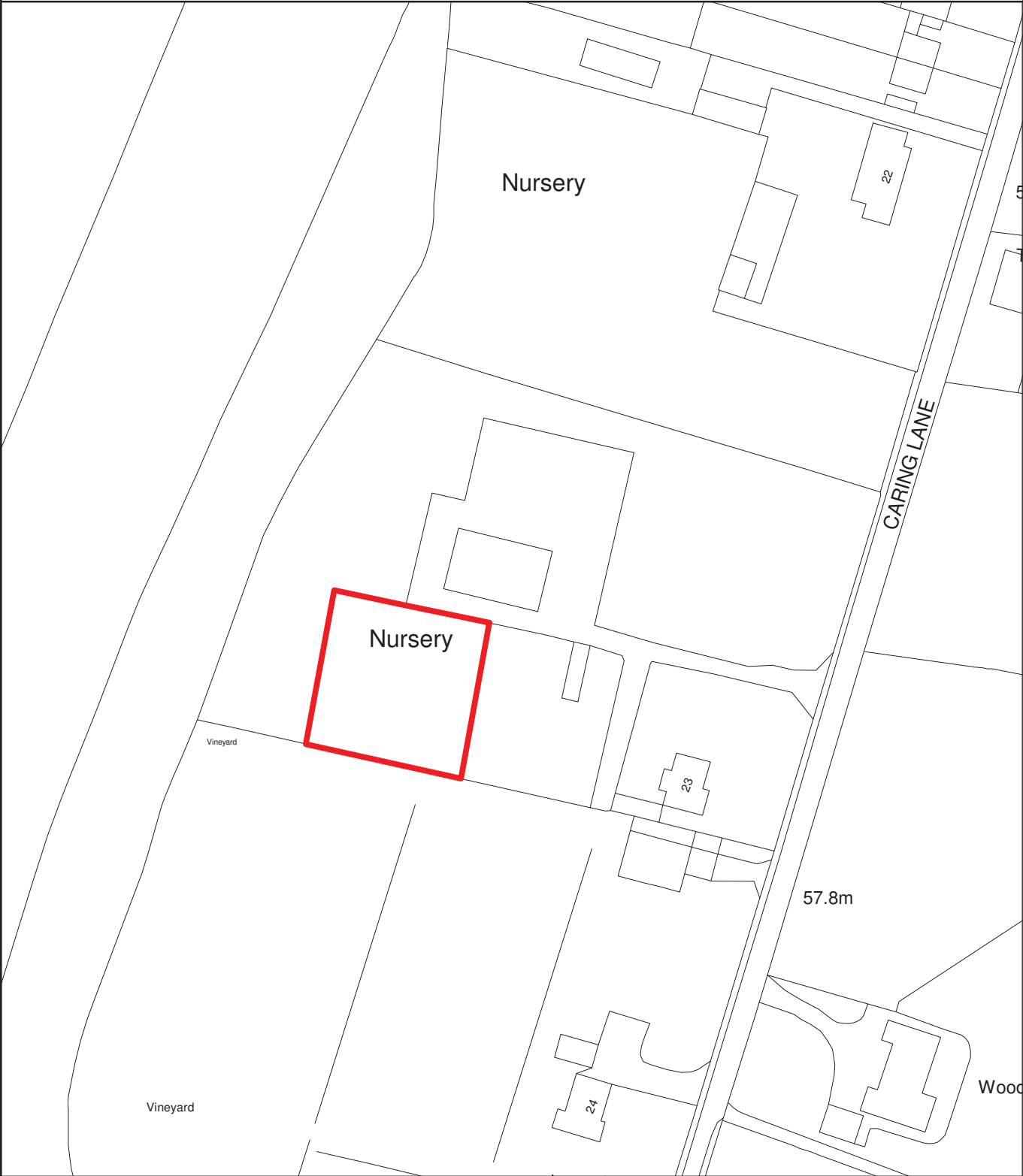


17.08.2012

196

# THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/12/0886      GRID REF: TQ8154  
G FORCES WEB MANAGEMENT LTD. CORBIN BUSINESS PARK,  
CARING LANE, BEARSTED.



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 100019636, 2012. Scale 1:1250



**Rob Jarman**  
**Head of Planning**

APPLICATION: MA/12/0886 Date: 14 May 2012 Received: 14 May 2012  
APPLICANT: G-Forces Web Management Ltd  
LOCATION: G FORCES WEB MANAGEMENT LTD, CORBIN BUSINESS PARK,  
CARING LANE, BEARSTED, MAIDSTONE, KENT, ME14 4NJ  
PARISH: Thurnham  
PROPOSAL: Change of use of land to car park in accordance with plan number  
1591-02-39 and design and access statement as received on 14  
May 2012.  
AGENDA DATE: 30th August 2012  
CASE OFFICER: Chris Hawkins

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

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

## **1. POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV28, ENV34, T13  
South East Plan 2009: RE1, RE2, RE4, RE5, CC2, CC4, A0SR7  
Village Design Statement: N/A  
Government Policy: National Planning Policy Framework (2012)

## **2. HISTORY**

2.1 There is significant planning history to this application site that is relevant to the determination of this application. The case history (summarised) is set out below:

MA/10/0140 - Corbin Business Park, Caring Lane, Thurnham. Erection of a two storey rear extension to existing office building including reconfigured site layout, parking and landscaping. Approved.

