

AGENDA

PLANNING COMMITTEE MEETING



Date: Thursday 14 March 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 Items withdrawn from the Agenda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 - 18 March 2013
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

Continued Over/:

Issued on 6 March 2013

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Alison Broom

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

8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
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11. Presentation of Petitions (if any)
12. Report of the Head of Planning - Deferred Items 6 - 7
13. MA 10 1391 - 7 to 8 ST HELENS COTTAGES, ST HELENS LANE, WEST FARLEIGH, MAIDSTONE, KENT 8 - 25
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25. 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 21 FEBRUARY 2013

Present: Councillor Lusty (Chairman) and Councillors Ash, Chittenden, Collins, Cox, Harwood, Hogg, Newton, Paine, Mrs Robertson and J.A. Wilson

Also Present: Councillors Mrs Hinder, Moss and Vizzard

272. APOLOGIES FOR ABSENCE

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

273. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Chittenden was substituting for Councillor Paterson.

274. NOTIFICATION OF VISITING MEMBERS

Councillor Mrs Hinder indicated her wish to speak on the report of the Head of Planning relating to application MA/12/1629.

Councillor Moss indicated his wish to speak on the report of the Head of Planning relating to application MA/12/1749.

Councillor Vizzard was in attendance for the report of the Head of Planning relating to application MA/12/1749, but did not wish to speak.

275. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

276. 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 because it contained further information relating to the applications to be considered at the meeting.

277. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Harwood stated that he was a Member of Boxley Parish Council, but he had not participated in the Parish Council's discussions regarding

application MA/12/1629 and intended to speak and vote when it was considered.

278. EXEMPT ITEMS

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

279. MINUTES OF THE MEETING HELD ON 31 JANUARY 2013

RESOLVED: That the Minutes of the meeting held on 31 January 2013 be approved as a correct record and signed.

280. PRESENTATION OF PETITIONS

It was noted that a petition would be referred to in relation to application MA/12/1749.

281. 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 draft amended plans had been received and were being considered.

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 additional information had been received and put out to re-consultation. He hoped to be in a position to report the application back to the Committee in the near future.

282. MA/12/1749 - ERECTION OF 40 NO. DWELLINGS (INCLUDING 40% AFFORDABLE HOUSING) TOGETHER WITH PUBLIC OPEN SPACE AND NEW VEHICLE AND PEDESTRIAN ACCESS FROM MARIGOLD WAY - LAND OFF MARIGOLD WAY, MAIDSTONE, KENT

All Members stated that they had been lobbied.

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

Mrs Prior, for objectors, Mr Brown, for the applicant, and Councillor Moss addressed the meeting.

RESOLVED: 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 provision of a minimum of 40% affordable housing and the following contributions required as a result of the additional demand created by the proposed development:-

- A contribution of £63,000 for Maidstone Borough Council Parks and Open Space towards the enhancement of parks and open space within the locality of the application site;
- A contribution of £25,920 for the Primary Care Trust towards the enhancement of existing health care provision within a two mile radius of the application site;
- A contribution of £287,090.27 for Kent County Council towards primary school education within the locality;
- A contribution of £8,289.68 for Kent County Council towards the provision of new book stock within the existing library in Maidstone;
- A contribution of £1,710.78 for Kent County Council towards youth facilities within the locality of the application site; and
- A contribution of £621.94 for Kent County Council towards community learning facilities within the locality of the application site,

the Head of Planning be given delegated powers to grant permission subject to the conditions and informatives set out in the report.

Voting: 10 – For 0 – Against 1 – Abstention

283. MA/12/1629 - ERECTION OF DETACHED FOUR BEDROOM DWELLING - HILLAH, COSSINGTON ROAD, BOXLEY, CHATHAM, KENT

All Members stated that they had been lobbied.

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

Mrs Ward, for objectors, Councillor Brooks of Boxley Parish Council (against), Mrs Bell-Robinson, the applicant, and Councillor Mrs Hinder addressed the meeting.

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

Voting: 8 – For 0 – Against 3 – Abstentions

284. MA/12/2151 - CHANGE OF USE OF LAND TO GLAMPING SITE WITH INSTALLATION OF ASSOCIATED PATHWAYS, HARD SURFACING, FENCING AND LIGHTING - LEEDS CASTLE, ASHFORD ROAD, HOLLINGBOURNE, MAIDSTONE, KENT

The Chairman and Councillors Collins, Cox, Hogg, Newton and Paine stated that they had been lobbied.

The Committee considered the report of the Head of Planning.

Mr Skinner, for objectors, Councillor Page of Broomfield and Kingswood Parish Council (against) and Mrs Wallace, for the applicant, addressed the meeting.

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

Voting: 11 – For 0 – Against 0 – Abstentions

285. MA/12/1051 - ERECTION OF 18 FLATS AND 51 HOUSES TOGETHER WITH 225M² OF COMMUNITY/COMMERCIAL SPACE - LAND SOUTH OF WALLIS AVENUE, MAIDSTONE, KENT

All Members stated that they had been lobbied.

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

Mr Blundell addressed the meeting on behalf of the applicant.

RESOLVED: 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:-

- A contribution of £30,000 for Maidstone Borough Council Parks and Open Space towards the enhancement of the existing skate park and the provision of outdoor gym equipment at the Parkwood Recreation Ground;
AND
- The provision of a minimum of 40% affordable housing,

the Head of Planning be given delegated powers to grant permission subject to the conditions and informatives set out in the report, as amended by the urgent update report, and the additional conditions set out in the urgent update report.

Voting: 8 – For 0 – Against 3 – Abstentions

286. MA/12/1575 - SINGLE STOREY SIDE EXTENSION - EAST FIELD, MAIDSTONE ROAD, MARDEN, TONBRIDGE, 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.

Voting: 11 – For 0 – Against 0 – Abstentions

287. MA/12/2243 - CHANGE OF USE OF GROUND FLOOR TO NON-RESIDENTIAL EDUCATION CENTRE TO TEACH SCHOOL CHILDREN IN CORE ACADEMIC SKILLS (THAT FALLS WITHIN D1 USE) - GROUND FLOOR, 6 KINGS ROW, ARMSTRONG ROAD, 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, as amended by the urgent update report, and the informative set out in the urgent update report.

