

AGENDA

PLANNING COMMITTEE MEETING



Date: Thursday 21 February 2013
Time: 6.00 p.m.
Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Ash, Collins, Cox, English, Garland,
Harwood, Hogg, Lusty (Chairman),
Newton, Paine, Paterson,
Mrs Robertson 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 Items withdrawn from the Agenda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 - 28 February 2013

Continued Over/:

Issued on 13 February 2013

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

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 31 January 2013 1 - 6
11. Presentation of Petitions (if any)
12. Report of the Head of Planning - Deferred Items 7 - 8
13. MA 12 1051 - LAND SOUTH OF WALLIS AVENUE, MAIDSTONE, KENT 9 - 31
14. MA 12 1575 - EAST FIELD, MAIDSTONE ROAD, MARDEN, TONBRIDGE, KENT 32 - 38
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20. Chairman's Announcements

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 31 JANUARY 2013

Present: Councillor Lusty (Chairman) and
Councillors Ash, Chittenden, Collins, Cox, English,
Hogg, Newton, Paterson, Mrs Robertson and Ross

Also Present: Councillors Barned, Sams and Mrs Wilson

251. APOLOGIES FOR ABSENCE

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

Notwithstanding the above, Councillor English entered the meeting during consideration of application MA/12/1844 (7.30 p.m.).

252. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:-

Councillor Chittenden for Councillor Harwood
Councillor Ross for Councillor J A Wilson

253. NOTIFICATION OF VISITING MEMBERS

Councillor Barned indicated his wish to speak on the report of the Head of Planning relating to application MA/12/0378.

Councillor Sams indicated his wish to speak on the report of the Head of Planning relating to application MA/12/1777.

Councillor Mrs Wilson indicated her wish to speak on the reports of the Head of Planning relating to applications MA/12/1827 and MA/12/1851.

254. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

255. 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 applications to be considered at the meeting.

256. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

257. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

258. EXEMPT ITEMS

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

259. MINUTES OF THE MEETING HELD ON 10 JANUARY 2013

RESOLVED: That the Minutes of the meeting held on 10 January 2013 be approved as a correct record and signed.

260. PRESENTATION OF PETITIONS

There were no petitions.

261. DEFERRED ITEMS

MA/12/0232 - ERECTION OF A CLASS A1 RETAIL STORE, ASSOCIATED PARKING AND PETROL FILLING STATION; TRANSPORT INTERCHANGE COMPRISING BUS AND TAXI DROP-OFF/PICK UP FACILITIES, 39 SHORT STAY RAILWAY STATION CAR PARKING SPACES AND COVERED WALKWAY TO EXISTING RAILWAY STATION BUILDING; AND 660-SPACE COMMUTER CAR PARK AND NATURE AREA - LAND AT STATION APPROACH AND GEORGE STREET, STAPLEHURST

The representative of the Head of Planning reported that a meeting had taken place between the Officers and the applicant. Amended details were to be submitted at which time a re-consultation exercise would be undertaken.

MA/11/0478 - APPLICATION TO DISCHARGE CONDITIONS RELATING TO MA/03/1147/02 (APPROVAL OF RESERVED MATTERS OF SITING, MEANS OF ACCESS, DESIGN, EXTERNAL APPEARANCE AND LANDSCAPING PURSUANT TO CONDITIONS 1, 2 AND 3 OF OUTLINE PERMISSION MA/03/1147 FOR A REPLACEMENT COMMUNITY CENTRE, JUNIOR FOOTBALL PITCH, 83 DWELLINGS, ASSOCIATED PARKING, ACCESS ROAD AND LANDSCAPING, RE-SUBMISSION OF MA/03/1147/01) BEING SUBMISSION OF DETAILS RECEIVED ON 24 MARCH 2011 AND 8 MARCH 2012 PURSUANT TO CONDITIONS 11 - SLAB LEVELS, 14 - FLOODLIGHTING AND 16 - PERIMETER FENCING TO THE SPORTS PITCH - YMCA, MELROSE CLOSE, MAIDSTONE

The representative of the Head of Planning reported that a meeting had taken place between Members, Officers and the applicant. Additional information had been received and put out to re-consultation.

262. MA/12/1827 - ERECTION OF FRONT PORCH - 36 UNION STREET, MAIDSTONE, KENT

The Committee considered the report of the Head of Planning.

Mr Atkinson, for objectors, and Councillor Mrs Wilson addressed the meeting.

RESOLVED:

1. That permission be granted subject to the conditions and informative set out in the report.
2. That the Conservation Officer be requested to pursue the listing of this property with English Heritage.

Voting: 7 – For 1 – Against 2 – Abstentions

263. MA/12/1851 - RETROSPECTIVE ADVERTISEMENT CONSENT TO DISPLAY THREE FLAGS ON FLAGPOLES ON JUBILEE SQUARE AND TWO FLAGS ON FLAGPOLES IN BRENCHLEY GARDENS - FLAGPOLES AT JUBILEE SQUARE AND MAIDSTONE MUSEUM, HIGH STREET AND ST FAITHS STREET, MAIDSTONE, KENT

The Committee considered the report of the Head of Planning.

Councillor Mrs Wilson addressed the meeting.

RESOLVED:

1. That subject to the expiry of the public consultation period and the receipt of no representations raising new material planning considerations, the Head of Planning be given delegated powers to grant advertisement consent subject to the conditions and informative set out in the report.
2. That the Committee's concerns regarding the submission of a retrospective application by the Borough Council be referred to the Chief Executive and the Cabinet Member for Economic and Commercial Development.

Voting: 5 – For 4 – Against 2 – Abstentions

Chairman's casting vote for approval

264. MA/12/0378 - ERECTION OF SHOP AND OFFICES BUILDING - PILGRIMS RETREAT, HOGBARN LANE, HARRIETSHAM, MAIDSTONE, KENT

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

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

Voting: 10 – For 0 – Against 0 – Abstentions

265. MA/12/1777 - ERECTION OF 12 NO. DWELLINGS AND ASSOCIATED WORKS - LAND AT NORTHLAND AND GROOM WAY, OLD ASHFORD ROAD, LENHAM, MAIDSTONE, KENT

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

Mr Tull, for the applicant, and Councillor Sams addressed the meeting.

RESOLVED:

1. That subject to the prior completion of a Section 106 legal agreement in such terms as the Head of Legal Services may advise to secure the following contributions required as a result of the additional demand created by the proposed development:-
 - A contribution of £17,325 for Maidstone Borough Council Parks and Open Space to be used for enhancing, maintaining, repairing and renewing amenity areas and green spaces within a one mile radius of the development site;
 - A contribution of £9,000 for the West Kent Primary Care Trust to be invested in the Len Valley Surgery, Lenham and the Glebe Surgery, Harrietsham;
 - A contribution of £4,721.92 for Kent County Council to be spent on providing new primary school accommodation within the locality (two primary schools within a 2 mile radius are in Lenham and Platts Heath);
 - A contribution of £546.38 for Kent County Council to be spent on providing additional book stock for Lenham Library and community learning projects within Harrietsham and Lenham ward; and
 - A contribution of £170.14 for Kent County Council to be spent on adult social services within Harrietsham and Lenham ward,

the Head of Planning be given delegated powers to grant permission subject to the conditions and informatives set out in the report.
2. That the amended reason for approval set out in the urgent update report be included on the decision notice.

Voting: 10 – For 0 – Against 0 – Abstentions

266. MA/12/1806 - ERECTION OF SINGLE STOREY REAR EXTENSION AND ALTERATIONS TO ROOF TO FORM PITCHED ROOF WITH RAISING OF EXISTING RIDGE (RE-SUBMISSION OF MA/12/0888 AND MA/12/1376) - 28 HOCKERS LANE, DETLING, MAIDSTONE, KENT

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

Mr Sinden, an objector, and Mr Tamsett, for the applicants, addressed the meeting.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report.
2. That the reason for approval set out in the urgent update report be included on the decision notice.

Voting: 10 – For 0 – Against 0 – Abstentions

267. MA/12/1317 - PERMANENT RETENTION OF EXISTING POULTRY HOUSE AND FEED SILOS PERMITTED UNDER REFERENCE MA/08/1173 AND ERECTION OF A DETACHED FARMHOUSE AND GARAGE TO REPLACE EXISTING MOBILE HOME - CHERRY TREE FARM, PETT ROAD, STOCKBURY, SITTINGBOURNE, KENT

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

Councillor Porter of Stockbury Parish Council (against) addressed the meeting.

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

The details of materials to be submitted pursuant to condition 3 shall include ecological improvements such as swift bricks and bat boxes.

Voting: 10 – For 0 – Against 0 – Abstentions

268. MA/12/1844 - CONSTRUCTION OF A NEW THREE-BEDROOMED DWELLING WITH BASEMENT AND DETACHED GARAGE - LAND ADJOINING 49 OAK LANE, HEADCORN, ASHFORD, KENT

The Committee considered the report of the Head of Planning.

Mr Richardson addressed the meeting on behalf of the applicant.

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

Voting: 8 – For 2 – Against 0 – Abstentions

Note: Councillor English entered the meeting during consideration of this application, but did not participate in the discussions or the voting.

269. 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.

270. CHAIRMAN'S ANNOUNCEMENTS

The Chairman drew the Committee's attention to forthcoming training sessions.

271. DURATION OF MEETING

6.00 p.m. to 7.35 p.m.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

21 FEBRUARY 2013

REPORT OF THE HEAD OF PLANNING

1. DEFERRED ITEMS

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

1.2. Description of Application Date Deferred

- | | | |
|-----|---|--------------------|
| (1) | <u>MA/12/0232 - ERECTION OF A CLASS A1 RETAIL STORE, ASSOCIATED PARKING AND PETROL FILLING STATION; TRANSPORT INTERCHANGE COMPRISING BUS AND TAXI DROP-OFF/PICK UP FACILITIES, 39 SHORT STAY RAILWAY STATION CAR PARKING SPACES AND COVERED WALKWAY TO EXISTING RAILWAY STATION BUILDING; AND 660-SPACE COMMUTER CAR PARK AND NATURE AREA - LAND AT STATION APPROACH AND GEORGE STREET, STAPLEHURST</u> | 10 JANUARY 2013 |
|-----|---|--------------------|

Deferred to enable the Officers to, with regard to the area to the north of the railway line:-

- (a) Seek to improve the layout of the proposed car park and natural area;
- (b) Seek to mitigate the damage to the countryside (including light pollution); and
- (c) Re-examine the results of the ecological surveys.

- | | | |
|-----|---|--------------------|
| (2) | <u>MA/11/0478 - APPLICATION TO DISCHARGE CONDITIONS RELATING TO MA/03/1147/02 (APPROVAL OF RESERVED MATTERS OF SITING, MEANS OF ACCESS, DESIGN, EXTERNAL APPEARANCE AND LANDSCAPING PURSUANT TO CONDITIONS 1, 2 AND 3 OF OUTLINE PERMISSION MA/03/1147 FOR A REPLACEMENT COMMUNITY CENTRE, JUNIOR FOOTBALL PITCH, 83 DWELLINGS, ASSOCIATED PARKING, ACCESS ROAD AND LANDSCAPING, RE-SUBMISSION OF MA/03/1147/01) BEING SUBMISSION OF DETAILS RECEIVED ON 24 MARCH 2011 AND 8 MARCH 2012 PURSUANT TO CONDITIONS 11 - SLAB LEVELS, 14 - FLOODLIGHTING AND 16 - PERIMETER FENCING TO THE SPORTS PITCH - YMCA, MELROSE CLOSE, MAIDSTONE</u> | 10 JANUARY 2013 |
|-----|---|--------------------|

Deferred to enable:-

- (a) Further negotiations to take place with both the YMCA and local residents to seek to achieve a scheme of lighting that reduces the impact of the lighting on nearby housing; and
- (b) The impact of the lighting on wildlife to be re-examined.

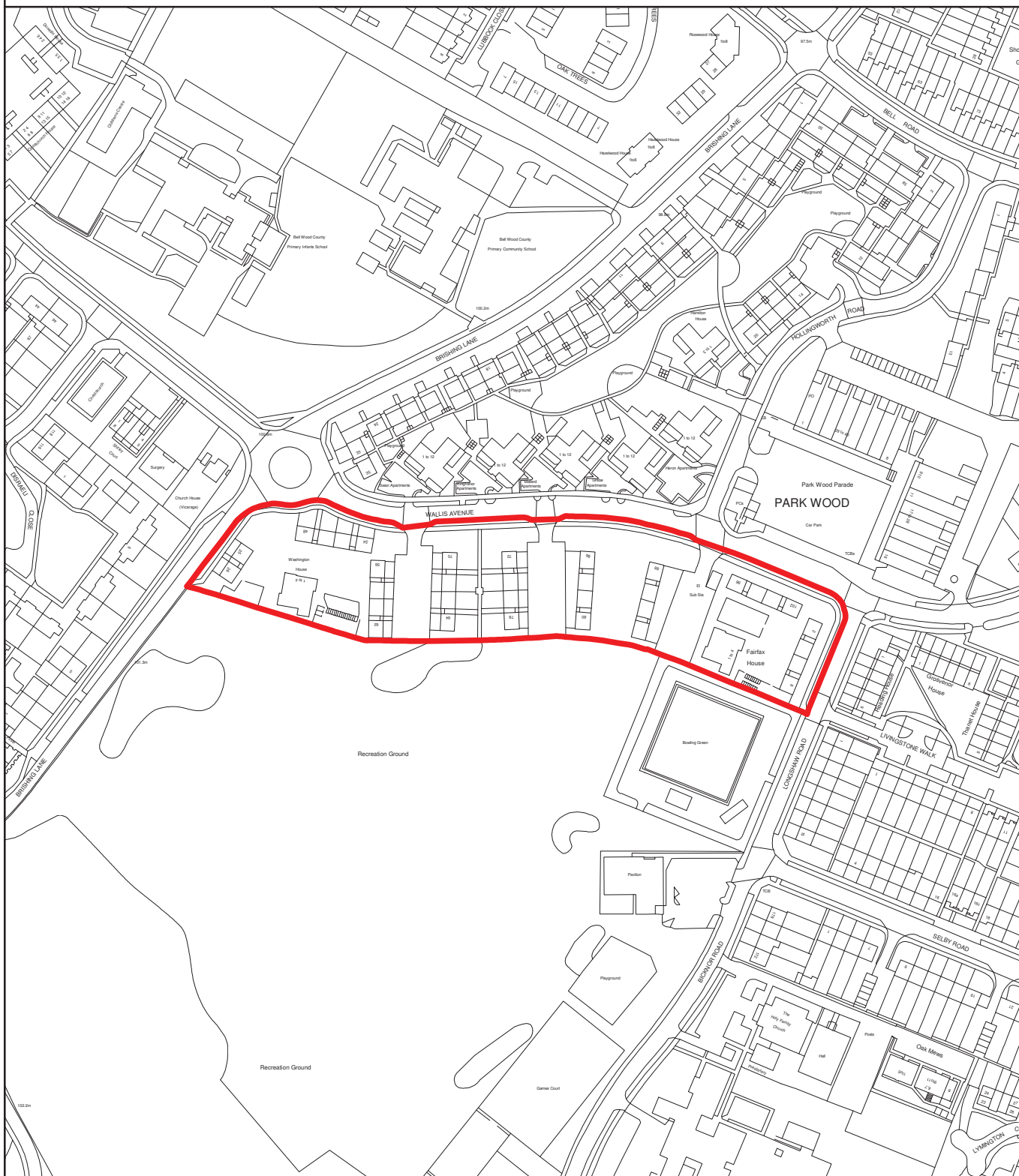
Ward Members and Councillor Harwood are to be involved in the negotiations.

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/12/1051

GRID REF: TQ7852

LAND SOUTH OF WALLIS AVENUE,
MAIDSTONE.



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Rob Jarman
Head of Planning

APPLICATION: MA/12/1051 Date: 31 May 2012 Received: 11 June 2012

APPLICANT: Mr Chris Blundell, Golding Homes

LOCATION: LAND SOUTH OF, WALLIS AVENUE, MAIDSTONE, KENT

PARISH: Maidstone

PROPOSAL: Erection of 18 flats and 51 houses together with 225m² of community/commercial space in accordance with plans numbered MHS058/12-310; 0934 PL_PH1_005; MHS058/12-110 and landscape design statement and detailed proposals plans as submitted on the 5 November 2012, and plans numbered 0934 PL/PH1_200; 0934 PL_PH1_111; 0934; PL_PH1_110; PL_PH1_104; PL_PH1_103; 28912 C.03; 28912 C.02; 28912 C.01; MHS0589/12-100; MSH058/12-110; PL_PH1_112; PL_PH1_210; PL_PH1_211; PL_PH1-212; PL_PH1_213; PL_PH1_005; PL_PH1_001; PL_PH1_100; PL_PH1_101; PL_PH1_102; PL_PH1_201; arboricultural report; flood risk assessment; design and access statement; ecological appraisal; drainage statement strategy; contamination assessment; energy statement as received on the 1 June 2012.

AGENDA DATE: 21st February 2013

CASE OFFICER: Chris Hawkins

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

- The Council own part of the land that forms the application site.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: H1, ENV6, ENV22, T1, T13
- South East Plan 2009: CC1, CC6, CC8, H1, H5, T4, T7, NRM4, NRM11, AORS6, AORS7, BE1
- Village Design Statement: N/A
- Government Policy: National Planning Policy Framework 2012

2. HISTORY

2.1 There is no relevant planning history to this application site.

3. CONSULTATIONS

- 3.1 **Maidstone Borough Council Landscape Officer** was consulted and made the following comments:
- 3.1.1 An arboricultural survey has been provided by the applicant but there are clear inconsistencies in the recommendations of this report and the proposed layout, namely paragraphs 6.5, 7.1 and 7.2 whereby the objective is said to be to have trees within the site that are sustainable and can mature/thrive in a manner that will not lead to post development pressure.
- 3.1.2 The layout is such that there is little open space and very restricted frontage planting along Wallis Road. The only tree shown to be retained is categorised as grade A but its retention is unlikely to be successfully achieved. The Sweet Chestnut, T15, currently an open grown tree is shown to be surrounded with block pavements, all be it as 'no-dig' construction. There are no details in accordance with paragraph 5.3 of BS5837:2012 to demonstrate the viability of construction within the RPA of the tree and demonstrating that compensation elsewhere and/or mitigation measures can be achieved. The proposed parking beneath the tree will cause inevitable conflict, not least because of natural air-risings and the public amenity value will be lost by the enclosure of the tree in its new setting. There are no details of how construction around the stem is proposed and the roots are likely to lift the paving.
- 3.1.3 In more general terms the layout indicates the removal nearly all the trees on site, many of which are categorised as B grade. It is accepted that many of the trees are of such an age and condition that they do not constrain the layout but there appears to be little consideration for allowing sufficient space around buildings to achieve a decent landscaping scheme to mitigate their loss. The current layout will result in poor condition, constrained trees subject to post development pressure for removal, all contrary to the recommendations of BS5837:2012.
- 3.1.4 In conclusion, I am not satisfied that the landscape/arboricultural issues have been properly addressed in this proposal and would consider that the layout is currently unacceptable. The applicant should, therefore, be encouraged to achieve a better quality/more sustainable scheme by addressing the above issues.'
- 3.1.5 Further comments were received in January 2013. These state:
- 3.1.6 'My general comments on the landscape layout dated 12 July 2012 have not been addressed. However, the situation regarding the Sweet Chestnut, T15, has been improved upon through the removal of the block paving and a number of

parking spaces beneath the canopy of the tree. Despite these improvements though, as this tree has the potential for much future growth, it will still be the subject of future pressure for removal due to shade and natural arisings. It should be noted that although the canopy radius of this tree is shown as 5m on the masterplan it has been measured at between 6m and 8m in the Arboricultural Survey. In order to minimise conflicts and optimise the tree's long term retention I would recommend that parking spaces 36 and 37 are omitted, leaving only no dig and permeable pedestrian access around the perimeter of the grass.