MA/07/1361- Corbin Business Park, Caring Lane, Thurnham. An application for advertisement consent for installation of a free standing non-illuminated entry sign. Approved with conditions.



- MA/07/0176 - The Barn, 23 Caring Lane, Thurnham. Retrospective application for the erection of a replacement building for B1 use and associated car parking (on site of B8 storage and distribution premises granted permission for conversion from B8 to B1 under MA/05/2133). Approved with conditions.
- MA/05/2133 - The Barn, 23 Caring Lane, Thurnham. Change of use of existing barn from class B8 storage and distribution use to class B1 business use with associated alterations and parking. Approved.
- MA/05/0324 - The Barn, 23 Caring Lane, Thurnham. Certificate of Lawful Development for an existing development being the use of the site for storage use within Use Class B8. Approved.

### **3. CONSULTATIONS**

- 3.1 **Kent Highway Services** were consulted and raised no objection to the proposal.

### **4. REPRESENTATIONS**

- 4.1 **Cllr Garland** requested that the application be brought before Members for the following reason:

- 4.1.1 'I would like to call this application to committee as I believe the request for planning permission is a reasonable one and that in this instance, given no Parish Council objections that it could be in the interests of economic development within the borough to allow this application and to allow this business to expand. If permission is not granted then either the business will not expand in the borough and relocate, or there will be pressure on Caring Lane if expansion occurs and additional car users are forced to use the road to park.

I believe, on balance, that the economic development interests should be explored by Committee.'

- 4.2 **Thurnham Parish Council** were consulted and made the following comments:

- 4.2.1 'No objection in principle is made to using this area for car parking but that it should be personal to G-Forces and should revert to garden land should G-Forces vacate this site.

- 4.2.2 Tarmac as a surfacing material is not satisfactory. We accept the argument that G-Forces want to maintain an image of quality but there are alternatives

providing permeable surface treatment giving an improved appearance and reducing maintenance of drains and soakaways.

4.2.3 If these conditions are imposed Thurnham raise no objections.

4.2.4 The Parish Council would therefore wish to see this planning application reported to the Planning Committee.'

**4.3 Neighbouring properties** were notified and one letter of support has been received.

## **5. CONSIDERATIONS**

### **5.1 Site Description**

5.1.1 The application site is located within the open countryside to the south of the established 'G-Forces' office building. The site was previously garden land of 23 Caring Lane, but it is accessed through the existing 'G-Forces' office site, to the south of the existing office building.

5.1.2 The site in question is 0.12 hectares in size, and is located to the west of Caring Lane. The site is already being used as car parking area without the benefit of planning permission, and has been since early 2012.

5.1.3 The site cannot be seen from public vantage points, as it is well screened by existing landscaping, and the existing buildings within the area.

### **5.2 Proposal**

5.2.1 The proposal is for the retention of an existing area of car parking to the south of the existing office building. The car park would consist of an additional 44 car parking spaces (resulting in a total of 94 spaces) that would serve the employees of the company on site. The car park would be constructed of tarmac, and would have no internal landscaping within. Some hedging and tree planting is proposed around the perimeter of the site.

### **5.3 Principle of Development**

5.3.1 The development, for the retention of a car park is sited within the open countryside. Development within the countryside is covered by Policy ENV28 of the Maidstone Borough Wide Local Plan (2000), which allows for development that causes no visual harm, or for specific types of other development. Car park, or economic development is not within the categories of this policy, and as such,

one has to make an assessment as to whether the proposal would cause visual harm.

- 5.3.2 However, of importance to the consideration of this proposal is the location of the site, and the background to allowing first the construction of an office building, and secondly, the extension of this building. These buildings were permitted within the open countryside on the basis that the applicants had demonstrated that the site was in fact relatively sustainable, and that a significant number of staff live locally, and would travel to the site in a more 'sustainable' manner – i.e. not by private motor car. This was a key consideration in granting planning permission, despite the proposal being contrary to the Development Plan (in part) at that time.
- 5.3.3 In order to understand how the development would be run in a sustainable manner, a travel plan was submitted, and agreed by this Authority.
- 5.3.4 As Members are aware, a presumption in favour of sustainable development is seen as a golden thread of the National Planning Policy Framework (herein referred to as the NPPF). Whilst there is no clear definition of what 'sustainable development' is within the NPPF, through case law, and appeal decisions it is clear that the over-reliance of the private motor car is a key consideration as to whether a site, or development is considered sustainable or otherwise. Other considerations also include the previous use of the land (i.e. whether greenfield or brownfield) and the sensitivity of a site in terms of biodiversity.
- 5.3.5 As with previous planning guidance (in particular, PPS4) the NPPF still promotes a 'town centre first' policy, and as such, I see no greater flexibility within this document of the development of rural sites for town centre uses, if these are not first exhausted.
- 5.3.6 To my mind therefore, the question is whether this proposal would demonstrate that the applicants have not complied with the Travel Plan, and whether the approval of the car park would reduce the sustainability of this site – i.e. make it too easy to travel to and from the site by car.
- 5.3.7 The Travel Plan that accompanied planning application MA/10/0140 set out the objectives of the applicants in order to ensure that the development was run in as sustainable manner as possible. Whilst the previous proposal indicated that the extension could accommodate expansion which would see the workforce rise from 65 to 115 (a 77% increase), the permission allowed for a near doubling of the car parking spaces from (26 to 50). The permission also allowed for a number of motorcycle and cycle parking spaces to be provided. This Travel Plan sought to mitigate the lower number of car parking spaces for this number of staff, as single occupancy of car travel would decrease to 65% by 2014 and car