Voting: 11 – For 0 – Against 0 – Abstentions

288. MA/13/0055 - AN APPLICATION FOR LISTED BUILDING CONSENT FOR INSTALLATION OF WROUGHT IRON GATES TO CENTRAL TOWER - REGISTRAR OF BIRTHS, DEATHS AND MARRIAGES, ARCHBISHOP'S PALACE, MILL STREET, MAIDSTONE, KENT

The Committee considered the report of the Head of Planning.

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

Voting: 11 – For 0 – Against 0 – Abstentions

289. CHAIRMAN'S ANNOUNCEMENTS

The Chairman drew the Committee's attention to "The Planners", a television documentary series about the planning process in the UK, and expressed the view that this Council's Planning Committee was much more professional than those taking part in the programme.

290. DURATION OF MEETING

6.00 p.m. to 7.55 p.m.

Agenda Item 12

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

14 MARCH 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) 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 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) 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 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.

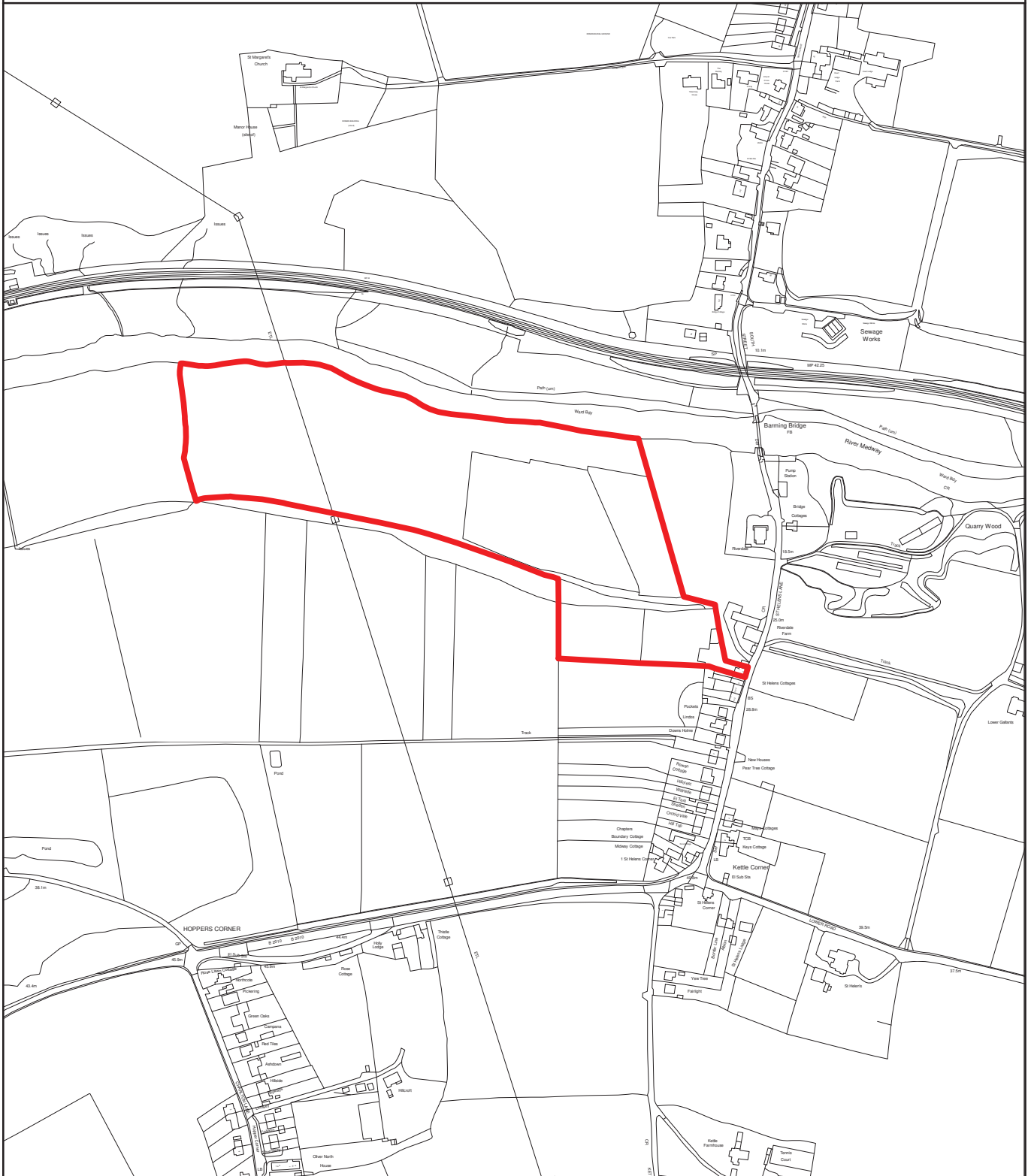
Ward Members and Councillor Harwood are to be involved in the negotiations.

Agenda Item 13

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/10/1391 GRID REF: TQ7153/7253

7-8 ST HELENS COTTAGES, ST HELENS LANE,
WEST FARLEIGH.



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Rob Jarman
Head of Planning

APPLICATION: MA/10/1391 Date: 3 November 2010 Received: 5 September 2012

APPLICANT: Mr K Taylor

LOCATION: 7- 8, ST HELENS COTTAGES, ST HELENS LANE, WEST FARLEIGH, MAIDSTONE, KENT, ME15 0JZ

PARISH: West Farleigh

PROPOSAL: Change of use of land from agriculture to a mixed use for a camp site, fishing and the keeping of horses, as shown on drawing numbers 11074 P 02 and 11074 P 04, supported by a design and access statement, planning statement and photographs received 5th December 2011 and Transport Statement and drawing number 11074 P 06 received 4th September 2012

AGENDA DATE: 14th March 2013

CASE OFFICER: Catherine Slade

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

- It is contrary to views expressed by **West Farleigh and East Farleigh Parish Councils**.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV35, ENV46, ENV49, ED20, T13
- South East Plan 2009: CC1, CC6, T4, NRM2, NRM4, NRM5, NRM10, C4, TSR5
- Government Policy: National Planning Policy Framework 2012, PPS25 Development and Flood Risk – Practice Guide, Good Practice Guide on Planning for Tourism (2006), The Use of Conditions in Planning Permissions (Circular 11 of 1995)