3.1.7 The applicant should, therefore, continue to be encouraged to achieve a better quality/more sustainable scheme.'

3.1.8 **Officer Comment:* Further negotiations have taken place with the applicant and it has been agreed that an appropriate method statement can be produced that would ensure that the tree within the centre of the site can be retained. It has been agreed that the tree be pruned prior to works commencing on site, and that a no dig construction be implemented on site. The landscape officer is satisfied with this proposal on this basis.

3.2 Maidstone Borough Council Parks and Open Space Officer was consulted and made the following comments:

3.2.1 The Parks and Leisure Team have viewed this application. Firstly we are concerned that the development is encroaching onto Parkwood recreation ground. Namely:

- There is a swale, to be used for drainage from the development which is 4 metres wide.
- The hard footpath.
- A number of trees (Poplar and Oak).
- Grass mounding

All of these are located on the Playing field, not in the development itself.

3.2.2 Whilst the Parks Team are certainly not against improvements to the recreation ground, we do not believe that it is acceptable to make changes to existing green space in order to make the development acceptable.

3.2.3 This development is adjacent to the recreation ground and by allowing it to creep into the green space will effectively reduce this area. We fail to see how a developer can apply for planning permission for a development when a significant part of which is on neighbouring land which is not owned by or has an agreement in place to be included.

3.2.4 As an aside to this we have a number of concerns with the proposed design of the landscaping on the MBC owned recreation ground:

- The Oak trees are too close together at 7meters and would need to be thinned in the future.
- We do not believe this location is suitable for a wild grass swale. This type of environmental feature would usually be placed in an out of the way area. We feel that there would be too much foot traffic in this area for it to establish properly. We also feel that it would act a litter trap, and would need additional maintenance to litter pick and maintain.
- The triangular plantation of Poplar trees in time would develop into an area of fairly thick woodland in time. In a public park of this nature we try to avoid creating hidden corners, which can attract antisocial behaviour, by having more open planting.
- We have some concerns with the grass mounding. In the past we have experience of a development where this type of mounding resulted in people being able to look directly into first floor windows.

3.2.5 With regard to the S106, no contributions are currently provided. We believe that a more conventional S106 contribution would be appropriate. As such we would recommend that a contribution be made for works which would be beneficial to the residents of this development with regards to works we feel are required at Parkwood Recreation Ground. Namely:

- Outdoor gym area and associated works;
- Refurbishment of teen area tarmac;
- Refurbishment of the MUGA and sports wall tarmac;
- New springer within the play area;
- Tarmac pathways to link Roman Way with Bicknor Road and Brishing Lane with Longshaw Road;
- A play area specifically aimed at children aged 6 years and under;
- Tree planting;

3.2.6 The contribution would be based on 69 units x £1575 per unit = £108675. This is the cost per dwelling as set out in the 'Supplementary Planning Guidelines' and Fields in Trust's (formerly National Playing Fields Association) guidelines as provision costs for outdoor playing space.'

3.2.7 **Officer Comment:* Following these comments, negotiations have taken place between the applicant and the Authority. It has now been agreed that the provision of a swale on the within the park would be acceptable, and that the landscaping scheme as now submitted is acceptable, and would enhance the character of the park. The applicant has identified that the environmental

enhancements to the park and surrounding area would cost in excess of £127,000, and the applicant are also proposing a contribution of £30,000 towards the stake park and the provision of outdoor gym equipment. This would therefore represent a contribution in excess of £150,000 in value, which would exceed the contribution originally sought. The Parks and Open Space Manager has accepted these proposals, and raises no objections.

- 3.3 Southern Water** were consulted and raised concern that there was inadequate capacity within the existing sewers, and as such, recommended that should permission be granted a condition be imposed that requires details of drainage to be provided, and an informative requiring the applicants to enter into a legal agreement with the providers to ensure suitable sewer capacity is achieved.
- 3.4 Kent County Council Archaeology** were consulted and raised no objection subject to the imposition of a condition requiring a watching brief to be undertaken on site.
- 3.5 Kent County Council Highways** were consulted and raised no objections to the proposal, subject to the imposition of suitable conditions relating to the parking provided, cycle storage and visibility splays.
- 3.6 Kent County Council (Mouchel)** were consulted and requested that contributions be made towards the provision of enhanced facilities within the town centre and surrounding area. The contributions are as follows:
- £458,518.21 for new primary school provision;
 - £14,299.69 for new bookstock and extended opening hours within the towns library;
 - £1,072.90 for improved youth facilities;
 - £2951.10 for community learning facilities; and
 - £5,164.54 for adult social services.
- 3.7 The Environment Agency** were consulted and raised no objection to this proposal subject to the imposition of a condition that would address any potential contamination within the ground, and informatives that would address drainage, flood risk and groundwater.
- 3.8 The Primary Care Trust** was consulted but did not request that any contributions be made.
- 3.9 EDF Energy** were consulted and raised no objections to this proposal.
- 3.10 Southern Water** were consulted and raised no objection to this proposal.

4. REPRESENTATIONS

- 4.1 Both neighbouring properties, and those impacted by this proposal were notified of this application and no letters of representation have been received.

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 The application site is located within the urban confines of Maidstone, within the Parkwood area. The site is currently wholly residential in character, although there are some retail units within the vicinity, and which form part of the outline planning application for 'phase 3' of this development.
- 5.1.2 The existing buildings within the western end of the site are two storey, which accommodate one bedroom flats. The properties both front Wallis Avenue, but also spur off at 90°, into cul-de-sacs, with properties that front on to these. These spur roads run up to the edge of the recreation area. The properties within this area are painted in a light (cream) colour, with concrete tile roofs, and concrete parking spaces to the front.
- 5.1.3 As one moves eastwards within the site, the properties all spur off at 90° to Wallis Avenue, in a relatively uniformed manner. These properties are set back from Wallis Avenue by approximately 20metres, with the majority of this land laid to grass, with intermittent tree planting.
- 5.1.4 Opposite the junction with Hollingworth Road is an existing electricity sub station and car park area, which is set back from the highway by approximately 10metres.
- 5.1.5 At the eastern end of the application site is a four storey block of flats that sits behind a terrace of two storey units. This four storey element is of simple design, with a flat roof, and concrete construction.
- 5.1.6 The site is adjacent to the recreation grounds in Parkwood, with football pitches laid out near to the residential properties. Heather House and the play equipment is situation to the south east of the application site.
- 5.1.7 The application site is approximately three miles from the centre of Maidstone, although is served by a relatively good bus service.

5.2 Proposal

5.2.1 This is a full planning application that seeks to demolish the existing buildings within the application site, and to erect 24 two bedroom units, 31 three bedroom units, and 14 four bedroom units, together with community facilities. The properties would be broken down as follows:

| Type | Number |
|--------------------|--------|
| 2 Bedroom Flat | 18 |
| 2 Bedroom Dwelling | 6 |
| 3 Bedroom Dwelling | 31 |
| 4 Bedroom Dwelling | 14 |
| Total | 69 |

5.2.2 The proposal would see a new road layout introduced, with built form provided upon existing open space as a result. This layout would effectively be in perimeter blocks, which would see active frontages on each road/access route.

5.2.3 The properties proposed would be of a varied form, with the largest dwellings located along the park frontage, and being provided with steep pitched roofs.

5.2.4 The largest element of the proposal would be the block containing the shops/community facilities and flats. In total, 225 square metres of commercial/community floor space would be provided within the development. This has not yet been fully specified as no end users have been identified.

5.2.5 Part of the proposal is for the provision of works to be undertaken to the open space opposite the site. This includes the provision of a swale to allow for the sustainable drainage of the site, which would be planted with wildflower and tail grass, and would be bound with a knee high railing – to replace the existing. A path would be provided along the ‘park’ side of the swale, which would be provided with new seating.

5.2.6 New street lighting would be provided along the access road to run alongside the park.

5.2.7 Within the north-eastern section of the park it is proposed that an informal area including (gentle) earth mounds and clusters of tree planting be provided. This would sit behind the recently constructed sheltered units on the former bowling

green site, and to the front of proposed housing. These clusters of trees would be of indigenous species.

- 5.2.8 It is proposed that significant enhancements be made to Wallis Avenue, including the provision of tree planting, and a raised surface at the point where the application site adjoins the existing shopping parade.
- 5.2.9 The applicant has identified that the scheme is likely to be a scheme for 100% affordable housing. However, due to the changes in funding, they have requested that any Section 106 agreement state the minimum of 40% affordable housing, and this aids with their funding process.
- 5.2.10 The proposal would see the dwellings constructed to level 3 of the code for sustainable homes.

5.3 Principle of Development

- 5.3.1 The application site is located within the urban confines of Maidstone and currently contains residential properties. The re-use of this land for residential properties would not conflict with any local or national policies, and as such, I consider that the principle of such a development is acceptable, subject to all other material considerations being considered.
- 5.3.2 The principle of commercial floor space within the application is also considered acceptable. The level of floor space is relatively minor and would certainly not be of a scale that would require any sequential test to be undertaken. I do not consider that this floor-space would be likely to be to the detriment of the existing offer within the vicinity, nor the wider area.

5.4 Visual Impact

- 5.4.1 The existing buildings located within the application site are of poor design, and poor build quality. I do not consider their loss to be to the detriment of the character and appearance of the locality. There is, however, a good provision of space around these existing buildings, and whilst there is not significant tree or hedge planting within this land, it does provide an open character to this part of the Parkwood Estate.
- 5.4.2 This proposal would see a significant increase of the amount of built form within the application site. The proposal would see the creation of perimeter blocks that would front on to Wallis Avenue, the park, and the feeder roads between. These perimeter blocks would be of two and three storey dwellings at the western end of the application site, and they would have a variation in their roof form and overall heights. To my mind this provides an interesting, and well articulated

front to the park and also to Wallis Avenue, which would be a significant enhancement on the current appearance of the locality.

- 5.4.3 This development would represent a high quality regeneration opportunity within this locality. The proposed buildings are, in my opinion, of a high quality of design, which whilst different from the surrounding area would be well articulated, and would provide a varied and interesting street scene. The buildings would be relatively contemporary in nature, with steep pitched roofs, both recessed and projecting windows, and roofs with no overhanging eaves (containing internal drainage details). Whilst the buildings are of a scale that is larger than many of the other properties within the vicinity, as this would be a large scale redevelopment, I see this as a stand alone development in many respects. Because of this, an increase in scale does not detract from the overall character and appearance of the locality. In addition, it should be noted that the proposal is in close proximity to a number of flats which are of a greater bulk than those proposed within this development.
- 5.4.4 The commercial development and flats would be of a significantly greater bulk than the development at present. However, I consider the buildings to be well designed, and to be of a mass that would not prove to be overbearing to the surroundings. The buildings would be articulated, and would have variety in their roof heights, and this, together with the level of fenestration would ensure that the proposal would have a high quality appearance.
- 5.4.5 I am of the view that the design of the buildings proposed would significantly enhance the character of the area. They would be constructed of high quality materials, and would be provided with a good level of landscaping. In addition, the works proposed to the public realm would further enhance the character and appearance of the locality.
- 5.5.6 A number of the properties within the development would be provided with dwarf brick walls, railings, and hedges behind. This provides the properties with defensible space, as well as layering the buildings, and providing a more varied palette of materials. Furthermore, in front of a number of the dwellings, build outs into the highway would be provided with tree, and low level planting. I consider this to further enhance the character and appearance of the locality.
- 5.5.7 One significant benefit of this development is the provision of a frontage along the northern side of the recreation ground. This, together with enhanced pedestrian access would enhance the setting of the park, from the south, and would also increase the natural surveillance of the park. Likewise, the provision of the swale, with the wildflower, and long grass mix proposed within, would further soften this northern edge, which comes to a rather abrupt conclusion at present.

5.5.8 The proposal would also provide a significant enhancement to the appearance of Wallis Avenue, through both the public realm improvements, and also the appearance of the buildings.

5.5.9 I am therefore of the opinion that the development would result in a significant enhancement of the character and appearance of the locality. The buildings are well designed and the enhancements to the public realm, both in terms of within the development itself, and also within the recreation ground would have a significant benefit to the vicinity. I am therefore of the view that this proposal would conform with the objectives of the NPPF.

5.5 Residential Amenity

5.5.1 With regards to the residential amenity, due to the fact that the existing buildings are all being demolished allow for this re-development to take place there would be no dwellings immediately affected by this proposal.

5.5.2 The nearest residential dwelling outside of the application site would be approximately 40 metres from the nearest proposed dwelling. I consider this distance to be sufficient to ensure that there would be no significant overlooking, overshadowing, or the creation of a sense of enclosure to this, or any other existing residential property.

5.5.3 Whilst the proposal would create a new access into the site, adjacent to the park, this would be a sufficient distance from existing (retained) properties to ensure that there would be no significant noise and disturbance generated by this element of the proposal.

5.5.4 With regards to the amenity of the future occupiers of these units, it is noted that many of the dwellings would have particularly small gardens. These would allow for an element of private amenity space, and this, combined with the large parkwood recreational ground nearby, would ensure that this family housing would be provided with suitable outside space.

5.6 Highways

5.6.1 Kent Highway Services were consulted and raised no objections to this proposal, on the basis that there would be sufficient parking provision within the development, and that safe access and egress could be provided to and from the site.

5.6.2 In terms of the parking provision, it is proposed that 1.6 spaces per unit be provided, many of these within small internal courtyards. Whilst in recent years,

there has been a move away from providing such car parking provision, as the courtyards were often underused, or became areas of crime or vandalism, in this instance, I am satisfied that the proposal would be acceptable. The applicant would provide low walls to the rear gardens, allowing for visibility of these parking areas, and would effectively make the houses double fronted. This would ensure that the parking areas would interact more readily with the properties that they serve. This is aided by the fact that the parking areas are relatively small, serving only four or five houses (with the exception of the parking provision for the flats).

- 5.6.3 In addition to the parking courts, it is proposed that a number of the properties have individual driveways. This is limited to one space per dwelling, which whilst serving properties of up to four bedrooms is considered sufficient – the reason being that there would be space to park upon the existing highway if required. Whilst a low parking ratio, I do not consider that the proposal would have a detrimental impact upon highway safety.
- 5.6.4 As part of the 'package' of works proposed, the applicant has agreed to address the issue of traffic calming within the vicinity. It is proposed that raised tables be provided along Wallis Avenue, and that a more substantial raised; shared surfaces be provided where the proposed shops/commercial area is to be located. I consider that this has overriding benefits to both the character and appearance of the locality, but also to slowing traffic down along Wallis Avenue (which is – anecdotally – used as a 'rat run' from the industrial estate).
- 5.6.5 With regards to the entering and leaving of the site – it is proposed that a new vehicular access be constructed alongside the existing park. However, this would be designed in such a way as to prevent the through-flow of traffic, with each 'segment' of the highway serving only a few properties, along cycle and pedestrian access can be obtained for its full length. In most part the links through from this access to Wallis Avenue follow the orientation of the existing carp parks/access roads, however, in any event suitable visibility can be achieved at these access points to the satisfaction of the highway officer.
- 5.6.6 I am therefore satisfied that the proposal would be likely to have a positive impact in terms of highway safety due to the additional works being undertaken by the applicant. There are no grounds to object to the application on highway safety matters.

5.7 Landscaping

- 5.7.1 The applicant has submitted an appraisal of the existing tree planting/landscape throughout the development, which has been appraised by the Council's Landscape Officer.

- 5.7.2 The proposal initially included the provision of a significant level of landscaping, and a swale within the existing recreation area to the south of the application site. This land is owned by Maidstone Borough Council who were unwilling to allow for a swale to be incorporated within the design, as it was considered inappropriate development within an area of open recreation. Concern was raised, in particular with regards to the collection of litter within the swale, and the loss of usable open space within the park. Whilst to my mind, the provision of a swale would have been beneficial to the development as a whole, I certainly understood the concerns raised by the Council's Parks and Open Space Manager.
- 5.7.3 Negotiations have subsequently taken place between the Council and the applicants that have sought to achieve a compromise that both parties are satisfied with. Amended plans have now been submitted that do show the provision of a swale, although this has been amended so that it would be provided with a wildflower and tall grass mix; that is considered to enhance the setting of the park, as well as adding significant ecological benefits to the locality.
- 5.7.4 In addition to this, it has been agreed that contributions be made towards the provision of adult gym equipment be provided within the Park. It has been agreed that this equipment be provided closer to the existing play equipment, rather than along the proposed path as originally envisaged. This followed discussions with the Council's Parks and Open Space Manager, who considered this a more appropriate location to ensure use by all – not just residents of this development. I consider that this is a suitable compromise that would ensure that the development has further benefits, and further regenerates the locality. The Parks and Open Space Manager now raises no objection to the proposal.
- 5.7.5 The provision of some earth mounds within the park, together with additional tree planting is considered to be an enhancement to the existing parkland setting. Whilst initially concern was raised with regards to the formality of this element, amendments have now been made that would see the provision of clusters of trees, and smaller mounds, which would add interest and also an areas for children to play.
- 5.7.6 Whilst it is acknowledged that the recreation ground is used predominantly for sports and recreation, on its northern side (the southern side has long grass and significant tree planting), I do not consider the provision of this swale, nor the woodland area to result in a significant loss of sports provision, that would be to the detriment of the residents of the locality.
- 5.7.7 The landscape officer had initially raised some concerns about the proposal, however, these have now been addressed through the amendment of some of

the species proposed, and also some works to be undertaken to an existing tree within the application site. No concern is now raised by the Council's Landscape Officer to the proposal.

5.7.8 To my mind the proposed landscaping would see a significant enhancement to the existing landscaping provision within the locality. There would be an increased number of street trees within the application site, with the 'build-outs' within the roads softening the appearance of the proposal. In particular, I consider the provision of the landscaping along Wallis Avenue, which at present has a paucity of planting (predominantly grass verges, and paths) to be of significant benefit to the character of the area.

5.8 Section 106 Requirements

5.8.1 With regards to the provision of S106 contributions, or works, any agreement should be based upon the three core principles as set out within the Community Infrastructure Levy Regulations (reg 122) 2010. These set out three specific legal tests that are required to be met when negotiating/approving a S106 legal agreement. These tests are:

- 1) The request must be necessary to make the development acceptable;
- 1) The request must be related to the development; and
- 2) The request must be reasonably related in scale and kind.

5.8.2 It has been requested that contributions of £482,006.44 are made to Kent County Council to address the impact that this proposal would have upon existing primary schools, local libraries, youth facilities, community learning and adult social services. This is broken down in the following manner:

- £458,518.21 for new primary school provision;
- £14,299.69 for new bookstock and extended opening hours within the towns library;
- £1,072.90 for improved youth facilities;
- £2951.10 for community learning facilities; and
- £5,164.54 for adult social services.

5.8.3 Following on from this request, discussions have taken place between the Council and the County Council, as concern was raised that there was inconsistency in the request. Concern was raised that the expansion of the existing schools had not been addressed as an option, and that developments to the north-west of Maidstone were quoted as having an impact on the school roll within this area. Kent County Council has responded to this letter, and are of the view that it is necessary to make this contributions to address the requirement for a new school within the locality.

- 5.8.4 However, the applicant has submitted a viability appraisal that demonstrates that as this is a redevelopment of their own land, and due to the fact that the proposal is for 100% affordable housing, the development effectively shows a negative value, and no profit will therefore be made. As this proposal would have a significant benefit to the character and appearance of the area through physical regeneration, and as it would be 100% affordable housing, which remains a priority of the government, I consider that in this instance, it would be appropriate to forego such contributions, due to the other benefits associated with this development. The applicant has also submitted a viability appraisal for the development showing only 40% affordable housing (together with the other financial contributions sought) and again, this demonstrates that there would be no possibility to provide additional contributions on this site.
- 5.8.5 As the scheme is for 100% affordable housing provision, and as it replaces existing housing stock, the PCT has not requested any contributions be made for this development.
- 5.8.6 Significant discussions have taken place between the Council's Parks and Open Space Officers and the applicants in order to secure a high quality landscape scheme. As much of the landscaping scheme would provide wider benefits than just for those residing within the new development, it has been agreed that it is appropriate to seek lesser financial contributions from this proposal than usually required. However, there will need to be a legal mechanism in place to ensure that the proposed landscaping is provided and a suitable maintenance programme is in place to ensure the longevity of the planting. It should be noted however that the works that the applicant are proposing would bear a cost of approximately £127,000 – both in terms of the works to the recreation ground, and also along Wallis Avenue. This, together with a financial contribution of £30,000 towards enhancements to the skate park, and for the provision of outdoor gym equipment, would exceed the contribution that the Parks and Open Space officer would ordinarily request. As this forms part of a wider 'regeneration' of the area, and goes beyond the works normally associated with the landscaping of a site, I am satisfied that these provisions would meet the requirements of the Regulations as set out above.
- 5.8.7 As stated, the applicants are requested that any legal agreement be set at providing a minimum of 40% affordable housing. This clearly meets with the objectives of the Council's adopted DPD. Nonetheless, it is my understanding that the applicant is to provide the scheme as 100% affordable housing. I am satisfied that it is acceptable and appropriate to secure a legal agreement on the basis of the provision of a minimum of 40% affordable housing in this instance, as this complies with the Council's policy. The applicant has also demonstrated

that even providing this level of affordable housing, only a limited amount of contributions can be provided – which aid the regeneration of the area.