sharing would increase to 21% by the same year. Promotion of other means of transport was also to be encouraged, including cycling, walking, and the use of public transport.

5.3.8 The applicant has identified within this application that they have experienced growth over and beyond that predicted when this application, and Travel Plan was submitted. It states that instead of the proposed additional 50 staff intended within offices, an additional 86 jobs have been created – an additional 35 over that originally envisaged. It is also proposed that the company will further expand the number of work placement students in the near future.

5.3.9 As set out within the previous Committee reports (for application MA/10/0140) the Council acknowledge that this is a successful, local employer, and that its continued growth is welcomed. It is also acknowledged that the continued growth of the business is likely to generate some additional parking provision on or around the application site. Indeed, officers have sought to negotiate with the applicants, and have suggested the provision of a smaller car parking area, which responds to the increase in projected staff (rather than near doubling the existing provision), but this suggestion was rejected. However, I do not consider it appropriate to provide the level of car parking now suggested at the site, as this would undermine the success of the proposed Travel Plan, and thus would also result in an unsustainable development within the countryside, contrary to the objectives of the NPPF. Should the applicant sought reduce the number of car parking spaces to a number related to the unexpected growth of the business, as suggested, I consider that this may not have 'tipped to balance' and a different recommendation may have resulted.

## **5.4 Visual Impact**

5.4.1 As the proposal is set away from the highway, behind an existing residential property, it cannot be seen from a public vantage point. There is a public footpath to the north of the G-Forces site, however, this does not allow views through to the new area of car parking. Due to the topography of the land, there are no medium or long distance views across the site.

5.4.2 Whilst this is a further intrusion of development into the open countryside, I do not consider that there would be any significant visual harm caused, and as such, I do not consider that it is appropriate to seek to refuse the application on this basis.

## **5.5 Residential Amenity**

5.5.1 In terms of residential amenity, concern was raised with the previous application (for the extension to the office) about the number of vehicular movements along

Caring Lane that would result from the expansion. This would potentially exacerbate this concern as it would allow for more vehicular movements along the lane.

5.5.2 Whilst this may be the case, I again do not consider the use of a public highway of the proposed number of vehicles, to cause a demonstrable level of harm to the occupiers of the residential properties within Caring Lane.

5.5.3 The proposal would be located behind an existing residential property, however, the owner of this property has willingly provided this land to the applicants. The car park would be approximately

## **5.6 Highways**

5.6.1 Kent Highway Services were consulted and raised no objection to this proposal. I concur with their view that that proposal would not give rise to any highway safety concern.

## **5.7 Landscaping**

5.7.1 With regards to landscaping, only a small level of additional planting is proposed around the perimeter of the application site. Whilst regrettable that more planting has not been provided, due to the lack of visual harm caused by the proposal, and because conditions should only be applied in order to mitigate harm, I do not consider it appropriate to seek to refuse the application on this basis.

## **5.8 Ecology**

5.8.1 The land upon which the car park has been constructed was a rear garden, which from our records was relatively well kept – i.e. a mown lawn, with little additional landscaping. As such, there is little indication that there would have been a significant amount of biodiversity within the site. Nonetheless, it is regrettable that the applicants completed this work without considering the impacts on ecology – something that has also not been considered within the applicants submission.

5.8.2 Whilst there is not mitigation proposed, as the site appears to have been well tended garden land, I do not consider it appropriate to object to this proposal on the grounds of the impacts upon ecology.

## **6. CONCLUSION**

- 6.1 Whilst the retention of the car park may not result in any significant visual harm, its location, within the open countryside is an important consideration in the determination of this application. Permission was granted for the extension on the basis that the site was sustainable due to a number of measures being introduced to reduce the reliance on the private car. The provision of a car park of this scale would undermine these measures, and would result in an unsustainable form of development. It is for this reason that Members are respectfully requested to give this application unfavourable consideration and refuse retrospective planning permission for the reason given below.

## **7. RECOMMENDATION**

REFUSE planning permission:

1. The proposed car park, by virtue of the number of spaces proposed, would result in an unsustainable form of development, that would prove to be contrary the objectives of the National Planning Policy Framework, in that it would discourage the use of alternative modes of transport (i.e. not the private motor car) to and from the application site.

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



21.08.2012



206

21.08.2012

207



21.08.2012