2. HISTORY

MA/06/1571 - An application for a certificate of lawfulness for an existing development being the stationing of 2 no. Mobile Homes within the curtilage of 7/8 St. Helens Cottages for purposes incidental to the enjoyment of the dwelling house – APPROVED **NO PRE-COMMENCEMENT CONDITIONS DISCHARGED**

MA/06/0804 - Change of use of land to the keeping of horses as a small paying concern for a maximum of 9 no. horses (with no horse boxes on site) plus erection of 3 no. mobile field shelters – APPROVED WITH CONDITIONS

MA/06/0562 - An application for a certificate of lawfulness for an existing development being the use of the land for the stationing of 2 no. mobile homes (7 St Helens Cottages) – REFUSED

MA/77/0931 - Single storey rear extension and dormer window conversion - APPROVED

MA/76/0670 - Internal alterations and erection of garage – APPROVED WITH CONDITIONS

Enforcement:

ENF/11227 - Site being used as a new campsite – CASE REMAINS OPEN PENDING DETERMINATION OF MA/10/1391

ENF/9686 - Use of land to provide camping facilities for general public – CASE CLOSED (no breach) 10th October 2007

ENF/9128 - Advertisement for Grazing – CASE CLOSED (breach resolved) 11th January 2008

ENF/8685 - Alleged livery use on land - CASE CLOSED (no breach) 17th August 2006

ENF/8373 - Unauthorised stationing of a mobile home - CASE CLOSED (planning permission granted - MA/06/1751) 28th November 2006

414/4123 - Mobile home sited outside residential curtilage - CASE CLOSED (no breach) 14th June 1999

414/2829 - Use for camping/caravanning - CASE CLOSED (no reason given) 16th April 1997

414/2740 - Stationing of Mobile Home - CASE CLOSED (no reason given) 27th June 1996

- 2.1 The current application has been submitted in response to an enforcement investigation (ENF/11227) into an unauthorised change of use of the land for camping and caravanning. A previous enforcement investigation had been closed

as the breach at that time did not exceed permitted development for temporary uses (ENF/9686).

3. CONSULTATIONS

3.1 **West Farleigh Parish Council** wish to see the application refused, and raised the following concerns:

- The site is unsuitable for development.
- Highways safety as a result of traffic generation and the site access, and the suitability of St Helens Lane by use by additional and emergency vehicles.
- Visual impact on the Medway Valley.
- Harm to residential amenity by way of noise and disturbance from the use and additional traffic.
- Environmental issues including dealing with waste and other infrastructure provision.

3.2 **East Farleigh Parish Council** wish to see the application refused, and raised the following concerns:

- Highways safety as a result of traffic generation and the site access, and the suitability of St Helens Lane by use by additional and emergency vehicles.
- Visual impact on the Medway Valley.
- Harm to the character and amenity of the Medway Valley by way of noise, fires, etc.

3.3 **Barming Parish Council** have not formally responded to the consultation, but support the position of the other Parish Councils.

3.4 **Councillor Stockall** has raised concerns over issues of highway safety, including traffic generation and the site access, and the suitability of St Helens Lane by use by emergency vehicles.

3.5 The **Kent County Council Highway Officer** initially raised no objection to the application (subject to the submission of details of the site access and turning areas), making the following detailed comments:

"The application for 10 tent pitches, fishing and the keeping of horses is not likely to generate a significant level of traffic along St Helens Lane, an unclassified highway and the junction with Lower Road is adequate in terms of visibility. There have been no recorded injury crashes along St Helens Lane or at its junction with Lower Road in the latest three year period."

The officer subsequently confirmed that no objection was raised on highway grounds subject to the imposition of conditions. However, following receipt of a detailed objection to the development from a Transport Engineer, which was commissioned by residents of St Helens Lane. The most recent comments received from the officer raise objection to the proposal on the grounds that the access of the site to St Helens Lane by reason of its restricted width and sub-standard junction with the public highway is inadequate to serve the development. The officer makes the following detailed comments:

"Access is to be made by means of a 3.2m wide access to the north of No. 7/8 St. Helens Cottages located off St. Helens Lane.

Access for emergency services is proposed via the existing access to the south of No 1 St Helens Lane which is privately owned and currently used to gain access to the rear of No.s 1-8 St Helens Lane and to access the land beyond which is currently used for the keeping of horses. Permission for the grazing of 8 horses was granted in November 2006 (planning application MA/06/0804).

In addition to the keeping of horses the application proposes the use of the land for up to 10 pitches for fishing purposes between June and March and up to 10 pitches for camping between April and October. The applicant has stated that there would be a maximum of 10 pitches in use at any one time and no motor home or caravans would be permitted on site.

Tracking diagrams have been provided to demonstrate the turning of a car to and from the proposed site access which is located to the north of No. 7/8 St Helens Cottages and this indicates that a vehicle 3.6m long and 1.72m wide is able to manoeuvre into and out of the site access without overrunning the verge. However I am concerned that a larger vehicle would not be able to access this site due to the narrow width of both the site access and St Helens Lane at the point of access. Indeed the Kent & Medway Vehicle Parking Standards indicates that an average car size is 4.4m long and 2.0m wide. I have also checked the dimensions of various cars from the manufacturers' websites which indicate that a Ford Focus is 4.574m long and 2.091m wide; a VW Golf is 4.213m long and 1.786m wide and a Honda CRV is 4.574m long and 2.091m wide.

Clearly the car shown in the tracking diagram is small and it would not be feasible to limit access to those with small cars. The access is therefore

considered to be unsuitable and this application would lead to congestion and obstruction in St Helens Lane where there is no turning area, this being detrimental to highway safety.

In view of the above I recommend that this application be refused."

3.6 The **Maidstone Borough Council Environmental Health Officer** raises no objection to the proposal subject to the imposition of conditions requiring the submission and approval of details of disposal of run-off and waste, and the imposition of informatives.

3.7 **Natural England** have no comment to make on the application.

3.8 The **Kent County Council Ecology Officer** raises no objection to the proposal, and makes the following comments:

"No ecological information has been submitted with this application. However as a result of reviewing the information submitted with the application and information on our GIS system we feel that the proposed development has minimal potential to impact on any protected species.