5.9 Other Matters

5.9.1 The applicant has indicated that these properties would achieve a minimum of level 3 of the code for sustainable homes. Whilst in many instances this Authority would wish to see a minimum of level 4 on new developments, particularly one of this scale, I consider there to be mitigating factors as to why this does need to be provided in this instance. The applicant are providing a significant number of physical improvements to the locality, including highway works, and significant works to improve the landscaping. These all bear substantial additional costs that would not normally be required by a Local Planning Authority. To my mind therefore, the benefits that this proposal would bring forward, and the costs that these would generate to the applicant outweigh the benefits that providing dwellings at code level 4 would bring.

5.9.2 The applicant has completed a preliminary ecological appraisal of the application site, which drew the following conclusions:

- There is no further work required with regards to amphibians;
- There is no further work required with regards to reptiles;
- A bird breeding survey is not deemed to be necessary;
- There is no further work required with regards to dormice;
- There is no further work required with regards to badgers;
- That due to the condition of one of the buildings, any demolition works to the roof of this unit be undertaken by hand, under the supervision of a qualified bat ecologist;
- That lighting respond to the potential impact upon bats;
- That works to the trees responds to the potential impact upon bats; and
- That suitable enhancement also should be provided within the application site, where possible.

5.9.3 I propose to include a condition that the enhancements are as suggested within the ecological appraisal, with full details to be submitted prior to the works being undertaken on site.

5.9.4 The area is within a flood Zone 1 according to the latest EA Flood Zone Map. The applicants have submitted a flood risk assessment that identifies the development as having no increase in surface water run off (from existing), either in terms of peak run off rate, or through the surface water generated. The inclusion of Sustainable Drainage throughout the site is of significant assistance with this. I am therefore satisfied that drainage/flooding has been fully

considered with an acceptable mitigation strategy in place to address any impacts.

5.9.5 A contamination Assessment (desktop study) has also been submitted with the application. This indicates that the risk of contamination is low, and that risk from contamination spreading from the nearby industrial estate is also low. I concur with these findings, and require no further submission of details.

6. CONCLUSION

6.1.1 The development proposed would result in significant enhancements to the character and appearance of the Parkwood area. The buildings are well designed and the spaces around them respond to the context of the locality. Whilst the materials used would not replicate those within the vicinity, this would not detract from the locality.

6.1.2 Whilst the displacement of the occupiers of a number of single residential units has been raised as a concern by the Maidstone Housing Officer, it is acknowledged that through phases two and three, some of these may be able to be accommodated.

6.1.3 Concern was initially raised with regards to the landscaping provision, but through negotiations with the Council's Parks and Open Space Officers this matter has now been resolved, with the resultant proposal to the satisfaction of both parties. I consider the landscaping proposals to result in an enhancement of the appearance of the locality.

6.1.4 The applicant has provided a viability appraisal of the development site, and this, together with the positive work being undertaken to the surroundings of the site, would result in a development that would have a net gain in terms of the quality of lives to those within the vicinity of the site.

6.1.5 I therefore recommend that Members give this application favourable consideration and give the Head of Planning delegated power to approve subject to the receipt of a suitable section 106 legal agreement and the imposition of suitable conditions as set out below.

7. RECOMMENDATION

The head of Planning be given DELEGATED POWERS TO APPROVE subject to the completion of a suitable S106 agreement containing the following:

- 1) Contributions of £30,000 towards the enhancement of the existing stake park and the provision of outdoor play equipment;

2) A minimum of 40% affordable housing.

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

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with the National Planning Policy Framework (2012).

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers in accordance with the National Planning Policy Framework (2012).

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

Reason: No such details have been submitted and in the interest of amenity in accordance with the National Planning Policy Framework (2012).

5. The development shall not commence until, details of the colour of the external finish of the buildings have been submitted to and approved in writing by the Local Planning Authority. The approved colour scheme shall be fully implemented before the first occupation of the buildings and thereafter maintained;

Reason: In the interests of visual amenity in accordance with the National Planning Policy Framework (2012).

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

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety in accordance with the National Planning Policy Framework (2012).

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

Reason: No such details have been submitted in accordance with the National Planning Policy Framework (2012).

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

Reason: To ensure a satisfactory setting and external appearance to the development in accordance with the National Planning Policy Framework (2012).

9. The landscaping shall be carried out in accordance with the 'landscaping design statement and detailed proposals' as received by the Local Planning Authority on the 5 November 2012.

Reason: To secure a high quality of landscape design, in accordance with the National Planning Policy Framework (2012).

10. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas,

other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development for its permitted use and the landscape management shall be carried out in accordance with the approved plan over the period specified;

Reason: To ensure satisfactory maintenance and management of the landscaped area in accordance with the National Planning Policy Framework (2012).

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'. 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 in accordance with the National Planning Policy Framework (2012).

12. The dwellings shall achieve at least Level 3 of the Code for Sustainable Homes. Once works have completed on site, a certificate showing compliance with level 3 shall be submitted to the Local Planning Authority.

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

13. 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 the National Planning Policy Framework (2012).

14. 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.

15. 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 windows and doors and recesses/reveals (which shall be a minimum of 70mm).
- iii) Details of the junction of the timber boarding and the brickwork.

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 the National Planning Policy Framework (2012).

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

Reason: In the interest of pollution and flood prevention pursuant to the National Planning Policy Framework (2012).

17. No development shall take place until precise details of the SUDs system has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable design, in accordance with the National Planning Policy Framework (2012).

18. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority

for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reasons: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework (2012).

19. No occupation of the development hereby permitted shall take place until the raised tables along Wallis Avenue have been provided. The raised tables shall be designed and constructed to a specification approved by the Highways Authority.

Reason: In the interests of highway safety in accordance with the National Planning Policy Framework (2012).

20. The open areas within the residential development site shall remain open and available for public access and no fences, gates or other means of enclosure shall be placed or erected to preclude access to these areas at any time without the prior approval of the Local Planning Authority.

Reason: In the interests of permeability throughout the site, and to maintain the character and appearance of the landscaped areas, in accordance with Policy ENV6 of the Maidstone Borough-Wide Local Plan 2000.

21. No development shall take place until details of the placement of swift bricks and bat boxes have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of biodiversity in accordance with 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.

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

The developer shall implement a scheme for the use of wheel cleaning, dust laying and road sweeping, to ensure that vehicles do not deposit mud and other materials on the public highway in the vicinity of the site or create a dust nuisance.

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

No vehicles may arrive, depart, be loaded or unloaded within the general site, and plant and machinery shall not be operated, that would generate noise beyond the boundary of the site, except between the hours of 0800 hours and 1800 Mondays to Fridays and 0800 and 1300 hours on Saturdays (and at no time on Sundays or Bank or Public Holidays).

The applicant is encouraged to provide areas of cordwood within the development where possible.

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

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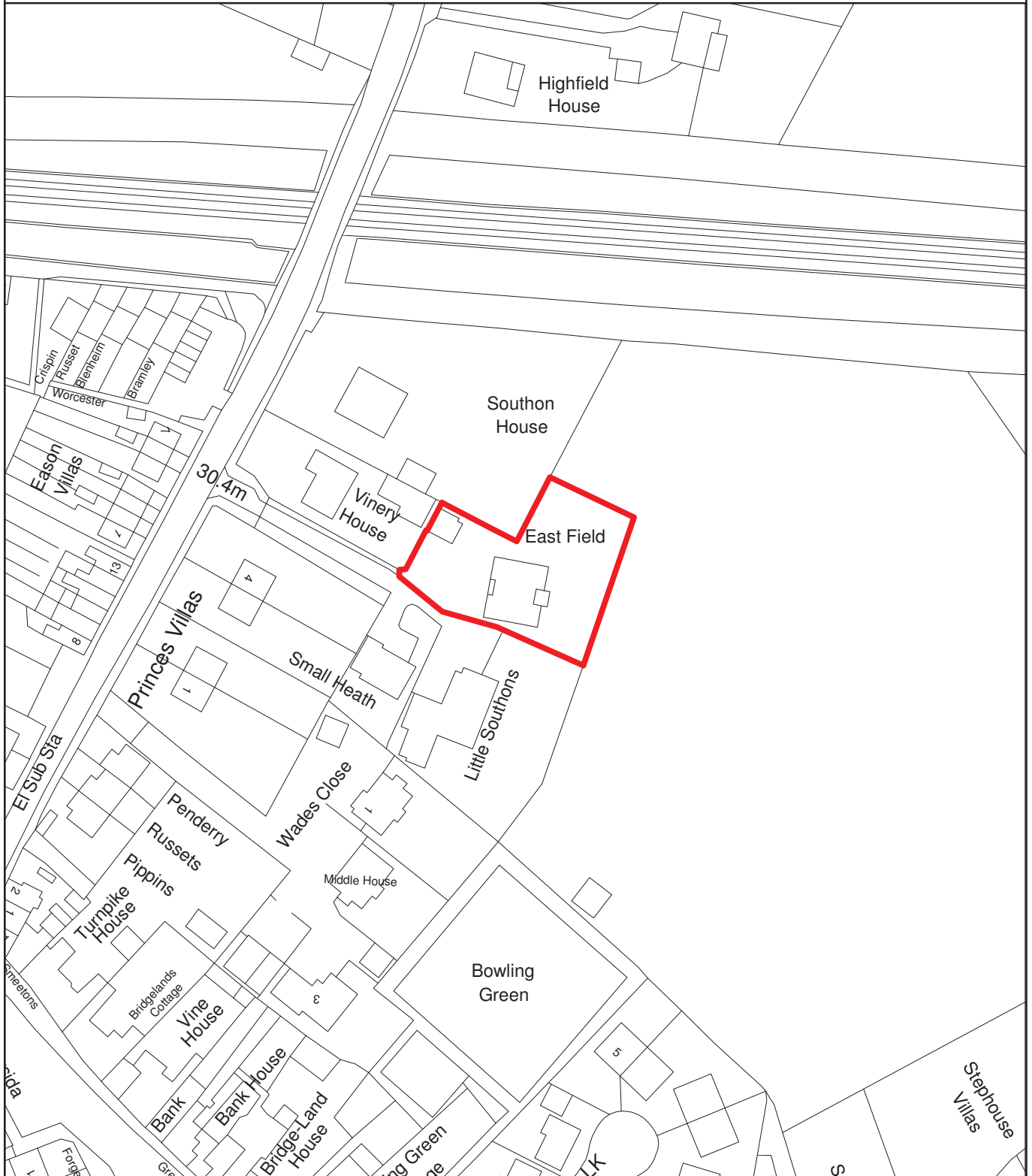
14. 2. 2013

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/12/1575

GRID REF: TQ7444

EAST FIELD, MAIDSTONE ROAD,
MARDEN.



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Rob Jarman
Head of Planning

APPLICATION: MA/12/1575 Date: 29 August 2012 Received: 29 August 2012

APPLICANT: Mr N Newton

LOCATION: EAST FIELD, MAIDSTONE ROAD, MARDEN, TONBRIDGE, KENT,
TN12 9AE

PARISH: Marden

PROPOSAL: Single storey side extension as shown on drawing numbers
1244NN-PP-02, 1244NN-PP-03, 1244NN-PP-05, 1244NN-PP-06,
1244NN-PP-07 & 1244NN-PP-08 received on 29/08/12.

AGENDA DATE: 21st February 2013

CASE OFFICER: Angela Welsford

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

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

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV28, H33
- South East Plan 2009: CC1, CC2, CC4, CC6, C4
- Government Policy: The National Planning Policy Framework.
- Other: Maidstone Local Development Framework, Residential Extensions Supplementary Planning Document (adopted May 2009).

2. HISTORY

| | |
|------------|--|
| MA/10/2124 | Conversion of existing roof void to create habitable rooms including 1 high level roof light to each side elevation and 3 roof lights to rear elevation – APPROVED WITH CONDITIONS |
| MA/01/0300 | Erection of 1 detached dwelling with access onto Maidstone Road (resubmission of MA/00/2031) – APPROVED WITH CONDITIONS |
| MA/00/2031 | Erection of 1 detached dwelling with access onto Maidstone Road – APPROVED WITH CONDITIONS |

3. CONSULTATIONS

- 3.1 **Marden Parish Council** wish to see the application refused due to the adverse impact on the existing dwelling caused by the pattern, size, form and appearance of the proposed extension.

4. REPRESENTATIONS

- 4.1 No representations have been received from local residents.

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 This application relates to a substantial, detached, two-storey dwelling in Marden. It has red brick elevations with some first floor tile-hanging and a plain tiled roof.
- 5.1.2 It was constructed as a back-land development on land adjoining 'Little Southons' (to the south) under planning permission MA/01/0300. All permitted development rights for extensions/alterations to the dwelling, erection of outbuildings within its curtilage and erection of fencing remain intact.
- 5.1.3 Although on the Local Plan proposals map the site falls just outside of the Marden village envelope and is therefore classed as being in open countryside, in reality the property feels very much a part of Marden village, with access off of Maidstone Road between 'Vinery House' and 4 Princes Villas (both of which fall within the settlement boundary), plus it is seen as being part of the village and in conjunction with dwellings located inside the settlement boundary when viewed from the field to the rear, which is owned by Marden Parish Council.

5.2 Proposal

- 5.2.1 Planning permission is sought to erect a single storey side extension to form a garden room.
- 5.2.2 This would be positioned on the north side of the dwelling and attached to its north-east corner by way of a flat-roofed link with footprint of 2.4m x 2.7m approximately. The main part of the extension would have a footprint of approximately 9.9m wide by 5.6m deep and would generally stand 2.8m high with a parapet wall on the northern and western sides. The flat roof would feature two lantern roof lights, and the rear (east) elevation two sets of six-panel sliding glass doors, with a further three-panel set on the link section.

5.2.3 The bricks used would match those of the existing dwelling.

5.3 Principle of Development

5.3.1 Modest extensions to existing dwellings are permissible under Local Plan Policy H33 provided that they are acceptable in terms of their scale, design and impact on the form of the host dwelling, their impact on the surrounding area and their impact on the amenity of neighbouring occupiers. These matters will now be considered below.

5.4 Visual Impact

5.4.1 The proposed extension would not have any significant visual impact on the surrounding area.

5.4.2 The application building is set back approximately 62m from Maidstone Road at the end of a private drive and behind other properties on the road frontage, such that only the first floor is really visible, at a distance, in public views. In addition, the extension would be set back approximately 9m from the front elevation and has been designed with a flat/parapet roof, and consequently I do not consider that it would be visible in public views from Maidstone Road or have any significant impact on the character of the building as seen from there.

5.4.3 The railway line, to the north, is in a cutting at this point, so would not afford public views of the site, plus the northern boundary is well-vegetated and provides ample screening in any case.

5.4.4 The field to the rear of the property is understood to be owned by Marden Parish Council. The applicant states that it was purchased from a former owner of 'Little Southons' in 2006/7, but no planning permission has ever been granted for its use as an area of public open space as opposed to an extension of the neighbouring garden, and that it has restricted access, including no dogs, as defined by the Parish Council. I have checked the planning history and can confirm that no such planning permission has been granted. This field is the only "public" vantage point from which the extension would be visible. The design of the extension is not considered to be good. Nevertheless, although it would almost be the same width as the host building, the extension would still appear clearly subordinate due to its single storey nature and the considerable amount of glazing on the east-facing elevation which would give it a less solid, more light-weight appearance. In addition, the link element would be set in 2.6m from the main rear wall of the extension, which would help create a visual break with the dwelling and provide an element of relief between the two built forms. Moreover, I do not consider the pattern of glazing on this elevation to be out of keeping with the host building, which itself exhibits two sets of four-panel,

full-height glazing and a fully-glazed conservatory across its rear elevation. In view of these points, despite its design, I do not consider that the extension would cause any material harm to the original form or character of the host dwelling or its surroundings.

5.4.5 It is also noted that the property has its permitted development rights intact and has not previously been extended. This means that, in terms of the fall-back position, a building of the same, or even greater, footprint and only marginally reduced height could be achieved in this position without the need for planning permission simply by omitting a link to the house. It also means that the applicant could remove the existing low wooden criss-cross fencing on the rear boundary and, without planning permission, erect a 2m high solid fence that would prevent views from the "public" vantage point of the field.

5.4.6 The building is not listed and does not fall within a particularly sensitive location such as a conservation area or Area of Outstanding Natural Beauty. I believe the extension would be of an appropriately subordinate scale in relation to the substantial host building and, on considering the points set out in the preceding paragraphs, do not consider that it would cause material harm to its form or character or the character and appearance of the surroundings sufficient to justify a refusal of planning permission that could be sustained at appeal. I also note that a very similar development could be achieved as permitted development. On balance, therefore, I find the visual impact of the proposal to be acceptable.

5.5 Residential Amenity

5.5.1 The extension would be in the region of 40m from 'Southon House' and 'Vinery House' (to the west), and in the case of the latter would be screened by the applicant's own pitched-roofed double garage. It would also be screened from 'Little Southons' (to the south) by the application dwelling. In these circumstances, and in view of its relatively low height, I do not consider that there would be any significantly detrimental impact on the amenity of neighbouring occupiers in terms of daylight, sunlight, privacy or outlook.

5.6 Highways

5.6.1 The development would not affect access or parking arrangements at the property, nor generate a need for additional parking spaces.

5.7 Landscaping

5.7.1 The proposed location of the extension is predominantly laid to lawn, with some encroachment into an existing shrub bed. The loss of vegetation would be

minimal, and the remainder of the large garden is well-planted. No significant trees would be affected.

5.8 Other Matters

- 5.8.1 In view of the proximity to the house, the close-cropped lawn and the domestic nature of the planting that would be affected, I do not consider that there would be any significant impact on ecology, nor that any ecological measures will be necessary.

6. CONCLUSION

- 6.1 Taking all of the above into account, I conclude that the proposal complies with Development Plan Policy, the aims of the Council's adopted residential extensions guidelines and Central Government Guidance, and that there are no overriding material considerations to indicate a refusal. I therefore recommend that Members grant planning permission subject to the conditions set out below.

7. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

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

Drawing numbers 1244NN-PP-02, 1244NN-PP-03, 1244NN-PP-05, 1244NN-PP-06, 1244NN-PP-07 & 1244NN-PP-08 received on 29/08/12;

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 ENV28 & H33 of the Maidstone Borough Wide Local Plan 2000 and C4 of The South East Plan RSS 2009.

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

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

with Policies ENV28 & H33 of the Maidstone Borough Wide Local Plan 2000 and C4 of The South East Plan RSS 2009.