We require no additional information to be provided prior to determination of the planning application."

3.8 The **Environment Agency** raises no objection to the proposal, subject to the imposition of informatives.

3.9 The **Upper Medway Internal Drainage Board** did not respond to the consultation.

4. REPRESENTATIONS

4.1 **35** individual representations were received from **23** parties (households), together with three sets of pro forma representations from 14 parties (households), most of whom had provided individual representations as well. In addition, a petition with 47 signatories was received. These representations raised the following objections to the proposal:

- Highways safety as a result of traffic generation and the site access, and the suitability of St Helens Lane by use by additional and emergency vehicles.
- Harm to residential amenity by way of noise and general disturbance.

- Harm to the character and appearance of the open countryside and Medway Valley.
- Concern that the application was retrospective.

- 4.2 A number of the representations requested that in the event of a recommendation for approval that various conditions be attached to the permission, which mainly related to restrictions on the use allowed and limits on vehicles which may access the site.
- 4.3 In addition to the above, an independent transport objection to the application was commissioned by some residents of St Helens Lane by DHA; DHA also provided a response to the rebuttal of the applicant to the transport assessment.
- 4.4 Ten representations in support of the application were received.

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 The application site is located within a rural location in open countryside designated as being within the Medway Valley Area of Local Landscape Importance (ALLI). The northern third of the site is located within flood zone 3 (functional floodplain) and the southern two thirds of the site within flood zone 2, as recorded by the Environment Agency. The site is located within the Parish of West Farleigh, however the boundary of between the parish councils of East and West Farleigh runs along St Helens Lane in this locality, and as such comments were sought from both bodies.
- 5.1.2 The site comprises land to the north and north west of St Helens Cottages to the west of St Helens Lane. The land is mainly field/paddock land, which slopes to the north, down to the River Medway. Built development is restricted to the south east corner of the site, where the site boundary includes the residential property 7-8 St Helens Cottages, the northern most in a terrace of nineteenth century dwellings, as well as two caravans ancillary to the main dwellinghouse, two toilet blocks and a swimming pool. The site is currently being accessed via a shared access located to the south of 1 St Helens Cottages, and runs northwards to the rear of the properties which make up St Helen's Cottages. This access is not included within the scope of the red line on the site location plan, and the applicant intends to improve and use the access to the north of 7-8 St Helens Lane in the event of planning permission being granted.
- 5.1.3 The site is located on the southern slope of the Medway Valley, and in an elevated position relative to the river and the public footpath (the KM4) and

Medway Valley railway line which run along the opposite side of the river to the north of the site.

- 5.1.4 The site is bounded to the west by agricultural land, and to the north by agricultural land and land in equestrian use. To the east is agricultural land and agricultural buildings associated with Riverdale Farm, and the River Medway forms the northern boundary of the site. The closest residential properties are St Helens Cottages, which adjoin the site to the south.
- 5.1.5 The site is located to the west of St Helens Lane, an unclassified narrow single track public highway with no passing or turning areas, however the only points of the site which adjoin the highway is the proposed access to the site, which is located immediately to the north of St Helens Cottages. St Helens Lane is officially a through road between Barming Road in the north and Lower Road (the B2010), however Barming Bridge, approximately 185m to the north of the site, has been closed to vehicular traffic since 1996 although it remains open to non-motorised traffic. There is no realistic expectation that the necessary works to make the structure safe for vehicle transit will take place in the foreseeable future. The highway therefore effectively serves only the properties located to the south of the river, which include 18 dwellings to the south of St Helens Cottages; St Helens Cottages themselves which although built as 8 cottages, are in fact occupied as 5 residential units; and to the north of the site, three dwellings, Riverdale Farm and a pumping station.

5.2 Development

- 5.2.1 The application seeks planning permission for the use of the land for the keeping of horses, fishing, and for a camp site. The application is retrospective insofar as the land is currently being used for the keeping of horses and fishing, and also for camping and caravanning. Whilst it is noted that the current (unauthorised) use of the land for tourism accommodation has included use of the land by persons occupying caravans and motor homes, the application before Members is restricted in terms of the tourism use to the provision of ten camping pitches in the north of the site between 1st April and 30th October.
- 5.2.2 The use of the land for fishing would by its nature be largely restricted to areas in close proximity to the river bank, and the activity would be limited to between 16th June and 15th March inclusive, and to a maximum number of pitches of 10.
- 5.2.3 The land benefits in its entirety from planning permission for the keeping of horses under the scope of MA/06/0804.

- 5.2.4 The applicant proposes that access for the proposed uses be restricted to between the hours of 0730 and 2100 daily, with a key holder being on site at all times.
- 5.2.5 Proposed operational development is restricted to improvements to the proposed access and the introduction of a waste storage area adjacent to the existing ablution and toilet facilities.

5.3 Principle of Development and Planning Policy Context

- 5.3.1 The site is located in open countryside and is therefore subject to strict control over new development. However, Local Plan policy ED20 allows for the provision of caravan and camping sites in rural locations subject to criteria including the visual and amenity impact on the surrounding area, the capability of the site for adequate landscaping, there being no detrimental impact upon neighbouring land uses or residential amenity, and there being no objection to the proposal on highways grounds. This policy is supported by policy TSR5 of the South East Plan which encourages the provision of a range of holiday accommodation. This policy is supported by the National Planning Policy Framework, which requires Local Planning Authorities to seek to achieve sustainable tourism development, including the provision of tourist facilities in appropriate locations.
- 5.3.2 Good Practice Guide on Planning for Tourism, which remains in place as national planning policy guidance on development of this nature, supports the provision of tourist accommodation, subject to consideration of the impacts of applications in respect of environmental considerations and those of sustainability.
- 5.3.3 In addition to the above, policies CC1 and CC6 seek to achieve sustainable forms of development, whilst policy C4 seeks to protect and enhance the diversity and local distinctiveness of the landscape of the open countryside. In addition, proposals within the ALLI should be assessed under the provisions of Local Plan policies ENV35 which requires proposals for development to be considered in terms of the maintenance of open space, and the impact on the character of the landscape.
- 5.3.4 These policies are in accordance with central government planning policy and guidance as set out in the National Planning Policy Framework 2012.
- 5.3.5 The principle of the use of the land for the provision of tourist camping accommodation clearly accords with local, regional and national planning policy and guidance which seeks to encourage the provision and expansion of rural tourism accommodation facilities, subject to detailed consideration of the impact of the use in respect of highway safety, impact upon the character and

appearance of the open countryside, the ALLI and the Medway Valley; residential amenity and the biodiversity and water quality of the River Medway.

5.4 Planning Considerations

5.1 Highways

5.4.1.1 As set out above, the Kent County Council Highway Services Engineer objects to the proposal on the grounds of the standard of the proposed access, and considerable opposition to the application has been expressed by local residents and other parties including West Farleigh Parish Council, East Farleigh Parish Council and Barming Parish Council. An independent report on the implications of the development has been commissioned by some occupiers of St Helens Lane, and the findings of this report have been fully considered.

5.4.1.2 The main issues raised are the suitability of St Helens Lane for additional traffic; the safety of the junction between St Helens Lane; the standard of the proposed access to the site to the north of St Helens Cottages; and the accessibility of the site in respect of emergency vehicles. Whilst I note that objection has been raised on the grounds of the use of the private access to the south and rear of St Helens Cottages, this is not proposed as the principle access to the site under the scope of the current application, and has not been used as such for some time; as such is not relevant to consideration of the application.

5.4.1.3 Whilst it is recognised that St Helens Lane is a single track unclassified highway of variable quality, to my mind the level of additional traffic which would result from the uses currently under consideration is not such that it would result in conditions detrimental to highway safety, and the Highway Engineer has raised no objection to the proposal on the grounds of intensification of the use of the public highway by private vehicles.

5.4.1.4 Whilst the use would inevitably result in inconvenience as a result of the necessity of vehicles to pass, this is not in itself justification for refusal of the application. I note that documentation has been provided from objectors which indicates the issues that have previously arisen as a result of the use of the lane by motorhomes and caravans, however the current application excludes such vehicles from the scope of the use. I propose a condition restricting the tourism use to campers. Whilst I note that such a condition would not restrict horse boxes and associated trailers, etc. from accessing the site and the request by objectors to prohibit the use of horse boxes and similar vehicles on the site, given the existing permission for the keeping of horses on the land I do not consider that to condition such chattels would be reasonable, or satisfy the tests as set out in Circular 11 of 1995.

- 5.4.1.5 I also note complaints that vehicles have parked on the public highway, however St Helens Lane is not subject to parking restrictions, and as such, whilst parking on it is not desirable, it is not prevented through any mechanism such as the introduction of yellow lines. It is also the case that whilst vehicles visiting the site may have resulted in inconvenience for occupiers of the lane, no serious traffic incidents have resulted, and are unlikely to do so by virtue of the limited number of properties which this highway serves.
- 5.4.1.6 For these reasons, as well as the historic use of the lane by larger agricultural vehicles serving the farms which are accessed from this highway, it is not considered that a refusal on this ground would be sustainable.
- 5.4.1.7 In respect of the junction between St Helens Lane and Lower Road, vehicles exit St Helens Lane on the outside of the bend of Lower Road at this location, and the visibility splays, which serve the existing junction between the two public highways are considered to be acceptable in terms of highway safety. I note that a single serious accident has occurred at this location in the last three years, which was due to a car overtaking a cyclist and not attributable to the safety of the junction itself. Again, no objection has been raised by the Highway Engineer in this regard, and as such it is not considered that this represents a reason for refusal of the application.
- 5.4.1.8 The access of the site to St Helens Lane is recognised not to be ideal, and the Kent County Council Highway Services Engineer has raised objection to the proposal on the grounds that the access could not be adequately used by larger cars. Whilst this is accepted, the tracking diagrams provided indicate that an average sized vehicle could successfully use the access, and given that no planning permission would normally be required for the introduction and use of such an access, and the circumstances of this case, which are that the highway is effectively a no through road, and serves only a small number of properties beyond the application site, it is considered that this does not justify refusal of the application. It is noted that the use of the access has been active for some time, the original enforcement case relating to the use having been opened in 2007, and that no serious incidents or apparent damage to verges or highways have resulted.
- 5.4.1.9 I note that concerns have been raised in respect of the visibility splays achievable, although not by the Highway Engineer. Given the limited traffic past the site, it is considered in the circumstances of this case that this issue could be satisfactorily resolved through the introduction of a mirror on the opposite side of the highway to enable egressing traffic to have sight of oncoming road users, although this could not be secured by means of a planning condition as the land is outside the control of the applicant.

5.4.1.10 It is noted that concern has been raised in respect of the accessibility of the site by emergency vehicles. As has been demonstrated, it is possible for emergency vehicles to access the site and adjacent properties in the event of an emergency using the public highway, and turning for such vehicles is available within the site which can be accessed via the alternative entrance to the rear of neighbouring properties fronting onto St Helens Lane (although the use of this access would be restricted to use by emergency vehicles in respect of the use for which planning permission is sought). As such, there is no objection to the proposal on this ground, and this has not been raised as a concern by the Highway Engineer.

5.4.1.11 For these reasons, whilst having consideration for the comments of the Highway Engineer and third parties, I consider it unreasonable to refuse the application on the grounds of highway safety.

5.4.2 Residential Amenity

5.4.2.1 Concerns have been raised in respect of the implications of the change of use on the residential amenity of the occupiers of properties fronting onto St Helens Lane. As set out above, the application proposes a change to the current arrangement for site access, which would result in all customer vehicles entering and exiting the site via the proposed access to the north of St Helens Cottages; as such I will not go into the implications of the current (unauthorised) use of the shared access to the west of St Helens Cottages in any detail.

5.4.2.2 In respect of the implications of disturbance to the occupiers of properties adjoining St Helens Lane, one anonymous complaint has been received by the Council's Environmental Enforcement team in relation to traffic noise, however the Council's Environmental Health Officer has confirmed that no objection is raised in this respect, making the following detailed comments: "given the size of this development and the fact that the route is already open to local farm traffic it is not of sufficient scale to cause us concerns within the Environmental Health remit."

5.4.2.3 Whilst I am aware that concern has been raised in regard to disturbance from campers, the area for camping is located approximately 125m from the nearest residential properties, and it is my understanding that were there to be significant levels of noise and other disturbance, conflict would arise between campers and fishermen. In any case, tourist camp sites are not normally subject to excessive levels of noise.