Note to applicant:

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was acceptable as submitted and no further assistance was required.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

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

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14.11.2012



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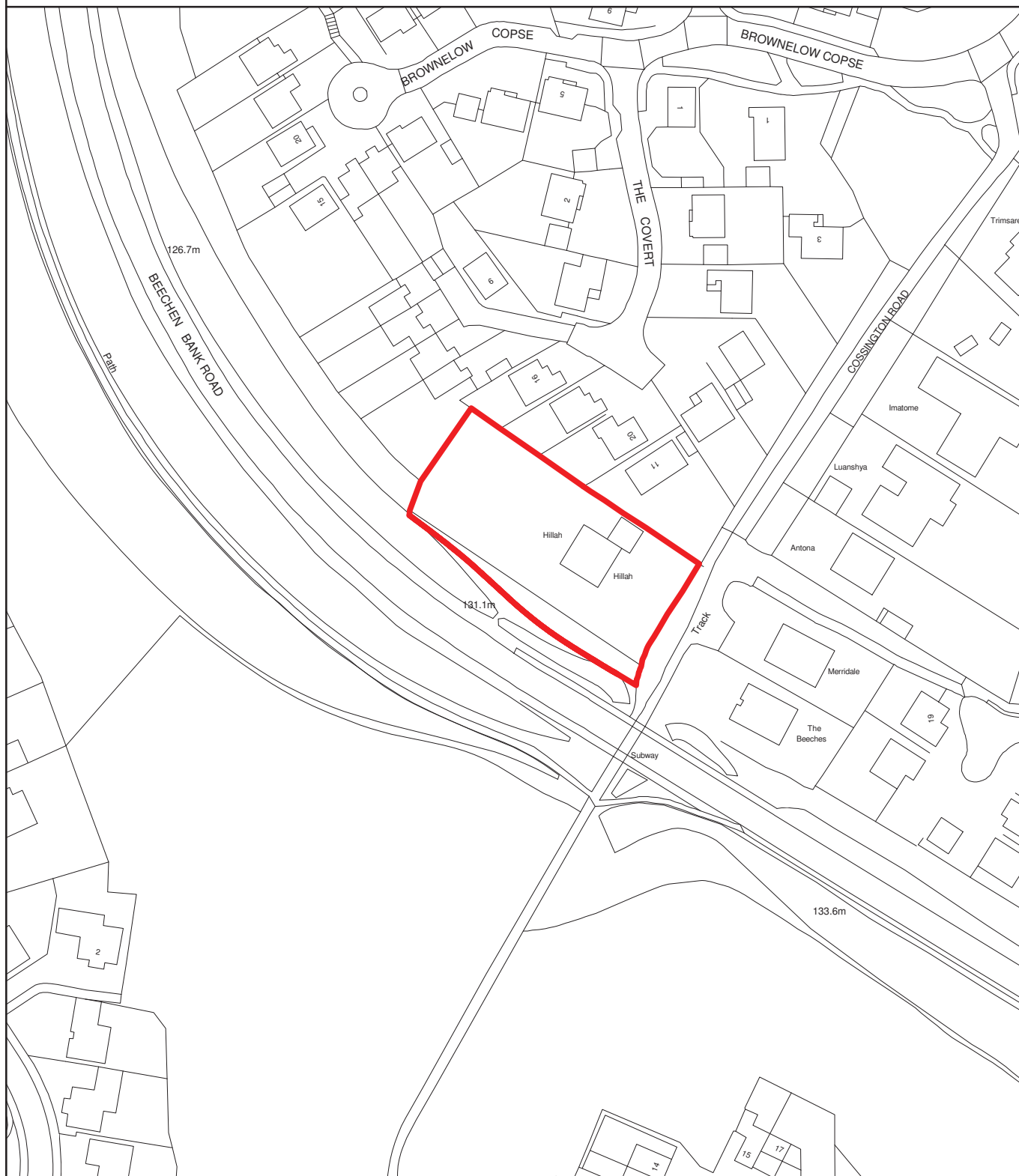


THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/12/1629

GRID REF: TQ7662

HILLAH, COSSINGTON ROAD,
BOXLEY.



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Rob Jarman
Head of Planning

APPLICATION: MA/12/1629 Date: 28 July 2012 Received: 5 September 2012
APPLICANT: Ms Helen Bell-Robinson
LOCATION: HILLAH, COSSINGTON ROAD, BOXLEY, CHATHAM, KENT, ME5 9JB
PARISH: Boxley
PROPOSAL: Erection of detached four bedroom dwelling (Resubmission of MA/12/0375) as shown on Drawing Hillah 05, Drawing SDS 202769.01, scale 1:1250 site location plan and supporting design and access statement received 05 September 2012 and amended plans Hillah 04A and 06A received 31 January 2012
AGENDA DATE: 21st February 2013
CASE OFFICER: Laura Gregory

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

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

1. POLICIES

- Maidstone Borough Wide Local Plan 2000: ENV6
- South East Plan 2009: CC1, CC4, CC6, BE1, NRM5
- The National Planning Policy Framework 2012

2. HISTORY

MA/12/0375 - Erection of a detached four bedroom dwelling - WITHDRAWN

3. CONSULTATIONS

3.1 **Boxley Parish Council** - Wish to see the application REFUSED and request the application is reported to the Planning Committee for the following reasons:

- Due to the size of the footprint and the small site, the proposed development would have an adverse impact on the neighbours, including a possible loss of privacy.
- The proposed development and footprint overwhelms the site which is infilling in a garden.

- The proposed building would be built on an elevated section of the site and would have an adverse impact on the street scene and character of the area.
- Development will result in loss of trees and wildlife habitats.
- The introduction of hard surfacing and a long driveway would add to the flooding issue that already exists on Cossington Lane (an unadopted road). During rain storms the lane is subject to a 'river' of water sweeping down from the steep sided woodland valley. The hard surfaced footpath (KH656) becomes a funnel for water draining from the two higher adjacent areas. Additional water coming off the proposed hard surfaces would add to this problem as the lane has no highway drainage.
- The additional access/egress will be directly beside the footpath subway to the woods. Additional traffic movements at this point will create health and safety issues for pedestrians.

If the Planning Officer is minded to agree then

- Landscaping should be required to shield neighbours.
- Traffic management conditions to control issues that will be raised during construction.

3.2 **Councillor Hinder** objects to the applications for the following reasons:

- Development is too large for the plot.
- There will be a severe loss of privacy to the residents of The Covert, due to the elevated position of the site, proposed bedrooms will face directly on to the houses.
- Detrimental impact on the street scene due to the scale of development.
- Loss of trees and wildlife due to felling of a large number of mature trees.
- It is against the wishes of local residents.
- Local properties could suffer from flooding issues due to the position of the site. This road already suffers from rain water which runs down from the woods, and I have concerns that a soakaway could cause problems for residents further down the road. This is a private road and residents have to maintain the road themselves. Further development coupled with the loss of trees could exacerbate the problem.

4. REPRESENTATIONS

4.1 Eleven letters of objection raising the following objections:

- Loss of light and privacy caused to the properties in The Covert.
- Loss of light and privacy to houses in Brownlow Copse.
- Unsuitable site for a new dwelling. Proposed dwelling is too large and would be overpowering and visually intrusive and out of character with the area.
- Design is out of keeping with the surrounding area.
- White UPVC windows frames are out of keeping and should be brown.
- Access and its close proximity to the access to the entrance to the underpass will be hazardous to the safety of pedestrians.
- Cossington Road is an unmade private road and is not capable of accommodating the additional traffic generated by the proposed dwelling.
- Development would exacerbate traffic congestion.
- Additional connections to household services such as gas, electricity, sewerage disposal would impact on an already overloaded system.
- Additional house would impact negatively on the wildlife, shrubs and trees with the removal of the trees on site.
- Garden build takes away open space.
- Garage should be moved further back into the plot to provide additional turning and parking space and to avoid disruption with increased traffics at the top of Cossington Road.
- No further trees should be removed from the site and trees to the front of the site should be retained.
- Development will affect drainage in the area and cause possible flooding due to loss of natural soakaway and use of non permeable building materials.
- Roof of the bungalow could be converted and the dwelling would become two storey.
- Conditions should be imposed restricting further development once the house is constructed, prevent bonfires on site, restrict building works to during the week, and to reinstate landscaping and trees and, the surface of Cossington Road after the heavy lorries have used it.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The application site is located within the urban area of Walderslade in the parish of Boxley. Located on Cossington Road a private no-through road, the site contains a detached bungalow otherwise referred to as 'Hillah'. Set back from the road by approximately 10m, with a gravelled, circular driveway to the front, the property is surrounded by mature trees. It is not listed and is not subject to any landscape restrictions as designated with the Development Plan.

5.1.2 Cossington Road provides access to a number of detached dwellings of varied scale, age and design. With undulating land levels on both sides, the road rises steeply to the south and ends with the embankment of Beechen Bank Road and pedestrian underpass which leads into Walderslade Woods. Cossington Road is lined with mature trees to the west and with the exception of the application site, the houses are located on the eastern side of the road. The houses are of varied scale and appearance with significant landscaping to the rear which screens them from houses in Travertine Road to the east. The road has a sylvan character and appears very secluded, well divorced from neighbouring streets, The Covert to the north and, Travertine Road.

5.2 Proposal

5.2.1 Planning permission is sought for the erection of detached bungalow in the rear garden of 'Hillah'. The proposed bungalow would be four bedroomed and would measure 15m wide and 12.9m deep with two projecting hipped elements to the front and rear. The house would have a fully hipped roof which would have a ridge height of 5.2m and an eaves height of 2.5m.

5.2.2 Set back from the road by approximately 45m, the proposed dwelling would have a detached garage which be positioned at the foot of the proposed front garden. The garage would be flat roofed and would measure 5m wide and 5.4m deep and would have a height of 3.1m. The proposed garage and associated driveway would be sited adjacent to the drive of 'Hillah'. The driveway would be block paved and would be accessed from Cossington Road. The area of land between the proposed garage and the house is to be landscaped and a footpath leading up from the driveway to the house is proposed.

- 5.2.3 Boundary treatments are proposed and these would consist of 2m high close boarded fencing along the garden boundary with 'Hillah' and post and rail fencing between the two driveways of the two houses.
- 5.2.4 It is proposed that the house would achieve a Code for Sustainable Homes rating of Level 3 using sustainable and high insulation in the walls, windows, roof and floors.
- 5.2.5 This application is a resubmission of MA/12/0375. It was originally proposed to construct a two storey dwelling with a detached garage and associated driveway. The proposal was considered unacceptable, due its scale and design. It would have caused significant visual harm and would have been detrimental to the residential amenity of the occupants of 'Hillah', causing loss of light, privacy, and noise.
- 5.2.6 Pre-application discussions have since taken place with regards to this proposal and in particular with regard to its scale and design. This has led to this current scheme which reduces the size of the proposed dwelling and amends its layout and design.

5.3 **Principle of Development**

- 5.3.1 Development Plan and Central Government Policy encourage new housing in sustainable urban locations as an alternative to residential development in more remote countryside situations. In this case, the site lies within the urban area and is within walking distance of a number of shops, services and local bus routes. Therefore the site is considered to constitute a sustainable location. New housing in urban locations is acceptable in principle, especially where the wider character of the area is predominantly residential, but clearly the detail of the scheme must be appropriate.
- 5.3.2 The lack of a 5 year supply is a relevant factor but this does not, by itself, mean that this application should be approved. Indeed, this proposal would make a relatively marginal contribution to the borough's housing land supply position. It is the specific details of this proposal that, in my view, determine whether the development is acceptable.

5.3.3 In March 2012 the National Planning Policy Framework (NPPF) was adopted. Under paragraph 53 of the NPPF it is stated that "*local planning authorities should consider the case...to resist inappropriate development of residential gardens*". This does not mean to say that all development in gardens is unacceptable and should be refused. It is only in cases where the development would cause harm to the local area that proposals for garden development should be resisted. As with any development a balance must be struck between providing efficient use of the land and reflecting the pattern, character and grain of the surrounding development. This advice is reflected within 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 One of the main issues of concern with the previous application, was the visual impact the development would have had on the character and appearance of the street and surrounding area. It was proposed to construct a two storey dwelling in the rear garden of a bungalow which, by virtue of its size and position would have been over dominant and visually intrusive.

5.4.2 In contrast, this proposal would cause significantly less visual harm. By virtue of its reduced height, the dwelling would appear less intrusive and imposing. Viewed against a backdrop of trees which line the northwest boundary and screened from Beechen Bank Road by shrubs and trees within the site and along the road embankment, the proposed dwelling would not impact upon the wider area. A well proportioned building, the proposed bungalow would sit well within the site and with space to the front and side.

5.4.3 The design of the proposed dwelling is simple but I consider this to be acceptable given the limited views of the dwelling and its limited impact upon the character and appearance of the street and surrounding area. Still, to ensure that a satisfactory external appearance to the development is maintained, details of the proposed materials and of the recesses of the proposed windows and doors should be submitted for approval.

5.4.4 No trees are proposed to be removed as part of the proposal with all existing trees on site to be retained. The retention of trees along the side and rear boundaries, softens the appearance of the development and ensures that the sylvan character of the area is preserved. The reduced length of the driveway

and the provision of soft landscaping to the front of the site would enhance the character and appearance of the locality and with a suitable, high standard of planting proposed, the proposed landscaping would not just enhance the development immediately, but in the longer term also.

5.4.5 The materials proposed within the development are brick and cream render with slate tiles. Windows are proposed to be white UPVC. I consider this to be acceptable within this locality. However I think it is important that samples of the brick and roof tile are submitted, to ensure a high quality finish of the development.

5.4.6 Overall, I am satisfied that the proposed design and layout of the development is of an acceptable standard. The proposal in my view would respond positively to local character of the area, in accordance with the Development Plan.

5.5 **Landscaping**

5.5.1 In terms of the landscaping, negotiations have taken place to ensure a suitable level of landscaping which is in accordance within the Council's adopted landscape character assessment and guidelines and an amended scheme has been submitted. The scheme shows a reduction in the length of the proposed driveway and proposes raised flower beds creating a terraced front garden. The proposed planting is a mix of native and ornamental species with Hazel, Holly and Copper Beech proposed. Details of the proposed ornamental shrubbery have not been confirmed.

5.5.2 The reduction of hardsurfacing at the front of the site and its replacement with landscaping is appropriate, creating a softer frontage, and enhancing the appearance of the new driveway, garage and footpath. The planting of new trees in my view would significantly improve the appearance of the development and maintain and enhance the sylvan character of the area. The proposed lawn and patio would provide the residents with good amount of private amenity space.

5.5.3 Overall, the proposed landscaping scheme is considered acceptable and would enhance the character and appearance of the area. I am therefore satisfied that the proposal complies with the Development Plan.

5.6 Highway Considerations

- 5.6.1 Local residents have raised concern that the proposed development causes a hazard to pedestrian safety due to the close proximity of the new access to the pedestrian underpass.
- 5.6.2 Taking the residents concerns into account, access into and out of the site will be via the new access proposed off Cossington Road. It is considered to be wide enough for the use proposed with good pedestrian visibility splays; the entrance to the underpass is highly visible. Given that the access will be onto a private residential street and visibility splays on the access are good, the impact on highway safety, in my view, would be minimal. In any case, the site is at the end of the road, and the condition of the road; it is unmade track; is such that vehicles using the road are unlikely to be travelling at high speeds.
- 5.6.3 Cossington Road would see some increase in the number of vehicle movements as a consequence of this proposal. However, as only one dwelling is proposed and the road is a no-through road, I do not consider that any harm to highway safety would be caused. Turning space is proposed within the new drive and this would allow vehicles to exit in forward gear. I therefore do not consider that any harm to pedestrian safety would be caused by this proposal.

5.7 Residential Amenity Considerations

- 5.7.1 In terms of the issue of residential amenity, local residents have objected to the development stating that the proposed dwelling would cause a loss of privacy and overshadow their property in The Covert and Brownlow Copse to the north. The proposed dwelling will be approximately 90m from the nearest house in Brownlow Copse. At this distance I am satisfied the proposed development would not have a detrimental impact upon the residential amenity of this property or indeed on any of the dwellings in Brownlow Copse.
- 5.7.2 With regard to the impact upon the dwellings in The Covert, the proposed dwelling will now be single storey and would be sited some 10m from the boundary of these houses. With protected trees along the north east and north west boundaries of the application site, and trees in the gardens of the neighbouring properties, I am satisfied that the proposed dwelling would not result in a significant or unacceptable loss of privacy to these houses. Likewise,

for these reasons I do not consider that the dwelling will cause a significant or unacceptable loss of light.

5.7.3 Considering the impact the proposal would have on the residential amenity of 'Hillah', the reduced height of the dwelling reduces the overbearing impact the development would have upon 'Hillah'. Sited to the north west of this property, the development will not result in any significant or unacceptable loss of light. With the removal of the second storey and the installation of 2m high close boarded fencing along the boundary of the application site with 'Hillah', the privacy of the existing dwelling would remain protected and no unacceptable overlooking of this property would be caused.

5.7.4 I note the neighbour's comments that the garage and driveway should be set back further into the site. However, in my view, the driveway and garage should be kept to the front of the site, as this reduces the amount of noise which would otherwise be caused to the occupants of 'Hillah', by vehicle movements on the drive.

5.7.5 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.

5.8 **Code for Sustainable Homes**

5.8.1 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 and high insulation in the wall, windows, roof and floors. This is acceptable and I suggest a condition is imposed accordingly to ensure such a level is achieved.

5.9 **Other Matters**

5.9.1 The site is a residential garden within the urban area of Walderlsade. With the exception of the surrounding trees, it is surrounded by houses with a road to the north west. Due to the level of building in the area and given that it is not located within close proximity of waterways, ponds or local wildlife sites, I do not consider that the proposal raises any ecological issues.

- 5.9.2 Considering the issues raised about drainage, the proposed driveway is to be constructed using block paving, the front garden would be terraced and landscaped and a soakaway is proposed at the foot of the driveway. To my mind the reduced amount of proposed hardstanding, the use of permeable surfaces and the proposed landscaping to the front of the site, would significantly reduce the amount of surface water draining into the road and prevent localised flooding in the street.
- 5.9.3 I note the neighbours concerns about the future occupiers converting the loft of the proposed dwelling to create a two storey dwelling. Given that any extension to the proposed dwelling would be likely to impact upon the amenity of the surrounding dwellings, I suggest a condition is imposed accordingly that removes permitted development rights to extend the dwelling, to safeguard the amenity of the surrounding neighbouring occupiers.

6. CONCLUSION

- 6.1 In conclusion, I consider that this is an acceptable proposal that would result in minimal harm to the character and appearance of the surrounding area. 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 consider that this proposal is acceptable and in accordance with the provisions of the Development Plan. With no overriding matters that would otherwise indicate a refusal, I recommend that the application is approved subject to the following conditions.

7. RECOMMENDATION

GRANT PLANNING PERMISSION SUBJECT TO THE FOLLOWING CONDITIONS:

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

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

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

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

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

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

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

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

5. 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 advice contained within the National Planning Policy Framework 2012 .

6. The dwelling 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.

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

Reason: To safeguard the character and appearance of the development and 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 advice contained within the National Planning Policy Framework 2012 .

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

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety in accordance with policies T13 of Maidstone Borough-Wide Local Plan 2000 and policy T4 of the South East Plan 2009 and advice contained within the National Planning Policy Framework 2012 .

9. The development hereby permitted shall be carried out in accordance with the following approved plans:
Drawings Hillah 04A and Hillah 06/A

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

harm to the residential amenity of neighbouring occupiers in accordance with and in accordance with policies CC6, BE1 and T4 of the South East Plan 2009 and advice contained within the National Planning Policy Framework 2012 .

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

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25.04.2012



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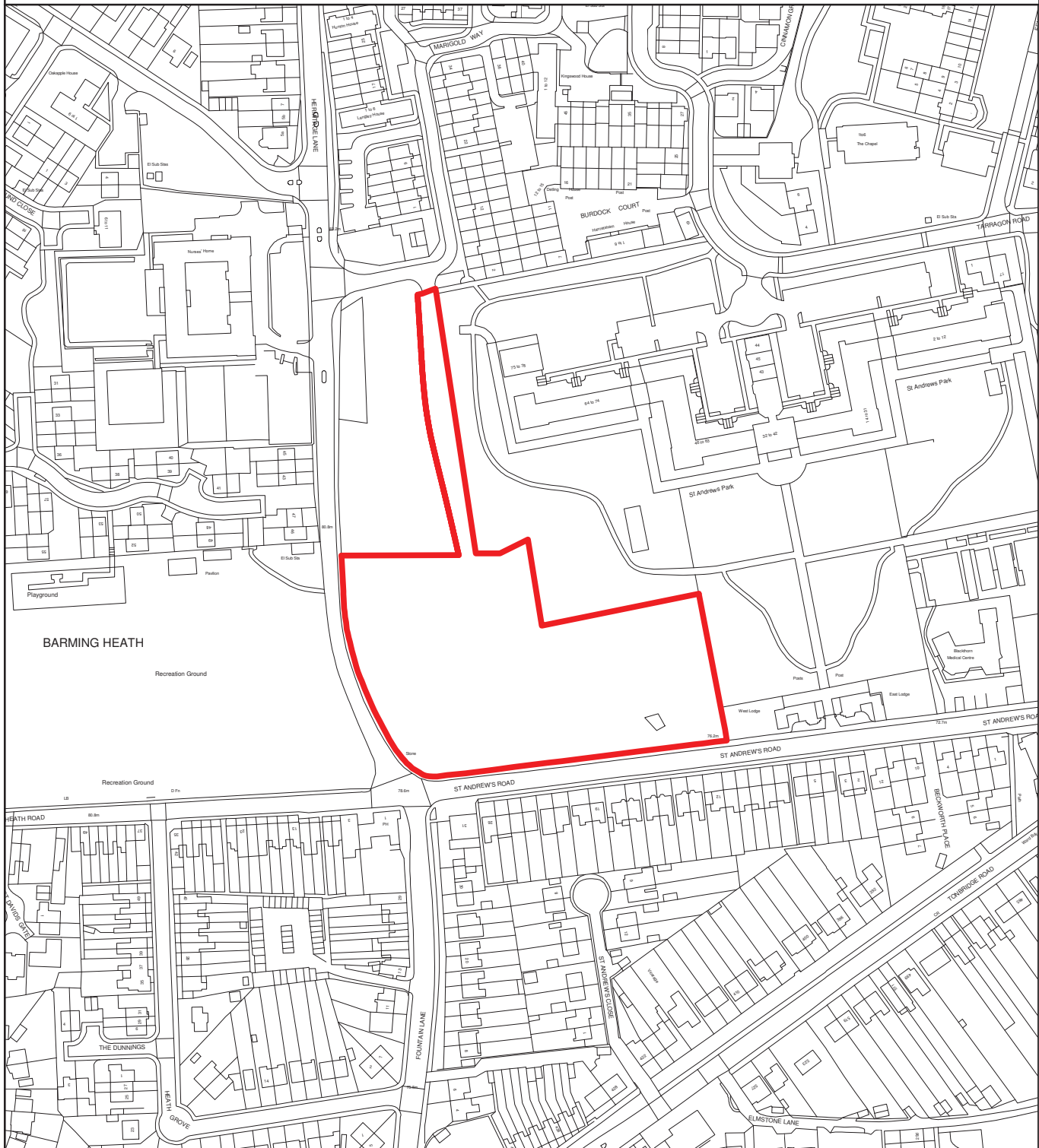


THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/12/1749

GRID REF: TQ7355

LAND OFF MARIGOLD WAY,
MAIDSTONE.



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Rob Jarman
Head of Planning

APPLICATION: MA/12/1749 Date: 25 September 2012 Received: 26 September 2012

APPLICANT: Taylor Wimpey (South East) Ltd

LOCATION: LAND OFF, MARIGOLD WAY, MAIDSTONE, KENT

PARISH: Maidstone

PROPOSAL: Erection of 40 no. dwellings (including 40% affordable housing) together with public open space and new vehicle and pedestrian access from Marigold Way in accordance with plans numbered 1489/06; 1489/01A; 1489/02A and 1489/CARPORTS/01A as received on 22 November 2012, and plans numbered 1489/02; 1489/03; 1489/04; general landscape strategy plan; house type plans; planning and historic building statement; statement of community involvement; application site plan; planning supporting statement; transport statement; tree survey; environmental performance statement; ecology survey; site investigation and risk assessment report and flood risk assessment as submitted on 26 September 2012.

AGENDA DATE: 21st February 2013

CASE OFFICER: Chris Hawkins

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

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

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: H1, H11, ENV6, ENV22, ENV27, ENV34, T1, T13, T21, T23CF8 (iii) Affordable Housing Development Plan Document (2008); Open Space DPD (2008)
- South East Plan 2009: CC1, CC6, CC8, H1, H5, T4, T7, NRM4, NRM11, AORS6, AORS7, BE1
- Village Design Statement: N/A
- Government Policy: National Planning Policy Framework (2012), Ministerial Planning for Growth Letter.

2. HISTORY

MA/12/2250 Land Off Marigold Way, Maidstone, Kent. Application for listed building consent to demolish part of ragstone wall and installation of a security gate. Approved.

There is other planning history upon the neighbouring land, however, none of this is directly related to the planning application before Members.

3. CONSULTATIONS

3.1 **Maidstone Borough Council Landscape Officer** was consulted on this application and made the following comments:

3.1.1 'There are protected trees on and adjacent to this site. The Tree Preservation Order, TPO No. 1 of 1994, protects individual trees and groups of trees to the east and north/north east of the housing land.

3.1.2 The tree survey submitted by the applicant is comprehensive and shows the retention of the majority of the protected trees except for two B category trees, a Beech marked as T10 on the planning layout and a Sycamore marked as T11. There is no tree constraints plan but I assume the access road has been sited to minimise impact to adjacent protected trees but there is no evidence to indicate why it was considered more acceptable to lose these two trees as opposed to protected trees T27, T28 & T29 which are three Sycamores, one of which has been classified for removal.

3.1.3 However, apart from this question, I generally have no objection on arboricultural grounds subject to conditions requiring full compliance with the arboricultural impact assessment and arboricultural method statement. A detailed landscape scheme will also be required.'

3.2 **Maidstone Borough Council Environmental Health Officer** was consulted and raised no objections to this proposal subject to the imposition of a suitable safeguarding condition relating to contamination.

3.3 **Kent County Council (Mouchel)** were consulted on this application and requested that the following contributions be made:

3.3.1 A financial contribution of £287,090.27 towards primary school education. This would contribute to a new two form entry primary school within the locality that would be required due to the additional strain placed upon the existing school network by virtue of this development.

3.3.2 A financial contribution of £8289.68 towards the provision of new bookstock within the existing library in Maidstone.

3.3.3 A financial contribution of £1710.78 towards youth facilities within the locality of the application site.

3.3.4 A financial contribution of £621.94 towards community learning within the locality of the application site.

3.3.5 These requests are fully considered within the main body of the report.

3.4 Kent Highway Services were consulted on this application and made the following comments:

- Visibility Splays as proposed are considered acceptable;
- The crash record indicates that there is not a crash problem along Marigold Way, or along Hermitage Lane in the vicinity of this site;
- The nearby bus stops should be enhanced with bus boarders;
- The proposed pedestrian link should be wide enough to allow for cycle movements;
- The installation of a pedestrian refuge to the north of the traffic lights should be investigated.

3.4.1 Concern was initially raised with regards to the layout, and whether it would be to adoptable standards. Amended plans were subsequently submitted, and have been agreed with Kent Highway Services.

3.4.2 However, concerns remain that tandem parking is proposed, and that the garages, as shown should not be counted as parking spaces. This matter is fully considered in the body of the report.

3.5 Kent County Council Ecology were consulted on this application and made the following comments:

3.5.1 'Thank you for the opportunity to comment on this application. We have the following response to make:

3.5.2 Under the Natural Environment and Rural Communities Act (2006), "*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*". In order to comply with this 'Biodiversity Duty', planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.

- 3.5.3 The National Planning Policy Framework states that *"the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible."*
- 3.5.4 Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that *'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision.'*
- 3.5.5 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.
- 3.5.6 The *Updated Extended Phase 1 Habitat Survey with Bat Emergence Survey* report has been submitted in support of this application. The assessment report lacks some clarity but concludes that most of the habitats present on the site are of *"relatively low ecological value"* (relative to what is not explained), although the trees and woodland have *"intrinsic ecological value"* and the potential for protected species use of the site was identified (bats and reptiles).
- 3.5.7 The report provides a summary of the bat emergence survey that was undertaken in relation to Tree 10. While no bats were recorded emerging from the tree, common pipistrelle activity was recorded. The flight paths are indicated on Figure 2 of the report, however there is no information to show the frequency of activity to enable an assessment of the importance of the site as foraging habitat. Extensive development works have taken place across the wider hospital site over the last 10-20 years which may have resulted in greater concentration of activity across the site.
- 3.5.8 There is habitat suitable for reptiles present on the site and the report states that a presence/absence survey was undertaken. The report of the reptile survey has not been submitted and we advise that this is sought so that the survey method, results and conclusions can be appraised.
- 3.5.9 Various recommendations are made relating to ecological mitigation, including:

- 3.5.10 No vegetation removal during the nesting bird season, unless preceded by an inspection undertaken by a suitably experienced ecologist. If nesting birds are identified, the vegetation must not be impacted or removed until the young have fledged;
- 3.5.11 Tree T10 must be soft-felled under the instruction of a suitably experienced and licensed ecologist;
- 3.5.12 The lighting scheme must be sympathetic to foraging and commuting bats (see end of this note for a summary of recommendations from the Bat Conservation Trust).
- 3.5.13 These measures must be implemented. One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged". Ecological enhancement recommendations are provided within section 5 of the report. We advise that the landscaping scheme must incorporate these measures.'
- 3.6 Kent Country Council Archaeology** were consulted and raised no objection to the proposal subject to the imposition of a condition requiring a programme of archaeological work to be undertaken.
- 3.7 Southern Water** were consulted on this application and raised no objections to this proposal, subject to the imposition of conditions relating to the details of on site drainage.
- 3.8 EDF Energy** were consulted on this application and raised no objections to the proposal.
- 3.9 The Primary Care Trust** were consulted on the application and raised no objection to the proposal subject to the provision of contributions totalling £25,920 which would be spent on surgeries within the locality of the application site. This money has been requested in order to address the additional strain placed upon existing facilities within the area due to the increase in housing numbers.
- 3.10 The Environment Agency** were consulted and following discussions with the applicant, raised no objections to the proposal, subject to the imposition of conditions relating to surface water drainage, and contamination.

4. REPRESENTATIONS

- 4.1 **Councillor Moss** called the application to Committee for the following reasons:

4.1.1 'As the Draft Strategic Transport Strategy has been rejected and referred back to KCC the boundary wall of this development forms part of proposals by the local community to move it further on site to widen Hermitage Lane and improve the junction with Heath Road by creating a right filter lane.

4.1.2 It is asked that a decision be deferred until a further draft strategy has been produced.'

4.1.3 **Neighbouring occupiers** were notified of the application and 5 letters of objection have been received. The main concerns within these letters are summarised below:

- Increase in traffic movements which would be to the detriment of congestion and highway safety;
- The existing infrastructure is not of sufficient quality to accommodate additional housing;
- The housing development might exacerbate subsidence within the area;
- It is an ambulance route;
- The impact of anti-social behaviour on existing residents;
- There is a family of foxes on the site;
- Concern that the parking bays will be used by commercial vehicles;
- More trees should be planted within the area;
- The proposal would appear visually intrusive within the area;
- There would be an increase in overlooking to existing properties;
- There are already not enough doctors and schools within the area;
- The proposal would not be in accordance with the Core Strategy;
- The puncture of the grade II listed wall is unacceptable (this is subject to a separate listed building consent);
- Development of this nature should be on brownfield land.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The application site is located within the urban confines of Maidstone, at the junction of Hermitage Lane and St Andrews Road. It sits within the grounds of the listed former hospital, which has now been converted into flats as part of a comprehensive redevelopment. The site subject to this planning application is allocated within the Maidstone Borough Wide Local Plan (2000) for use as a primary school, which was sought to accommodate the additional family houses constructed following the by the housing allocation within the hospital grounds. These houses have now all been constructed within the grounds.

- 5.1.2 At present the site is in part overgrown, although the southern section is on somewhat of a plateau that has shorter grass. The area beneath the trees within the northern section of the site is more overgrown.
- 5.1.3 There is a change in levels between the former hospital grounds and the plateau within the southern section of the site. This change in level is approximately 1.5metres.
- 5.1.4 Along the southern and western boundary of the application site is a ragstone wall, that forms the curtilage of the listed hospital – this wall is therefore listed. The wall also returns along the eastern boundary of the application site. The wall is approximately 2metres in height.
- 5.1.5 St. Andrews House is a Grade II listed building, of ragstone construction, which has now been converted (to a particularly high standard) to apartments. This property overlooks the open space to the front of the site, as well as the access road from its western elevation.
- 5.1.6 To the south of the site is St Andrews Road, which is characterised by two storey properties which are set back from the road by approximately 6metres. St Andrews Road is currently a no-through road, and as such on street parking occurs along its length.
- 5.1.7 To the west of the application site is a recreation ground, containing sports pitches and children’s play equipment. This is open on both the Hermitage Lane and Heath Road frontages.
- 5.1.8 To the east of the site are a small cluster of buildings, set behind a high ragstone wall. Further eastwards is a medical centre.
- 5.1.9 The application site is located within a sustainable location, within walking distance of the shopping parade upon the access road for the hospital (to the north), and to bus stops located upon the A20 (London Road) which provide a frequent service into the centre of Maidstone.

5.2 Proposal

- 5.2.1 This is a full planning application for the erection of 40 houses and associated open space, with access to be served from Marigold Way. The application has been subject to a significant level of pre-application discussion, prior to its submission.
- 5.2.2 The access to the site would be obtained from the north where there are currently two large metal gates – an informal access track has already been

formed to the southern part of the site. This access would consist of a blocked paved road with a width of 4.1metres, that would also include parking bays along its eastern side. A number of trees are proposed to be planted along the side of this access road to soften its view from the existing hospital building. This access road would be approximately 30 metres from St Andrew’s House, with the existing path maintained.

5.2.3 The proposed houses are concentrated within the southern section of the application site, with an area of open space provided within the north eastern element – closest to St Andrews House. This area is to be provided with tree planting, and benches, but with no formal play equipment, as it was considered that there is good provision within the recreation ground opposite, and also as it would impact upon the setting of the listed building.

5.2.4 In terms of the housing provision, it is proposed that all properties be two storey in height, although there would be some variation in the eaves and ridge heights of the buildings. The density of the development would be approximately 30 dwellings per hectare. The housing provision would be split in the following way:

| | |
|-------------------|----|
| Private | |
| | |
| 2 Bedroom 'FOG' | 1 |
| 3 Bedroom House | 15 |
| 4 Bedroom House | 8 |
| | |
| Affordable | |
| 1 Bedroom Flat | 1 |
| 2 Bedroom Flat | 4 |
| 2 Bedroom House | 2 |
| 3 Bedroom House | 6 |
| 4 Bedroom House | 2 |
| | |
| Total | 40 |

5.2.5 The development would effectively be arranged in three clusters. The first, which would be located on the western side of the site, adjacent to the access. This would consists of five large properties, that would each be provided with a garage and off street parking provision. These would be arranged in a fairly informal manner, and provided with brick walls and railings upon the boundaries. Soft landscaping is proposed to the front of each property.

- 5.2.6 The next area of development is built around a circular access, which is served with perimeter development (albeit with a FOG – flat over garage - provided internally) which consists of both terraced and detached housing. A central car parking area is also proposed, although the majority of dwellings are provided with parking within their curtilage. Visitor parking is also proposed along the access road. Again, the properties within this element of the site would be two storey in height, and would each be provided with a private amenity space.
- 5.2.7 The element of the proposal that is most related to the listed building would be the area to the east of the application site. This here, it is proposed that a new ragstone wall be constructed, that would match the existing (a condition would be imposed that would require a sample panel to be constructed on site prior to any works being undertaken), and would run along the rear of the five residential properties proposed. These properties would be set out within a more formal arrangement, creating a courtyard within the centre. The properties would be more traditional in form, with proportions that reflected the adjacent listed building. Towards the southern section, the buildings 'fan out' with the front of the properties facing St Andrews Road.
- 5.2.8 A section of landscaping is proposed within the inside of the listed wall that runs along St Andrews Road and Hermitage Lane. It is proposed that trees are planted, with some low level planting beneath.
- 5.2.9 The properties would all be constructed to level 4 of the code for sustainable homes, and the applicant has confirmed that they are willing to meet the contributions requested. The proposal would also see the provision of 40% of the units for affordable housing.

5.3 Principle of Development

- 5.3.1 The application site is located upon land that has been allocated within the Development Plan for the provision of a new primary school, as part of the overall development of the Hospital site. The housing development has now been completed, with no school provided on the land, or within the vicinity.
- 5.3.2 Since the adoption of the local plan, and the approval of the residential development, Kent County Council have amended their strategy in terms of the provision of primary education. This site would have been of a size suitable for a one form entry school, but no more. With the provision of the housing as approved within the recent past, and the housing proposed within the emerging Core Strategy the county have identified that a two form entry school is required, and as such, this site is no longer suitable for the primary provision as originally envisaged. Kent County Council have confirmed that they no longer wish to see this site developed for primary education, but will be seeking that

such a provision be made elsewhere within the vicinity, potentially through the allocation of sites within the Core Strategy. I therefore see no realistic alternative (other than KCC) for the school provision to be delivered at this site.

- 5.3.3 In addition to the unsuitability of the site for school provision, it is acknowledged that the Council no longer have a 5 year land supply as required by central government. This is considered to be a material consideration in the determination of this planning application. However, in this instance, I consider that the fact that the site is longer considered suitable for school provision is given greater weight, and it is this that allows from the departure from the Development Plan, rather than the matter of the 5 year land supply. Nonetheless weight has to be given to the *deliverability* of this site, and the fact that it is within a location that would otherwise be suitable for housing.
- 5.3.4 This is a very sustainable location for housing provision to be made. It is within close walking distance to a parade of shops, bus stops, the hospital, and within a longer walk to Barming Station. I therefore consider the principle of developing this site for such a use to accord with the general principles of the NPPF.

5.4 Visual Impact

- 5.4.1 I consider that the application site is located within a particularly sensitive location, being both within the grounds of a listed building, and also on the prominent junction of Hermitage Lane and St Andrews Road.
- 5.4.2 The application site is currently screened from Hermitage Lane and St Andrews Road by the high ragstone wall that surrounds it. Nonetheless, the proposed development would be visible from outside of the site, as the roofs of the buildings, and elements of the facades would project above this wall. Whilst this would undoubtedly change the character and appearance of the locality, I do not feel that this would be to its detriment.
- 5.4.3 The Conservation Officer concurs with this view, and is not of the opinion that the development would detract from the setting of this wall.
- 5.4.4 The site itself is relatively self contained – being surrounded on three sides by high walls, with an area of tree planting and shrubs to its north. As such, it would have very much a limited visual impact upon the wider area. Short to medium distance views would be impacted, however, views from longer distances would be more restricted and would be impacted upon less.
- 5.4.5 Internally, the design of the buildings is of a relatively high standard. Through pre-application discussions with the applicants it has been agreed that it would be appropriate to seek a more traditional approach within the site, and to

respond to the character and appearance of the nearby listed building. To my mind, this has been done successfully, with the individual dwellings being well proportioned, and constructed of materials that one would expect within this location. The applicant has indicated that the buildings would be constructed of brick, with some properties provided with timber effect cladding. The tiles within the development would be natural and resin bonded slate – the natural slate being used on the properties closest to the listed building.

- 5.4.6 I consider the design of the courtyard to be of a high standard. The buildings would be constructed of brick, natural slate with stone cills and soldier arches. Each property would have a chimney, and timber sash effect windows (which would be recessed). I would also recommend that any waste water/rain water goods be constructed on cast iron or aluminium to ensure a high quality finish. These properties would front on to an area of car parking, which would contain an element of tree planting, and would be constructed of block paving.
- 5.4.7 It has also been agreed that ragstone will be used within the construction of some of the internal boundary walls within the development. In particular at the point of access into the site as ragstone wall with piers is proposed, providing a formal entry point, responding to the formality of the existing building and grounds.
- 5.4.8 Front boundary treatments include the provision of metal railings (should the application be approved I would recommend the imposition of a condition that would require the submission of suitable details) along the front boundaries. This would provide an element of openness, whilst also creating defensible space to the dwellings. Soft landscaping behind this boundary would be allowed to grow through over time, providing a softer 'edge' to the development.
- 5.4.9 The provision of an area of open space on the western side of the access as one enters the site is also considered to respond positively to the existing built form on the site, and also to the existing open space. This would not be provided with any play equipment as I consider that this would be somewhat at odds with the more formal character of the remainder of the site. Benches, and litter bins are to be provided however.
- 5.4.10 I consider that the layout shown demonstrates a good level of landscaping provision within the development to ensure that it would not appear as cramped and overdeveloped. It would also respond to the garden setting in which it would sit. I also consider the buildings to be well designed, and to be of a form that one would expect within such a locality. I therefore consider that the proposal accords with the objectives of the NPPF in the respect of good design.