5.4.2.4 For these reasons, it is not considered that there is any objection to the application on the grounds of harm to residential amenity.

5.4.3 Impact on the Character and Appearance of the Open Countryside and the Medway Valley

5.4.3.1 The extent of operational development associated with the application is limited, and the structures associated with the camping and fishing activities are by their nature, transient non-permanent structures. Although there would be a visual impact as a result of activities on the site, these would be temporary in nature and similar in character to those carried out on the opposite side of the River Medway in this location by a local angling club, and as such there is not considered to be any objection to the application on the grounds of visual impact.

5.4.3.2 I note that concern has been raised over impact of the application on the overall character of the open countryside in this location and that of the Medway Valley. However it is not considered that the application would be detrimental to the openness of the ALLI. Furthermore, camping, fishing and the keeping of horses are considered to be activities which are not out of keeping with the countryside setting or strikingly dischordant in this settling, which whilst rural in character, is set in the context of the ribbon development along St Helens Lane and the Medway Valley Line and River Medway itself, which are transport arteries running east – west to the north of the site.

5.4.3.3 Notwithstanding the above, I recognise that the habitual use of fires by campers would have potentially have an impact during the hours of darkness, and also public safety implications, and as such I propose a condition restricting the use of any open fires on the land.

5.5 Other Matters

5.5.1 The northern two thirds of the site are located in an area prone to flood. Whilst fishing and the keeping of horses are not vulnerable uses, tourism accommodation is, however this has been addressed in the application documentation which refers to the temporary nature of camping and the actions of subscribing to the Environment Agency's Floodline and placing warning signage within the site. The Environment Agency has raised no objection to the proposal on this ground, and it is considered appropriate to impose a condition requiring these actions to be carried out.

5.5.2 The site is located in open countryside in a sensitive riverside location, albeit not formally given any such classification either locally or nationally, and no objection to the proposal is raised by the Kent County Council Biodiversity Officer in this respect.

5.5.3 The proposal would not have any impact upon the trees either within or adjacent to the site, which are not protected. There are no neighbouring heritage assets.

5.5.4 Ablution and waste storage facilities are provided on site, and whilst the Environmental Health Officer has requested further details of the management of waste in respect of the animals to be kept on the land, given that this use would simply continue that which already has consent on the land and has been operating for the last 6 years, and such details have already been provided in the application documentation, I do not consider that to require the submission of such details is necessary in this case.

6. CONCLUSION

6.1 For the reasons set out above, the proposed development is considered to be in accordance with the policies of the Maidstone Borough-Wide, Local Plan 2000 and South East Plan 2009, and national planning policy as set out in the National Planning Policy Framework 2012, having regard to all other material considerations, and it is therefore recommended for approval subject to conditions.

7. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. No more than ten pitches, each with no more than one tent, shall be occupied at any one time, and at no time shall campervans, motorhomes, caravans or any such vehicles be stationed or occupied on the land;

Reason: In order to restrict the number of vehicle movements resulting from the use so as to safeguard highway safety and the character, appearance and openness of the open countryside and the River Medway Area of Local Landscape Importance in accordance with policies ENV28 and ENV35 of the Maidstone Borough-Wide Local Plan 2000 and CC1 and C4 of the South East Plan 2009, and central government planning policy as set out in the National Planning Policy Framework 2012.

2. No more than ten fishing pitches shall be in use at any one time;

Reason: In order to restrict the number of vehicle movements resulting from the use so as to safeguard highway safety and the character, appearance and openness of the open countryside and the River Medway Area of Local Landscape Importance in accordance with policies ENV28 and ENV35 of the Maidstone Borough-Wide Local Plan 2000 and CC1 and C4 of the South East Plan 2009, and

central government planning policy as set out in the National Planning Policy Framework 2012.

3. 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.

4. 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.

5. 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.

6. The use of the land for camping will not take place outside of the period 1st April to 30th October inclusive, and the use of the land for fishing outside of the period 16th June to 15th March inclusive, and at no other time;

Reason: In order to restrict the number of vehicle movements resulting from the use so as to safeguard highway safety and the character, appearance and openness of the open countryside and the River Medway Area of Local Landscape Importance in accordance with policies ENV28 and ENV35 of the Maidstone

Borough-Wide Local Plan 2000 and CC1 and C4 of the South East Plan 2009, and central government planning policy as set out in the National Planning Policy Framework 2012.

7. Within 3 months of the date of this decision the operators of the land shall sign up to the Environment Agency Floodline and introduce appropriate signage warning users of the land in respect of flood events;

Reason: to safeguard human life in accordance with NRM4 of the South East Plan 2009 and central government planning policy as set out in the National Planning Policy Framework 2012 and PPS25 Development and Flood Risk - Practice Guide.

8. At no time shall open or camp fires be lit on the land;

Reason: To safeguard the character and appearance of the open countryside and the River Medway Area of Local Landscape Importance in accordance with policies ENV28 and ENV35 of the Maidstone Borough-Wide Local Plan 2000 and CC1 and C4 of the South East Plan 2009, and central government planning policy as set out in the National Planning Policy Framework 2012.

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

drawing number 11074 P 04, design and access statement and planning statement received 4th September 2012;

Reason: In order to restrict the number of vehicle movements resulting from the use so as to safeguard highway safety and the character, appearance and openness of the open countryside and the River Medway Area of Local Landscape Importance in accordance with policies ENV28 and ENV35 of the Maidstone Borough-Wide Local Plan 2000 and CC1 and C4 of the South East Plan 2009, and central government planning policy as set out in the National Planning Policy Framework 2012.

10. No vehicle will enter or exit the site between the hours of 2100 hours and 0730 hours inclusive on any day;

Reason: In order to restrict the number of vehicle movements resulting from the use so as to safeguard highway safety and the character, appearance and openness of the open countryside and the River Medway Area of Local Landscape Importance in accordance with policies ENV28 and ENV35 of the Maidstone Borough-Wide Local Plan 2000 and CC1 and C4 of the South East Plan 2009, and central government planning policy as set out in the National Planning Policy Framework 2012.