5.5 Residential Amenity

- 5.5.1 The proposed development would be set a sufficient distance away from existing residential properties to ensure that there would not be any significant impact upon residential amenity, in terms of overlooking, overshadowing or the creation of a sense of enclosure. The nearest residential property to St Andrews House would be some 60metres from the property, and at this distance I am satisfied that there would not be any overlooking, overshadowing or the creation of a sense of enclosure.
- 5.5.2 It is acknowledged however, that the proposal would see the creation of an access alongside the side of St Andrews House. This however, would be some 30metres from these properties, and would only serve the proposed houses – which number 40 in total. I am not therefore of the opinion that this would give rise to a significant level of noise and disturbance to the existing residents. It should also be noted that this site is allocated for a primary school, and that this would have been accessed in a similar manner.
- 5.5.3 Properties within St Andrews Road would be located behind the existing high wall, and would as a result not be overlooked, or overshadowed. In any event, there is a public highway between the site and these properties.
- 5.5.4 I do not therefore considered there to be any grounds to object to this application on residential amenity.

5.6 Highways

- 5.6.1 Kent Highway Services have assessed the application and raise no objections to the proposal. It is considered that the access into the site would be provided with suitable visibility splays on either side of Marigold Way, and which a suitable distance from the junction with Hermitage Lane.
- 5.6.2 Internally the layout of the proposal is considered to be acceptable, with the swept paths now demonstrating that the roads can be constructed to an adoptable standard.
- 5.6.3 In terms of parking provision within the application site, whilst concern has been raised with regards to the use of tandem parking spaces, and the provision of garages, I consider that the parking provision is acceptable, and would not lead to highway safety concerns. In any event, this would be very much a self contained site with parking unlikely to take place upon Hermitage Lane due to the volume of traffic that use it, and the traffic regulation orders in place. I am aware that parking has been raised as a matter of concern within the existing residential development, however, I do not consider that this proposal would exacerbate this.

- 5.6.4 In terms of access into and out of the application site, the proposed junction is considered to be acceptable, and of sufficient distance from the junction of Marigold Way and Hermitage Lane. There is no objection raised on this basis.
- 5.6.5 I do consider this to be a sustainable location, and as such the provision of a new pedestrian access through to St Andrews Road is welcomed. This would link the development in to the main Tonbridge Road, and the bus stops along this stretch, as well as the existing shops and facilities.
- 5.6.7 The applicant has been asked to investigate the opportunity of providing a pedestrian refuge to the north of the existing traffic lights, to enable safer crossing to the playing fields opposite. I consider that this would be of significant benefit and would seek to condition its provision accordingly should permission be granted.
- 5.6.8 To conclude, I consider that there are no grounds to object to this proposal on highway safety matters, and that the parking provision within the development is acceptable.

5.7 Landscaping

- 5.7.1 The applicant has submitted a landscaping masterplan for the site, however, specific details of the internal landscaping has not been submitted. Nonetheless, I am satisfied that the information submitted is of a sufficient level of detail to assess the proposal.
- 5.7.2 The landscaping provision within the development would see the retention of the existing trees along the boundary of the application site, as well as the wooded area to the western side of the site. These existing trees provide a soft buffer between the development and the surrounding area, and contribute significantly to the character and appearance of the locality. I therefore consider their retention to be of some importance to ensure this character is protected.
- 5.7.3 Internally, it is proposed that 25 additional trees be planted. These would be predominantly within the public highways; alongside the access, and within the courtyard area. Because a large number of existing trees are to be retained, I consider the level of additional planting proposed to be of a suitable level, and to allow for a softening of the development when viewed from within.
- 5.7.4 It is proposed that the majority of properties within the development be provided with small gardens to the front – with a number provided with railings

to provide a defensible space. I consider this to be good design, and to also respond positively to the grounds in which the proposal would sit. This would also ensure that the properties within the development would be spaced in an appropriate manner, and would not appear as cramped within the development.

- 5.7.5 Outside of the application site, the land would be maintained in a similar vein to at present, which closest to the site – behind the existing bank of trees, is relatively informal space. I consider that the provision of an area of open space adjacent to this would ensure that the ecology within this area be maintained, and also would result in the open space merging into the existing landscaping, in an appropriate fashion.
- 5.7.6 So to conclude, I consider that the applicant has demonstrated that a good level of soft landscaping could be provided within the application site, which together with the retention of the existing trees, would ensure that the development would assimilate with its surroundings in an appropriate manner.

5.8 Impact upon Listed Building

- 5.8.1 The proposal has been designed in such a way as to ensure that there is sufficient separation between the new development at the listed building itself. The nearest residential property would be approximately 60metres from the building, and would be separated by a bank of established trees.
- 5.8.2 The applicant was advised at the pre-application stage that it would be more appropriate for the development to effectively turn its back on the existing property, in order that the development does not compete with the building itself. It was also noted that to the east of the application site, a large ragstone wall separated existing development from the building, and it was therefore sought that this proposal did the same. As such, the applicant has proposed a new ragstone wall to be provided, as well as the properties facing away from St Andrews House. This, together with the high quality, traditional design of these properties, would ensure that the development would compliment the existing building, and as such, would not detract from it, nor its setting.
- 5.8.3 This clear separation between the proposal and St Andrews House would ensure that the development is seen as very much a subservient element of the evolution of the site.
- 5.8.4 The location of the access road would be in closer proximity to the existing listed building. However, this would be a narrow entrance point, that would be set some 30metres from the existing building. It would also be provided with additional tree planting, which would create a relatively formal 'avenue' that would responds to the context of the site.

5.8.5 As can be seen from the consultations section, the Council's Conservation Officer does not object to the proposal, but would require a number of matters to be conditioned appropriately. To my mind the material used, the joinery details, and the details of the ragstone wall are matters which are paramount to the success of this development, and would be conditioned accordingly.

5.9 Contributions

5.9.1 The applicant has submitted a draft S106 agreement following discussions with the Authority. Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of Community Infrastructure Regulations 2010. These stipulate that an obligation can only be a reason for granting planning permission if it meets 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.

5.9.2 The applicants have submitted a draft Section 106 agreement that sets out that a minimum of 40% affordable housing would be provided within the development. This is in accordance with the Council's adopted Development Plan Document (DPD) and accords with the requirement through the National Planning Policy Framework for authorities to provide affordable housing. I consider that the provision of affordable housing is necessary to make the development acceptable, and is related and reasonable in scale. I therefore consider that this element of the proposal is acceptable in accordance with the regulations.

5.9.3 The County have requested that a total of £287,090.27 be provided towards primary school education. This would contribute to a new two form entry primary school within the locality that would be required due to the additional strain placed upon the existing school network by virtue of this development. Whilst it has been agreed that the site can be released from the requirement to provide a school, this is not on the basis that there isn't a need for primary education, rather that the site is not appropriate any longer. There is an identified need for primary school provision within the locality, and there is a realistic opportunity for a new school to be provided through the site allocation process of the emerging Core Strategy. This contribution would go towards meeting the additional strain placed upon the school facilities within the locality, and is

considered to be a reasonable sum, related to the scale of the development. I am therefore satisfied that this contribution meets the tests as set out above.

- 5.9.4 A financial contribution of £8289.68 towards the provision of new bookstock within the existing library in Maidstone has also been requested. Again, a significant level of justification has been submitted by the County for this provision, which would be brought about by the additional demand placed upon the facilities by the new development. I consider that the contribution would be necessary to make the development acceptable, and that it would be of a scale related to the development. I therefore consider that this would be in accordance with the regulations.
- 5.9.5 A financial contribution of £1710.78 towards youth facilities within the locality of the application site has been requested. Suitable justification has been submitted with regards to the proposal, and is considered to meet the test as set out above.
- 5.9.6 A financial contribution of £621.94 towards community learning within the locality of the application site. Suitable justification has been submitted with regards to the proposal, and is considered to meet the test as set out above.
- 5.9.7 Maidstone Borough Council Parks and Open Space were consulted and requested that a contribution of £63,000 be provided to enhance the existing facilities within the area, to address the additional strain placed upon them by this development. There is an existing playing field and children play area opposite the site that would benefit from the contributions, as it is most likely that residents of this development would use that facility. The contributions sought are in accordance with the Council's Open Space DPD. I consider that this request is reasonable, and is directly related to the development. I also consider it to be necessary to make the development acceptable.
- 5.9.8 The Primary Care Trust have requested that a contribution of £25,920 be provided to enhance health care provision within the locality. This contribution has been fully justified and would be spent on surgeries within a two mile radius of the application site. The surgeries have been identified as those that would be most likely to be affected by this proposal. I consider that this proposal would be necessary to make this development acceptable, and would be of a scale that is reasonably related to the development.
- 5.9.9 The applicant has agreed to make all of the contributions set out above, and has submitted a draft S106 agreement that includes all payments.

5.10 Ecology

5.10.1 In terms of ecology, a full report has been submitted and assessed by Kent County Council Ecology. This identifies that the site is of relatively low ecological value, although the trees and the woodland have intrinsic ecological value, and the potential for protected species within the site also has potential for habitat of bats and reptiles.

5.10.2 The applicant has submitted a strategy which includes a number of mitigation measures including:

- No vegetation removal during the bird nesting season (unless preceded by an inspection by a suitably qualified person);
- Tree T10 should be soft-felled under the instruction of a suitably qualified ecologist;
- The lighting scheme should be sympathetic to foraging bats.

5.10.3 Within the report, it is also requested that a number of measures be included within the landscaping scheme. It is agreed that these features, should be provided as part of any overarching landscaping proposal. which include:

- The retention of existing tree lines;
- The use of a range of natural flowering and berry bearing species of trees;
- Areas of grassland to be managed as rough grassland – both adjacent to existing woodland, and road verges;
- The provision of bird and bat boxes within the development;
- Deadwood habitat piles.

5.10.4 I consider that should these matters be addressed through the landscaping scheme, (with a condition recommended that includes these elements), there would be sufficient mitigation, and possible enhancement proposed that would ensure that the qualitative enhancements would at least balance out the quantitative loss of land. On this basis, I see no reason to object to the proposal on ecological grounds.

5.11 Other Matters

5.11.1 The proposal would be constructed to level 4 of the Code for Sustainable Homes. I consider that this represents a high level of design quality, and sustainability, and as such, accords with the objectives of the NPPF.

5.11.2 The matter of drainage has been fully considered both by the Environment Agency and Southern Water who raise no objection to the proposal subject to the imposition of suitable conditions relating to drainage details. I therefore raise no objection to this proposal on this basis.

5.11.3 The proposal was brought to Planning Committee due to the potential impact that this proposal would have on the changes to the highway network within the vicinity. These changes are not adopted policy and have only recently been subject to public consultation. In any event, the development is set wholly within private land, and would not physically impact upon any alterations to the road network should they take place in the future. I see no reason therefore to delay making a decision on this application on this basis.

6. CONCLUSION

6.1.1 This site has been allocated for the provision of a primary school since the adoption of the Local Plan in 2000. Indeed, the provision of a primary school within this site also formed part of the Section 106 agreement of the original housing application on the land to the north of the hospital. However, the time period for the delivery of the school (in accordance with the S106 agreement) has now lapsed, and the County Council have confirmed that the site is no longer appropriate for a primary school, as there would only be space for a one form entry, and there is a need for a two form entry within the locality. There is therefore, no realistic opportunity for this site to come forward for this use. It is for this reason that I am satisfied that it is acceptable at this point in time to depart from the Policy within the Development Plan.

6.1.2 The key matter for consideration is therefore the impacts upon residential amenity, highways, ecology, visual amenity and the listed building.

6.1.3 To summarise, I consider the proposal to be well designed, being of a layout that responds to the historic nature of its surroundings, and being of a density that would not appear as cramped within the site. The development would be of a design that would also respond to the setting of the listed building – to my mind a key building within the locality due to its age and size. Furthermore, the development would have no significant impact upon the existing highway network irrespective of the potential changes that may be provided (or otherwise) through the emerging Core Strategy and Integrated Transport Strategy. The proposal would also not have a significant impact upon the ecology within the locality.

6.1.4 In terms of the impact upon residential amenity, it is acknowledged that there would be the loss of the view of an open space from some residencies within St Andrews House, however, the separation distance of at least 60metres would ensure that the development would not be overbearing, or would it result in any unacceptable noise and disturbance, overlooking, creation of a sense of enclosure or loss of light.

6.1.5 The applicant has agreed to provide a minimum of 40% affordable housing, and to pay the requested contributions for primary school provision, libraries, youth and community facilities, parks and open space and for healthcare provision. I therefore consider that whilst a departure from the Development Plan, the development is of a high standard of design, and in all other respects meets with the requirements of this Council. It is for this reason that I recommend that Members give this application favourable consideration, and give the Head of Planning delegated powers to approve, subject to the completion of a suitable S106 legal agreement, and the imposition of the conditions as set out below.

7. RECOMMENDATION

The Head of Planning be given DELEGATED POWERS to approve subject to the receipt of a suitable Section 106 agreement that covers the following matters:

- The provision of a minimum of 40% affordable housing;
- A financial contribution of £287,090.27 towards primary school education.
- A financial contribution of £8,289.68 towards the provision of new bookstock within the existing library in Maidstone.
- A financial contribution of £1,710.78 towards youth facilities within the locality of the application site.
- A financial contribution of £621.94 towards community learning within the locality of the application site.
- A financial contribution of £63,000 towards the enhancement of parks and open space within the locality.
- A financial contribution of £25,920 towards the enhancement of existing health care provision within a 2mile radius of the application site.

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, which shall include natural slate, stock brick and timber joinery for plots 1-20 (inclusive) and synthetic slates, stock bricks and timber effect weatherboarding for plots 21-40 (inclusive), to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development in accordance with the National Planning Policy Framework (2012).

3. The development shall not commence until, details of all fencing, walling (which shall include ragstone walling at the point of access, and railings) and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the buildings or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers in accordance with the National Planning Policy Framework (2012).

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

Reason: No such details have been submitted and in the interest of amenity in accordance with the National Planning Policy Framework (2012).

5. The development shall not commence until, details of the colour of the external finish of the buildings have been submitted to and approved in writing by the Local Planning Authority. The approved colour scheme shall be fully implemented before the first occupation of the buildings and thereafter maintained;

Reason: In the interests of visual amenity in accordance with the National Planning Policy Framework (2012).

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

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety in accordance with the National Planning Policy Framework (2012).

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

Reason: No such details have been submitted in accordance with the National Planning Policy Framework (2012).

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

Reason: To ensure a satisfactory setting and external appearance to the development in accordance with the National Planning Policy Framework (2012).

9. 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:
- The retention of existing tree lines;
 - The use of a range of natural flowering and berry bearing species of trees;
 - Areas of grassland to be managed as rough grassland - both adjacent to existing woodland, and road verges;
 - The provision of bird and bat boxes within the development;
 - Deadwood habitat piles.

together with indications of all existing trees and hedgerows on the land, and details of any to be retained, and 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 in accordance with the National Planning Policy Framework (2012).

10. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the

development for its permitted use and the landscape management shall be carried out in accordance with the approved plan over the period specified;

Reason: To ensure satisfactory maintenance and management of the landscaped area in accordance with the National Planning Policy Framework (2012).

11. 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 in accordance with the National Planning Policy Framework (2012).

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

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

13. 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 the National Planning Policy Framework (2012).

14. 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.

15. 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 windows and doors and recesses/reveals (which shall be a minimum of 70mm).
- iii) Details of the junction of the timber boarding and the brickwork.
- iii) Details of the joinery of the windows within plots 1-18. These windows shall be constructed of timber.

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 the National Planning Policy Framework (2012).

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

Reason: In the interest of pollution and flood prevention pursuant to the National Planning Policy Framework (2012).

17. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reasons: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework (2012).

18. The open areas within the residential development site shall remain open and available for public access and no fences, gates or other means of enclosure shall be placed or erected to preclude access to these areas at any time without the prior approval of the Local Planning Authority.

Reason: In the interests of permeability throughout the site, and to maintain the character and appearance of the landscaped areas, in accordance with Policy ENV6 of the Maidstone Borough-Wide Local Plan 2000.

19. No external meter cupboards, vents, or flues shall be installed on any external elevation without the prior agreement in writing of the Local Planning Authority.

Reason: To secure a high standard of design in accordance with the National Planning Policy Framework (2012).

20. No development shall take place until a sample panel of the ragstone wall, and brickwork has been constructed on site, and agreed in writing by the Local Planning Authority. Such details as are approved shall be fully implemented on site.

Reason: To ensure a high quality design, in accordance with the National Planning Policy Framework (2012).

21. The development hereby permitted shall be carried out in accordance with the ecological study submitted on the 26 September 2012. No occupation of the development shall take place until the mitigation proposed within the ecological report has been fully implemented.

Reason: To ensure enhancements to the biodiversity of the area, and to ensure that the development as a whole is of a high standard of (landscape) design in accordance with the National Planning Policy Framework (2012).

22. No development shall take place until the applicant has secured and had implemented a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority;

Reason: To enable the recording of any items of historical or archaeological interest pursuant to the National Planning Policy Framework (2012).

23. No occupation of the development hereby permitted shall take place until a pedestrian refuge has been provided upon Hermitage Lane (to the north of the existing traffic lights). Details of the positioning and the design of this refuge shall be submitted to, and approved by the Local Planning Authority prior to

works being undertaken.

Reason: In the interests of the permeability of the site, in accordance with the National Planning Policy Framework (2012).

24. No occupation of the development hereby permitted shall take place until the pedestrian access to St Andrews Road has been provided in accordance with the details submitted.

Reason: In the interests of the permeability of the site, in accordance with 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.

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

The developer shall implement a scheme for the use of wheel cleaning, dust laying and road sweeping, to ensure that vehicles do not deposit mud and other materials on the public highway in the vicinity of the site or create a dust nuisance.

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

No vehicles may arrive, depart, be loaded or unloaded within the general site, and plant and machinery shall not be operated, that would generate noise beyond the boundary of the site, except between the hours of 0800 hours and 1800 Mondays to Fridays and 0800 and 1300 hours on Saturdays (and at no time on Sundays or Bank or Public Holidays).

Within any submitted landscape plan, full details of the retention of cordwood within the site shall be submitted.

The proposed development does not accord with the current Development Plan, insofar as Policy CF8(iii) allocates the site for a primary school; however, the applicant has demonstrated that the allocation of the land is no longer required for such a purpose and as such, I do not consider there to be any harm in allowing for its release for residential use, and to depart from the Development Plan accordingly.