11. No more than nine horses shall be kept on the site at any time for the purpose of commercial livery.

Reason: To prevent an inappropriate increase in the scale and effects of this economic activity and to restrict the number of vehicle movements resulting from the use so as to safeguard highway safety and the character, appearance and openness of the open countryside and the River Medway Area of Local Landscape Importance in accordance with policies ENV28 and ENV35 of the Maidstone Borough-Wide Local Plan 2000 and CC1 and C4 of the South East Plan 2009, and central government planning policy as set out in the National Planning Policy Framework 2012.

12. Excepting the four fields shelters already on the land, no additional buildings or temporary structures including horse jumps or fields shelters, shall be erected, placed or allowed to remain on the land unless the prior written approval of the Local Planning Authority has been obtained;

Reason: To safeguard the character, appearance and openness of the open countryside and the River Medway Area of Local Landscape Importance in accordance with policies ENV28 and ENV35 of the Maidstone Borough-Wide Local Plan 2000 and CC1 and C4 of the South East Plan 2009, and central government planning policy as set out in the National Planning Policy Framework 2012.

13. The approved details of the parking/turning areas shall be completed within 3 months of the date of this decision and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

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

14. The use of the land hereby permitted shall only be used in connection with the occupation of the dwelling known as '7 & 8, St Helens Cottages' outlined in red on the attached plan, and when no longer used for these purposes shall cease and all associated paraphernalia removed from the land;

Reason: To ensure that adequate security and supervision is provided to the animals kept on the land and to safeguard the security of campers and fishermen in the event of a flood, and safeguard against an otherwise unjustified pressure for new residential development in what would otherwise be an

inappropriate and unsustainable location in accordance with policies ENV28 and ENV46 of the Maidstone Borough-Wide Local Plan 2000 and SP3, CC1, CC6 and NRM5 of the South East Plan 2009 and central government planning policy and guidance as set out in the National Planning Policy Framework 2012 and PPS25 Development and Flood Risk - Practice Guide.

Informatives set out below

Please note that the River Medway is a designated 'main river' and under the jurisdiction of the Environment Agency for the purposes of its land drainage functions. Written consent is required under the Water Resources Act 1991 and associated Byelaws prior to the carrying out of any works in, over or under the channel of the watercourse or on the banks within 8m of the landward toe of any flood defence, where one exists.

Please note that planning permission is required for any further built development associated with the use hereby approved.

Please make all customers aware that there are no facilities on the site for the use or disposal of the contents of chemical or other personal toilet facilities, and that no toilets of any kind other than those contained in the existing ablution facilities should be used.

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/11/0478

GRID REF: TQ7653

YMCA, MELROSE CLOSE,
MAIDSTONE.



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Rob Jarman
Head of Planning

APPLICATION: MA/11/0478 Date: 12 April 2011 Received: 12 April 2011

APPLICANT: Mr C. Brown, Galamast

LOCATION: YMCA, MELROSE CLOSE, MAIDSTONE, ME15 6BD

PARISH: Maidstone

PROPOSAL: 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, resubmission of MA/03/1147/01) being submission of details received on 24th March 2011 and 8th March 2012 pursuant to conditions 11 - slab levels, 14 - floodlighting and 16 - perimeter fencing to the sports pitch

AGENDA DATE: 14th March 2013

CASE OFFICER: Catherine Slade

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

- Councillor Chittenden requested that it be reported for the reason set out in the previous committee report, attached as Appendix 1.

1 POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV49, CF14
- South East Plan 2009: SP3, CC1, CC6, BE1, S5
- Government Policy: National Planning Policy Framework 2012

2 BACKGROUND

2.1 This application was reported to Planning Committee on 10th January 2013. The Committee deferred making a decision in order that further negotiations take place between stakeholders in respect of the floodlighting elements of the application.

3 ADDITIONAL INFORMATION RECEIVED

- 3.1 The meeting was held on 23rd January 2013 at which the lighting scheme was discussed, and it emerged that the key concern of Councillors was a lack of clarity in respect of the lighting readings, and further information was subsequently submitted by the applicant which clarified the matter of the degradation/failure of the lighting and the impact of this on the performance of the lighting over time in relation to the measured values referred to in the previous report. The information set out the additional materials confirms that at the time of the latest readings being taken, the lighting brightness would have degraded by a maximum of 12% in relation to "as fitted". Taking this 12% degradation into account, the readings taken would all (with the exception discussed fully in the previous report) have satisfied the ILE guidance. In addition, the applicant has (subject to discharge of the conditions) undertaken, as a good will gesture, to plant a hedge of Western Red Cedar (*Thuja plicata*) along the southern and western boundaries of the sports pitch (in addition to the approved planting scheme) in order to provide additional screening to the occupiers of properties fronting onto Westwood Road, Anglesey Avenue and Skye Close.
- 3.2 A full reconsultation was undertaken in respect of this additional information, and the following detailed comments were received from the Maidstone Borough Council Environmental Health Officer:

"A recent meeting on 23rd January 2013 was held following the application being discussed at Committee on 10th January 2013. At the committee the application was deferred for further discussion. This meeting clarified what issues were to be discussed. Councillor Chittenden explained the reason why he had requested the application be deferred. It was for clarification of a reply to the proposal put forward on behalf of the North Loose Resident's Association by their lighting consultant Nick Smith. Cllr Chittenden was concerned that two different issues were being discussed – lamp degradation and mortality. At the meeting it was resolved to clarify the difference between the two terms. A subsequent email from Mechelec clarified the mortality of the lighting units by attaching a mortality curve. The end result is the same as discussed for lamp degradation i.e. that assuming a daily use throughout the year of 4 hours/day, this equates to some 2200 hours usage since installation. Transferring this value on to the mortality curve for these lamps equates to approximately 12% mortality. Comparing with the values measured, this value equates to approximately 1 lux lower than on installation, i.e. negligible. This latest information only reinforces my opinion that the lighting units are suitable and comply with ILE guidance and that the condition should be discharged."