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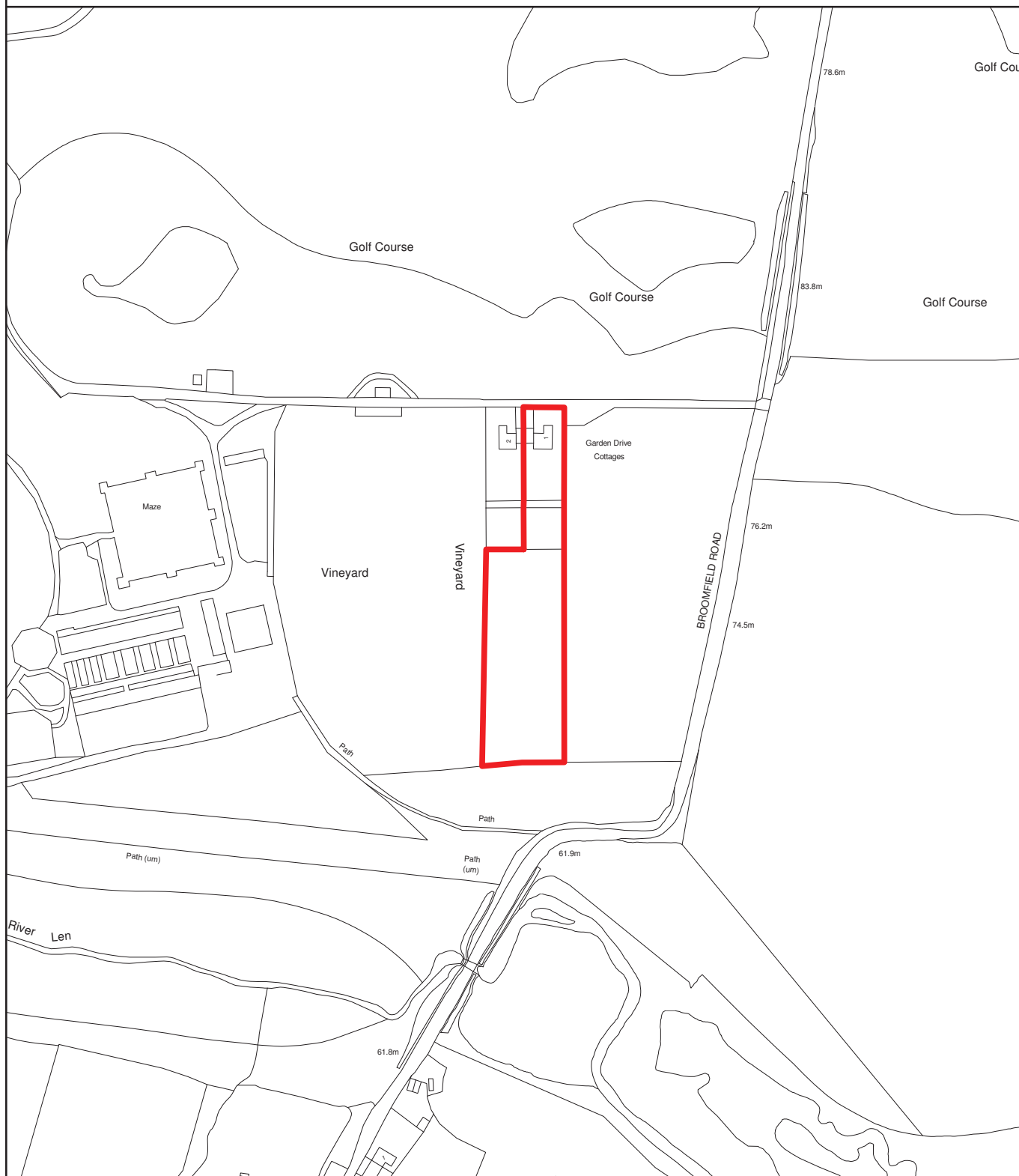
14. 2. 2013

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/12/2151

GRID REF: TQ8452

LEEDS CASTLE, ASHFORD ROAD,
HOLLINGBOURNE.



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Rob Jarman
Head of Planning

APPLICATION: MA/12/2151 Date: 22 November 2012 Received: 27 November 2012

APPLICANT: Leeds Castle Foundation

LOCATION: LEEDS CASTLE, ASHFORD ROAD, HOLLINGBOURNE, MAIDSTONE, KENT, ME17 1PL

PARISH: Broomfield & Kingswood

PROPOSAL: Change of use of land to Glamping site with installation of associated pathways, hard surfacing, fencing and lighting as shown on Drawings 5064/1, 5064/35064/4, 5064/5, 5064/9, 5064/10, 5064/12, 5064/135064/14, 5064/15, 5064/16 and 5064/17, supporting Planning Statement, Heritage Statement, Design and Access statement and Landscaping scheme received on 27 November 2012

AGENDA DATE: 21st February 2013

CASE OFFICER: Laura Gregory

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

- it is contrary to views expressed by Broomfield and Kingswood Parish Council.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34, ED20
- South East Plan 2009: CC1, CC6, C4, BE6, TSR4, TSR5
- National Planning Policy Framework 2012

2. HISTORY

None relevant to this proposal

3. CONSULTATIONS

3.1 **Broomfield and Kingswood Parish Council** – Wish to see the application REFUSED for the following reasons:

- The development would cause noise and light pollution on the conservation area of Broomfield Village.

- The visibility of the site from the road is such that the tents would cause a distraction to road users at a particularly narrow part of a single track road on a dangerous blind bend.
- The lack of disabled facilities.
- No guarantee that the secondary access point will not be secure enough to prevent additional access and exit at a most dangerous part of Broomfield Road.

3.2 **KCC Highways** – No Objections Raised.

“The application proposes the change of use of a redundant vineyard to a glamping site for 8 tents to be used between April to September. Access and egress is to be made from the Broomfield Gate onto Broomfield Road located approximately 115m from the junction of Broomfield Road and the A20; this access is the main staff, visitor and delivery gate between the 2 lodge gate houses. The glamping guests would use this gate for access and drive within the Estate to the field adjacent to the proposed site via the Golf Course/Estate Office car park and then onto Garden Drive.

The proposal is not likely to lead to any significant increase in traffic from the existing access or along Broomfield Road and adequate parking is provided. In view of this I confirm that I do not wish to raise objection.”

3.3 **MBC Environmental Health Officer** – No Objections Raised.

“This application has only minor EH concern. The siting of the proposal will mean it will have no impact on any external residents, which is important particularly for the lighting proposal. One consideration, however, is in connection with water supply. If there is to be a water supply point for this site, details must be supplied with the position of such source(s).”

3.4 **MBC Conservation Officer** – No Objections Raised.

“The proposed “glamping” site lies within a vineyard planted in the 1980s. This is in a discrete location within the historic park, well away from any of the historic buildings, and is surrounded by hedges grown in association with the modern vineyard. The proposed tents would be screened to some extent by these hedges, which the submitted landscape plan envisages as growing to a taller height to provide even greater screening. In my opinion, the development would

have little impact on the significance of the historic parkland or on the setting of any of the listed buildings.”

3.5 **English Heritage** – No Objections Raised.

“Leeds Castle and park is of medieval origin with a designed landscape of the 19th century, following significant replanting in the early 19th century. The proposed glamping site, currently a redundant vineyard is access via an existing historic service entrance and is set away from the main core of the grade II* registered landscape and grade I listed castle.

With landscaping including the growth of boundary hedging around the glamping site and along Broomfield Road, the proposals are likely to be concealed and therefore are unlikely to impact upon the significance of the parkland, on this basis we do not object to this proposal. However, we suggest the service entrance connected to Broomfield Road should remain modest, simple and uncluttered, so that it continues to be read as subservient to the formal designed park entrance at Broomfield Gate and, therefore does not detract from its significance.

We would stress because the leisure facilities at Leeds Castle are regularly evolving and this is one one is a series of recent proposals for new or enlarged facilities, English Heritage would like to see this and any future applications made with reference to, and determined in accordance with, the conservation management plan for this nationally important collection of heritage assets.”

4. **REPRESENTATIONS**

4.1 Seven letters of representation received raising the following objections:

- Development would cause noise and light pollution which would be detrimental to the rural area and Broomfield conservation area.
- Access should be via the main castle entrance and not Broomfield Gate where crashes and traffic queues occur regularly.
- Proposal would increase the amount of traffic congestion on Broomfield Road which is unsustainable.
- Proposal would set a precedent for other activities of similar nature in the area.

- Proposal would result in intrusion into the neighbouring woodland abutting the site and onto the track leading to Chegworth which would greatly affect the environment of the wildlife.
- Proposal does not consider the effect of development upon the grade II listed parkland.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The application site is located within the historic parkland of Leeds Castle, a grade I listed building and comprises a small redundant vineyard which is located south east of the main castle buildings. The park of Leeds Castle is grade II listed, and is listed within the English Heritage Register of Parks and Gardens of Special Historic Interest in England. It is defined as open countryside and falls within the Low Weald Special Landscape Area.

5.1.2 The vineyard is one of two vineyards within the estate. The smaller of the two the vineyard was planted in the 1980's. Located over 400m from the main castle, the vineyard forms part of a former farm complex which has been transformed into the main family area for visitors and contains The Maze, the Knights Realm, Falconry Display area and refreshment facilities close by.

5.1.3 The vineyard is visible from Broomfield Road, but this is mainly from a former service entrance to the castle. The site is otherwise obscured by trees and hedgerows which bound the castle grounds with the road. Views of the vineyard are obtainable from the public footpath which is on the other side of the Great Water to the west of the application site, although much of it is screened by the larger vineyard and the buildings associated within the family area.

5.1.4 Access to the vineyard is obtained from within the castle. The former service entrance is not use by the estate and only provides access to Knights Cottage and No. 1 Garden Drive a pair of semi detached estate houses which are immediately north of the application site.

5.2 Proposal

5.2.1 Planning permission is sought to the change of use of land from a vineyard to a campsite or 'Glamping' site and erect eight medieval style tents. The tents would

be made of canvas and would be placed on timber decked bases. Each of these bases would be dug into the ground and together with the tent, would have a height of 3.7 above the ground. The bases would be retained by timber sleeper retaining walls which would measure approximately 800m high on top of which, 1m high bamboo fencing is proposed. It is proposed that the tents would be temporary structures, in use for 6 months of the year from 1st April to 30th September.

5.2.2 Footpaths are proposed between the tents, the adjacent car park and the central barbeque area which is proposed at the top of the site. These footpaths would be constructed using a compacted MOT Type 2 sub base; otherwise known stone scalplings; and would be surfaced with bark chippings. These footpaths would be bounded by 1m, high post and rail fencing which would be installed within LED wayfinding lighting.

5.2.3 It is proposed that, the campers would use facilities provided in Knights Cottage which is to the north of the site. Parking would be provided in the field to the east of the site. Access to the campsite and car park would be obtained via the entrance to the castle at Broomfield Gate

5.3 **Principle of Development**

5.3.1 Development Plan Policy and the National Planning Policy Framework 2012 strictly control new development in the open countryside. However there are exceptions to the general theme of constraint and the provision of, and enhancement of new and existing tourist and leisure attractions in the rural area is listed as one of these exceptions.

5.3.2 Local Plan Policy ED20 allows for the provision of caravan and camping sites in rural locations. This policy is supported by policy TSR5 of the South East Plan and, the National Planning Policy Framework which requires Local Planning Authorities to support sustainable tourism development, including the provision of tourist facilities in appropriate locations. Leeds Castle is one of the Borough's largest tourist attractions. Much of the castle is currently used for tourism purposes and in addition, the castle provides facilities for conferences and weddings. The castle and its estate is thus a sustainable tourist attraction receiving a large number of visitors throughout the year.

- 5.3.3 This proposal would provide a new facility within the castle grounds which would be available to tourists. To my mind this is in accordance with the Development Plan and National Planning Policy Framework. By providing a new attraction with the grounds of Leeds Castle, the development would encourage tourism within the rural area and would make a positive contribution to the future of Leeds Castle as a sustainable tourist destination.
- 5.3.4 The principle of the proposed use of the land therefore clearly accords with the Development Plan and national planning policy and guidance. However, the detail of the scheme must be appropriate and in particular, the impact the proposal would have upon the character and appearance of the listed buildings, the landscape and surrounding countryside, and on the highway, need due consideration.

5.4 **Visual Impact Considerations**

- 5.4.1 Local Plan Policy ED20 states that new campsites will only be permitted if the site is not an intrusive feature in the landscape or detrimental by its siting or appearance to the visual or amenity of the surrounding area.
- 5.4.2 Constructed on timber bases which would be dug into the ground the proposed tents would sit well within the landscape, gradually descending toward the woodland to the south of the site. By respecting the topography of the land the development would not appear intrusive and would not interrupt any medium to long distance views of the countryside. Screened by the boundary hedgerows the retained vineyard to the west and the woodland to the south, the proposed tents would be suitably concealed from the public footpath which is upon the other side of the Great Water to the west and from Broomfield Road to the east. With views of the proposed tents restricted to within the castle grounds, no demonstrable harm of the quality and character of the surrounding landscape would be caused.
- 5.4.3 External lighting is proposed within the site but this would consist of LED Festival style wayfinding lights along the footpaths which would have dusk to dawn sensors. Considering that these lights will low level, I do not consider that they would cause significant visual harm to the surrounding countryside. Two LED floodlights are proposed at the entrance to the proposed car park, however I do

not consider that significant harm will be caused by these lights, given they would not be visible within the wider area.

5.4.4 The proposed boundary treatment of post and wire fencing and post and rail fencing along the footpaths is acceptable and the site would retain an open feel which is appropriate given its rural location.

5.5 **Landscaping**

5.5.1 In terms of the landscaping, negotiations have taken place to ensure a suitable level of landscaping is provided which is in accordance with the Council's adopted landscape character assessment and guidelines.

5.5.2 It is proposed to plant native hedgerows comprising of Hawthorn, Field Maple and Hornbeam next to the timber retaining walls, behind each tent. It is proposed to retain the vines to the south and allow the boundary hedgerows to the east and west of the proposed campsite to grow to a height of 3.5. The applicant has also stated that they would allow the hedgerow along Broomfield Road to grow to a height of 3.5m. Whilst this is outside the application site, it is within the applicant's ownership and control.

5.5.3 The proposed planting within the site would soften the appearance of the proposed tents and decking. By allowing the existing hedgerows on either side of the site to grow, the development would be concealed and the impact of the development upon the landscape would be significantly reduced. The planting of native hedgerows within the development is appropriate and in time would help soften the appearance of the tents and bases. The use of compacted stone scalplings and bark chippings for the surfaces of the proposed pathways is appropriate and acceptable.

5.5.4 The proposed landscaping is therefore considered acceptable and in keeping with the character and appearance of the area. Designed in accordance with the principles of the Council's adopted landscape character assessment, the landscaping scheme would significantly enhance the character of the development by creating a well landscaped and attractive campsite.

5.6 Highways Considerations

- 5.6.1 Local residents have objected to this proposal stating that development would lead to increased traffic using the Broomfield Gate which would increase the risk of accidents and congestion on Broomfield Road, a narrow road with sharp bends.
- 5.6.2 Policy ED20 clearly states that proposal for new campsites should only be permitted where arrangements for access, parking and servicing of the proposed development are adequate and the presence of any similar uses in the locality and the combined effect that any such concentration would have, does not pose a hazard to highway safety.
- 5.6.3 There are no similar uses within the locality of the application site which would lead to concentration that would be detrimental to highway safety. The Highways Officer has been consulted and considers that given the small scale of the development; the proposal would not lead to a significant increase in traffic movements on the Broomfield Gate access which would be detrimental to highway safety.
- 5.6.4 With regard to parking, the area allocated for the parking in the adjacent field is acceptable and would not pose a hazard to highway safety.

5.7 Historic Building and Parkland Considerations

- 5.7.1 With regard to the impact upon the historic parkland and setting of the grade I listed building; because the proposal site is a significant distance from the castle itself, some 480m to the south east of the main castle buildings, the Conservation Officer has no objections to the proposal.
- 5.7.2 As the proposed campsite would not be seen in conjunction with the castle and its historic core, the most important area of its historic landscape, I do not consider any significant harm to the setting of the castle would be caused. English Heritage have been consulted and in view of the fact that the applicant is proposing new landscaping and will allow existing boundary hedging within the estate to grow and conceal the site, they raise no objection.
- 5.7.3 Overall, I do not consider that the proposal would result in significant or unacceptable harm to the historic setting of Leeds Castle and parkland and the

long term conservation of this nationally important collection of heritage assets would continue.

5.8 Residential Amenity Considerations

5.8.1 The nearest residential property outside of the estate is located within Broomfield Conservation Area which is over 100m to the south east of the application site. At this distance I do not consider that any significant or unacceptable harm to the residential amenity of this dwelling would be caused.

5.8.2 Whilst two high level lights are proposed, these lights would be concealed from the residents in the conservation area by dense woodland to the south of the site. In terms of noise, considering that only eight tents are proposed in total and their occupation would be seasonal, I do not consider that any significant noise disturbance to residents would be caused. The Environmental Health Officer has been consulted on these issues and raises no objection to the proposal. Nevertheless, to protect the amenity of the nearby residents an occupancy condition should be imposed to ensure no unnecessary or unacceptable harm to the surrounding countryside and the amenity of the residents is caused.

5.8.3 Overall, given the distance between the nearest house outside the estate and the application site and the modest scale of the proposal, I do not consider that any significant unacceptable harm to residential amenity would be caused and the development is in accordance with the Development Plan.

5.9 Other Matters

5.10 The site is a redundant vineyard. With the exception of the woodland to the south, most the land surrounding the site is landscaped. Given that the site is not located within close proximity of waterways or ponds; the Great Water is some 300m away to the west I do not consider that the proposal raises any ecological issues.

6. CONCLUSIONS

6.1 In conclusion, I consider that this is a proposal that would result in limited harm to the surrounding countryside and is one that would make a positive contribution to the future of Leeds Castle, as a sustainable tourist destination.

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 consider that this proposal is acceptable and in accordance with the provisions of the Development Plan. With no overriding matters that would otherwise indicate a refusal, I recommend that the application is approved subject to the following conditions.

7. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

2. 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 in accordance with policies ENV28, ENV34 & ED20 of the Maidstone Borough-Wide Local Plan 2000, policies CC6 and C4 of the South East Plan 2009 and National Planning Policy Framework 2012.

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

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

development in accordance with policies ENV28, ENV34 and ED20 of the Maidstone Borough-Wide Local Plan 2000, policies CC6 and C4 of the South East Plan 2009 and National Planning Policy Framework 2012.

4. The use hereby permitted shall only take place between 1st April and 30th September (inclusive) each calendar year;

Reason: Unrestricted use of the land would cause demonstrable harm to the character, appearance and functioning of the surrounding area and the enjoyment of their properties by nearby residential occupiers in accordance with policies ENV28 and ED20 of the Maidstone Borough-Wide Local Plan 2000, policies CC6 and C4 of the South East Plan 2009 and National Planning Policy Framework 2012.

5. The camping pitches 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 of the Maidstone Borough-Wide Local Plan 2000 and central government planning policy and guidance as set out in the National Planning Policy Framework 2012.

6. No lighting whether permanent or temporary shall be installed on the site without the prior written consent of the Local Planning Authority;

Reason: To preserve the character and visual amenity of the open countryside and the River Medway Area of Local Landscape Importance and neighbouring amenity in accordance with policies ENV28 and ENV49 of the Maidstone Borough-Wide Local Plan 2000, CC6 and C4 of the South East Plan 2009 and central government policy advice as set out the National Planning Policy Framework 2012.

7. No additional hardsurface shall be placed or allowed to remain on the land, unless the prior written approval of the Local Planning Authority has been obtained;

Reason: To preserve the character and visual amenity of the and the River Medway Area of Local Landscape Importance and to prevent flooding elsewhere in accordance with policies ENV28 and ENV46 of the Maidstone Borough-Wide

Local Plan 2000, CC6, NRM4 and C4 of the South East Plan 2009 and central government policy advice set out the National Planning Policy Framework 2012.

8. The development hereby permitted shall be carried out in accordance with the following approved plans:
Drawings 5064/35064/4, 5064/5, 5064/9, 5064/10 5064/12, 5064/135064/14, 5064/15, 5064/16 and 5064/17

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 ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan 2000, policies CC6 and C4 of the South East Plan 2009 and the National Planning Policy Framework 2012.

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



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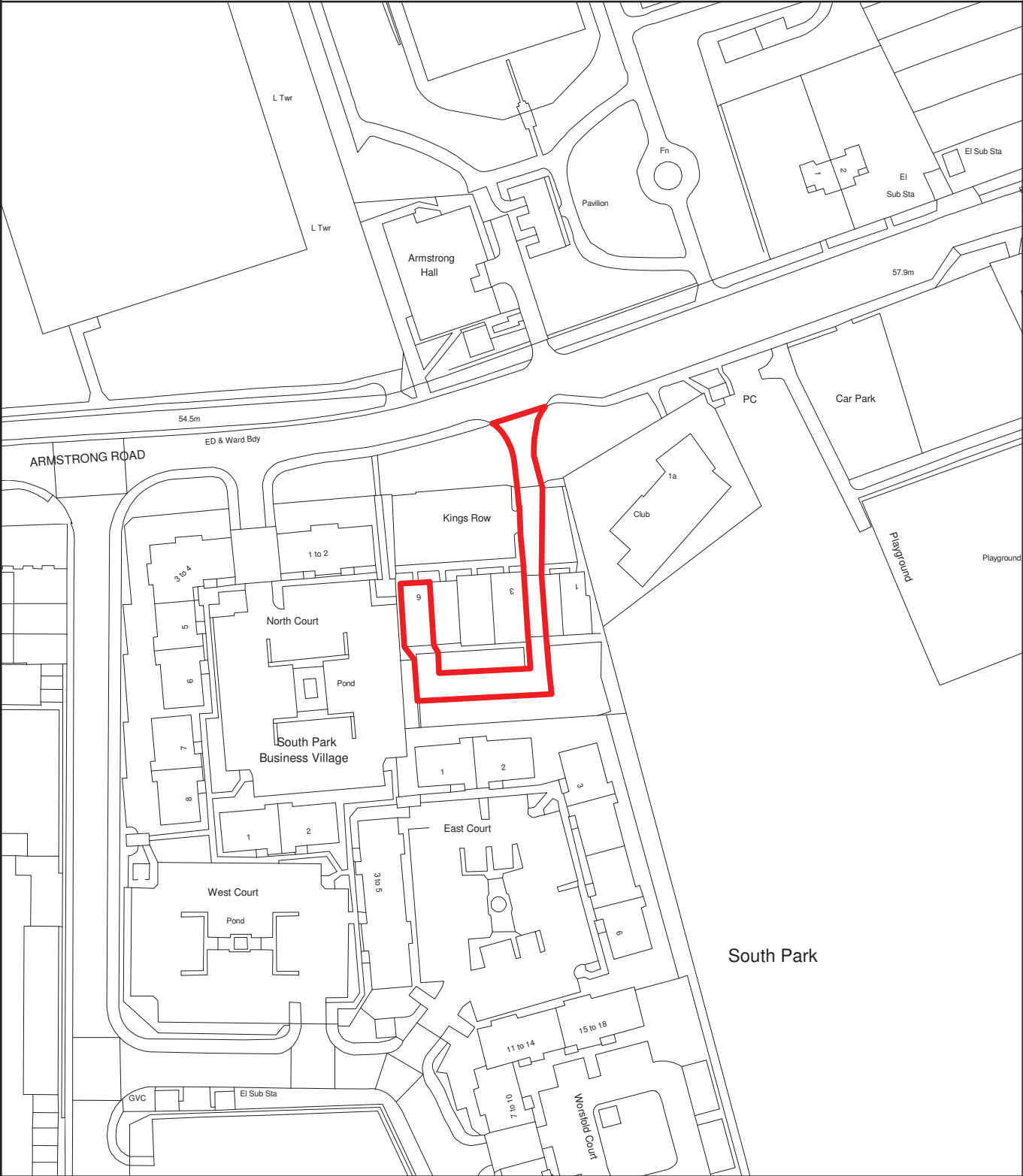


THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/12/2243

GRID REF: TQ7654

GROUND FLOOR, 6 KINGS ROW,
ARMSTRONG ROAD, MAIDSTONE.



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Rob Jarman
Head of Planning

APPLICATION: MA/12/2243 Date: 12 December 2012 Received: 15 January 2013

APPLICANT: Mr Michael Turner

LOCATION: GROUND FLOOR, 6 KINGS ROW, ARMSTRONG ROAD, MAIDSTONE, KENT, ME15 6AQ

PARISH: Maidstone

PROPOSAL: Change of use of ground floor to non-residential education centre to teach school children in core academic skills (that falls within D1 Use) as shown on site location plan and block plan received 07/01/13.

AGENDA DATE: 21st February 2013

CASE OFFICER: Kathryn Altieri

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

- It is a departure from the Development Plan and has been advertised as such.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ED2, T13
- South East Plan 2009: CC1, CC6, BE1, RE3, NRM10, T4
- Government Policy: National Planning Policy Framework (2012)

2. HISTORY

MA/12/2244 - Advertisement consent for the installation of 1(no) non-illuminated wall mounted sign and 1(no) non-illuminated rail-hanging sign-under consideration

MA/89/0518 - Demolition of existing and construction of new offices – approved/granted with conditions

3. CONSULTATIONS

- 3.1 **Environmental Health Officer:** Raises no objections.
- 3.2 **KCC Highways Officer:** Raises no objections;

3.2.1 *"The proposed change of use comprises of 62m² GFA and would accommodate up to 5 children with 2 members of staff. The application indicates that 2 parking spaces are provided and there is space within the site and on the highway for children to be set down/picked up. Additionally there is a car park nearby. In view of this I confirm that I do not wish to raise objection to this application."*

4. REPRESENTATIONS

4.1 1 neighbour representation raising concerns over the number of children attending and highway safety.

5. CONSIDERATIONS

5.1 Site description

5.1.1 The application site relates to the ground floor of 6 Kings Row, which is an end of terrace, two storey building with off street parking available to the front and rear of the building.

5.1.2 Set back some 30m from Armstrong Road, the Kings Row complex is gated and enclosed by a dwarf wall and railings. Kings Row and the other commercial properties to the south and west of the site fall within employment use designation, as shown by policy ED2 of the Maidstone Borough-Wide Local Plan 2000 (MBWLP). South Park playing fields are found to the east of the site.

5.1.3 The application site is in the defined urban area as shown by the MBWLP.

5.2 Proposal

5.2.1 The proposal is for the change of use of the ground floor from an office (B1) to a non-residential education centre to teach school children in core academic skills (D1 use). The ground floor area measures some 62m²; and in terms of staffing, two full-time employees and one part-time employee is proposed.

5.2.2 The applicant wishes to use the space to assess the needs of, and provide young children with the opportunity to use computers and to enhance their core academic skills.

5.3 Relevant policy and guidance

5.3.1 Under saved policy ED2 of the MBLWP, the application site falls within a designated employment site (B1 or B2 use). The application has been advertised as a departure from the Development Plan as the applicant has not

demonstrated that the retention of the building for B1 or B2 use has been fully explored without success.

- 5.3.2 Central government guidance has changed since the MBWLP was adopted, with the introduction of the National Planning Policy Framework (NPPF). So whilst this application is a departure from the MBWLP, the economic climate is now markedly different to how it was in 2000 (when the Local Plan was introduced), and strong weight should now be given to the more up to date NPPF in the determination of this application.
- 5.3.3 General advice in the NPPF states that there should be a presumption in favour of sustainable development whilst protecting existing communities; and one of the core planning principles of the NPPF is to...."*proactively drive and support sustainable economic development....and respond positively to wider opportunities for growth*".
- 5.3.4 Whilst the proposal is technically a departure from the Development Plan, in that it would not provide B1 or B2 employment accommodation, it would nonetheless fall within the scope of economic development, by continuing to provide employment, albeit on a small scale. This would be in line with the NPPF, where the need for adaptability and flexibility in the allocation of employment land is necessary. Moreover, the application site is in a sustainable area, within walking distance of the town centre and close to main bus routes in and out of Maidstone.
- 5.3.5 Weight needs to be placed on the need to support economic growth and given the merits of this application I am of the view that a departure in this location would echo the sentiments of the NPPF in "*widening the opportunities for growth*". Even though the proposal would involve a low level of employment, it should be put into context that this proposal is only concerned with 62m² of floor space and that the unit is currently empty, employing no-one.
- 5.3.6 The unit in question has no outdoor amenity space and a floor area of only 62m². When put into context, this limits what the building could be used for under a D1 use; and so I am satisfied that the nature of the proposed use would be suitable in this location.
- 5.3.7 There is no specific MBWLP policy that concerns the loss of office accommodation. In any case, given the relatively modest floor area of the unit under consideration here (62m²) I am satisfied that the change of use would not significantly increase pressure for additional office allocations on fresh land, especially bearing in mind the number of vacant offices in the Maidstone area.

5.3.8 Whilst the application site is also designated as being in an area where the Council would permit vehicle sales and showrooms (policy R18 of the MBWLP), this is not a material concern in the determination of this application.

5.3.9 I therefore consider the principle of the proposal to be acceptable and will now consider the detail of the application against the criteria set out in local policies and government guidance.

5.4 Impact on property and character of surrounding area

5.4.1 The proposal is only concerned with the change of use of the property, with no external building operations to be considered. I am therefore satisfied that this proposal would not overwhelm or destroy the character of the existing property; and nor would it significantly affect the visual amenity of the surrounding area.

5.5 Residential amenity

5.5.1 There are no building operations to consider, but obviously the potential impact of the proposed use must be considered.

5.5.2 No residential property would be within 70m of the application site; the car parking areas exist and there are already vehicle movements to and from the site, generating a certain level of noise; and I am of the view that the proposed change of use would not significantly increase these movements enough to justify refusal of this application alone, in terms of general noise/disturbance.

5.5.3 In terms of capacity, I am of the view that the small floor space available will largely dictate how many children can be taught at one time, and so do not consider it necessary to restrict children numbers by way of condition. Moreover, given that the unit is a significant distance away from any residential property; and given the nature of the proposed use, I also take the view that it would be unreasonable to restrict working hours.

5.5.4 There are certain uses under the D1 classification where there could be the potential for amplified sound that can carry some distance, and so in the interests of residential amenity I do consider it reasonable to restrict this by way of condition.

5.5.5 Given the separation distances of residential properties from the application site; the nature of the proposed change of use; and the fact that the car parking areas associated with the unit already exist; I am of the opinion that the proposed change of use would not have a further significant detrimental impact on the amenity of the occupants of any near-by residential property when compared to the unit being used as an office.

5.6 Highway implications

- 5.6.1 The site is in a sustainable area, close to regular bus routes in and out of Maidstone; it is not considered that the proposed change of use would result in a significant increase in traffic movements to and from the site; and the site does have off road parking available. In addition to this, there is on street parking and a public car park available to the front of South Park recreation field, less than 50m away from Kings Row that could also be used by staff or parents/carers of the children.
- 5.6.2 I therefore take the view that this proposal would not have a significant impact on highway safety or parking provision (in terms of generating any further significant need). KCC Highways Officer also raises no objections.

5.7 Other matters

- 5.7.1 Given the nature of the proposal, there are no significant issues with respect to landscaping, bio-diversity or drainage.

6. CONCLUSION

- 6.1 With regards to the issues raised by the one representation received, I do not consider it reasonable to enforce the applicant to provide outdoor lighting; or to install warning signs for motorists entering and leaving the site.
- 6.2 For the reasons outlined above, I consider the principle of the proposed change of use to be acceptable and take the view that it would not cause any demonstrable harm to the character of the area or significantly harm the amenity of existing residents. It is appropriate and justified to depart from the existing Development Plan and to give greater weight to the more up to date guidance provided by Central Government in the National Planning Policy Framework. I therefore recommend conditional approval of the application on this basis.

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. No amplified sound shall be used on the site without the prior written consent of the Local Planning Authority;

Reason: To safeguard the residential amenity of future occupants. This is in accordance with the National Planning Policy Framework.

The proposed development would be a departure from the Development Plan, in that it would not provide B1 or B2 use employment accommodation within the application site in accordance with Policy ED2 of the Maidstone Borough-Wide Local Plan 2000. However, the proposed change of use would not be prejudicial to its designation and is in accordance with the advice in the National Planning Policy Framework (NPPF). The NPPF is more recent than policy ED2 of the Maidstone Borough-Wide Local Plan 2000, and it does encourage sustainable economic development where there are no overriding material considerations to indicate a refusal of planning consent.

Note to Applicant:

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was acceptable as submitted and no further assistance was required.

The application was approved without delay.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

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**GROUND FLOOR, 6 KINGS ROW,
ARMSTRONG ROAD, MAIDSTONE,
KENT, ME15 6AQ**

Reference number: MA/12/2243

Condition 2 is to be deleted and replaced with the following informative;

"The operator is advised to reduce, as far as is practicable, the transmission of amplified sound. This will include as far as possible to keep windows and doors closed."



DG SOLUTIONS
TEXT "QUOTE" TO 78866

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NO PARKING AT
ANYTIME
24 HOUR ACCESS
REQUIRED

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23. 1. 2013





23. 1. 2013

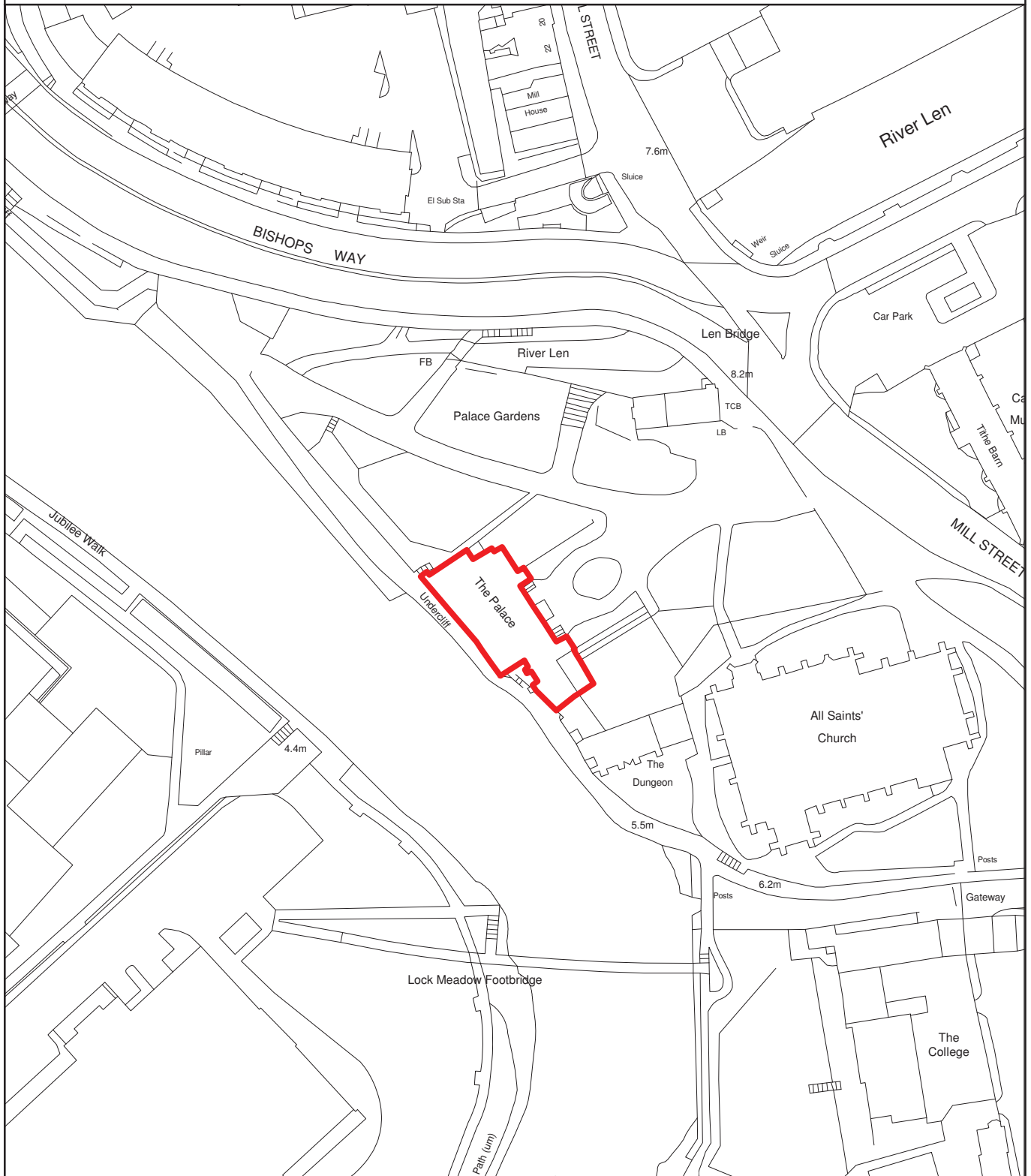
Agenda Item 19

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/0055

GRID REF: TQ7555

REGISTRAR OF BIRTHS DEATHS AND MARRIAGES,
ARCHBISHOP PALACE, MILL STREET, MAIDSTONE.



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Rob Jarman
Head of Planning

APPLICATION: MA/13/0055 Date: 10 January 2013 Received: 15 January 2013

APPLICANT: Mr Tom Hayes, Property Services

LOCATION: REGISTRAR OF BIRTHS DEATHS AND MARRIAGES, ARCHBISHOP PALACE, MILL STREET, MAIDSTONE, KENT, ME15 6YE

PARISH: Maidstone

PROPOSAL: An application for listed building consent for installation of wrought iron gates to central tower.

AGENDA DATE: 21st February 2013

CASE OFFICER: Louise Welsford

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

- The Council is the applicant.

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: None specific.
South East Plan 2009: BE6
Government Policy: National Planning Policy Framework (2012).

2. HISTORY

2.1 There is extensive history for the site. None is specifically relevant to this proposal.

3. CONSULTATIONS

3.1 English Heritage: Does not wish to comment. Recommend that the application is determined in accordance with national and local policy and specialist conservation advice.

3.2 Conservation Officer: No objections.
"The projecting central entrance porch structure to the Archbishops' Palace has archways on each of its three exposed sides. One of these already has gates fitted, but those to the sides do not. There is a current problem of rough sleeping and associated anti-social behaviour under the porch, so it is proposed to erect matching gates to the two side arches. These will have no adverse impact on the significance of the Grade I Listed Building".

4. REPRESENTATIONS

4.1 None received to date.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 This application relates to the Grade I Listed Archbishop's Palace, a key building of historical importance close to Maidstone town centre. It dates from the medieval period and is constructed mainly of ashlar, under a tiled roof. The site lies within All Saints Church Maidstone Conservation Area.

5.2 Proposal

5.2.1 Listed Building consent is sought for the installation of wrought iron gates to the sides of the central tower, which is a key feature of the front elevation of the building. The central tower currently has an archway with a wrought iron gate to the front elevation, but the archways to the sides of the tower are currently open. It is proposed to install gates of matching design to both sides, to provide greater security and address anti-social behaviour issues. The gates would be approximately 2m high.

5.3 Impact upon the Listed Building

5.3.1 The proposed gates would be of a sympathetic design to the Listed Building and would be in keeping with the existing gate to the front elevation of the tower. The existing gate is clearly a non-original addition to the tower and the proposed gates would follow this example. The openwork nature of the gates would allow the original form of the medieval tower, with its important archways, to be easily read. The use of wrought iron is an appropriate, traditional material. No important historic fabric would be lost.

5.3.2 I note that the Conservation Officer has no objection to the proposal.

5.3.3 The eradication of anti-social behaviour issues would also aid the viability of the building as a wedding venue, which would have a positive impact upon the Listed Building.

5.4 Other Matters

5.4.1 The proposal is of a type which would have no significant adverse effect upon archaeology. The gates would preserve the character and appearance of the Conservation Area, as they are of suitable scale, design and siting.

6. CONCLUSION

- 6.1 The proposal would preserve the character, appearance and historical integrity of the Listed Building and its setting. As this is a Listed Building Consent application made by the Council, it must be referred to the Secretary of State for determination.
- 6.2 It is concluded that the application should be reported to the Secretary of State, recommending that permission be granted, subject to conditions as listed below.

7. RECOMMENDATION

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
drawing no.s 1C/100 received on 14/01/13, , 1C/100 and 1B/100 received on 15/01/13 and a Design & Access Statement received on 11/01/13 .
Reason: To ensure the quality of the development is maintained and to preserve the historical integrity of the Grade I Listed Building in accordance with Policy BE6 of the South East Plan 2009 and the National Planning Policy Framework.
3. The development shall not commence until full details of the proposed gates, in the form of large scale drawings, (at a scale of 1:10), including details of the precise positioning and fixings of the gates, have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.
Reason: To preserve the setting, character and appearance of the Grade I Listed building, in accordance with Policy BE6 of the South East Plan 2009 and the National Planning Policy Framework.

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



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