- 3.3 One additional neighbour representation was received in response to the reconsultation; this raised objection to the application on the grounds of harm to residential amenity as a result of light from the floodlights, noise (in particular foul language) and disturbance due to persons retrieving balls from private gardens. The issue of car parking on the surrounding roads was also raised.
- 3.4 To my mind, the additional information received from the applicant addresses the issues raised by the consultant employed on behalf of the North Loose Residents Association and the concerns raised in this respect at the Planning Committee meeting, and supports the readings taken and the fact that the lighting installed satisfies the ILE guidance. I am not aware of any representation from the NLRA having been received in respect of the latest reconsultation, and the Council's Environmental Health Officer has confirmed that the information provided addresses the concerns raised in the meeting. Whilst I note the other concerns raised by in the objection letter, Members will be aware that the development has previously been fully assessed in respect of all planning considerations and that the current reconsultation relates only to the additional information relating to the floodlighting.
- 3.5 Subject to the imposition of conditions, the application is considered to be acceptable for the reasons set out in the previous report, and I therefore recommend the application for approval subject to conditions, as per the previous recommendation.

5 RECOMMENDATION

Maidstone Borough Council hereby **APPROVES** the details received pursuant to the Conditions set out in the proposal above, **SUBJECT TO** following conditions:

1. The floodlighting to the sports pitch hereby approved shall be maintained in accordance with the details shown on drawing number KL 3771 and the Kingfisher Lighting Specification received 24th March 2011 and drawing number D16498/PY/G received 8th March 2012;

Reason: In the interests of minimising light pollution, securing the character and appearance of the surrounding area, and preventing harm to the residential amenity of the occupiers of neighbouring residential properties pursuant to policies ENV49 of the Maidstone Wide Local Plan 2000, and CC1, CC6 and BE1 of the South East Plan 2009, and central government planning policy and guidance as set out in the National Planning Policy Framework 2012.

Informatives set out below

The Western Red Cedar (*Thuja plicata*) hedge to the southern and western boundaries of the sports pitch should be planted in close proximity to the perimeter fencing to the sports pitch in order to maximise the distance between the hedge, which is expected to attain a significant height (in order to achieve the purpose of screening of noise, light and passage of balls) and the adjacent residential properties.

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 applicant/agent was advised of minor changes required to the application and these were agreed.

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.

APPLICATION: MA/11/0478 Date: 12 April 2011 Received: 12 April 2011

APPLICANT: Mr C. Brown, Galamast

LOCATION: YMCA, MELROSE CLOSE, MAIDSTONE, ME15 6BD

PARISH: Maidstone

PROPOSAL: 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, resubmission of MA/03/1147/01) being submission of details received on 24th March 2011 and 8th March 2012 pursuant to conditions 11 - slab levels, 14 - floodlighting and 16 - perimeter fencing to the sports pitch

AGENDA DATE: 10th January 2013

CASE OFFICER: Catherine Slade

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

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

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV49, CF14
- South East Plan 2009: SP3, CC1, CC6, BE1, S5
- Government Policy: National Planning Policy Framework 2012

2. HISTORY

MA/11/1010 Amendments to Community Centre and Car Park approved under MA/03/1147/02 (application for approval of reserved matters of siting, means of access, design, external appearance & landscaping pursuant to conditions 1, 2 & 3 of outline permission MA/03/1147 for a replacement community centre, junior football pitch, 83 dwellings, associated parking, access road & landscaping) being amendments to entrance

canopy & entrance feature, revised position of a first floor window to south elevation & revisions to parking layout including knee guard rail and dwarf wall, and lighting to car parking areas (resubmission of MA/10/1126) – CURRENTLY UNDER CONSIDERATION

MA/10/1126 Amendments to Community Centre and Car Park approved under MA/03/1147/02 (application for approval of reserved matters of siting, means of access, design, external appearance & landscaping pursuant to conditions 1, 2 & 3 of outline permission MA/03/1147 for a replacement community centre, junior football pitch, 83 dwellings, associated parking, access road & landscaping) being amendments to entrance canopy & entrance feature, revised position of a first floor window to south elevation & revisions to parking layout – WITHDRAWN

MA/10/0515 Application for a non-material amendment following a grant of planning permission MA/03/1147/02 (Application for the approval of reserved matters of sitting, 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) being a single first floor window in lieu of two separate windows on the north and south elevations, changes to the size and colour of panels on the north, south and west elevations, a reduction of projecting brick piers and louvers above two doors in lieu of coloured metal cladding on the east elevation, vertical profile metal cladding instead of horizontal and external rainwater goods – APPROVED

MA/10/0087 Application for a non-material amendment following a grant of planning permission MA/03/1147/02 (Application for the approval of reserved matters of sitting, 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) being the revised external rainwater pipe locations, revised entrance feature and canopy to North elevation, vertical metal cladding in lieu of brick work at high level in the central section of the East elevation – REFUSED

MA/09/1076	Variation of Condition 10 of MA/03/1147/02 (Application for the 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) to allow a Level 2 or better to be achieved for each of the residential units for private sale instead of Level 3, under The Code for Sustainable Homes – APPROVED
MA/03/1147/02	Application for the 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 – APPROVED WITH CONDITIONS
MA/03/1147/01	Application for the approval of reserved matters of siting, means of access, design, external appearance and landscaping pursuant to outline planning permission MA/03/1147 for a replacement community centre, junior football pitch, play area, 88 no. dwellings, associated parking, access road and landscaping – WITHDRAWN
MA/03/1147	Outline application for demolition of existing buildings and redevelopment to provide for a replacement community centre with open space and play area, provision of residential development at a minimum density of 30 DPHA and construction of a revised access – APPROVED WITH CONDITIONS

3. SITE HISTORY

- 3.1 Outline planning permission was granted subject to conditions in 2005 for the redevelopment of the site to provide a replacement community facility and residential development. Reserved matters were subsequently approved subject to conditions in 2007 under MA/03/1147/02.
- 3.2 In addition to the planning history detailed above, various applications to discharge and vary conditions attached to the permissions have been submitted and determined.

3.3 Prior to the history set out above, the site was the subject of various applications relating to the historic use of the land by the YMCA as a sports and recreation facility which date back decades.

4. CONSULTATIONS

4.1 Councillor Chittenden has requested that the application be reported to Planning Committee for the following reasons:

4.1.1 *"I still have concerns, although the situation has improved. You will have seen the copy of the NLRA letter containing comments from their lighting consultant which I believe still raises 2 major issues before we can consider the current situation to be satisfactory.*

4.1.2 *Firstly I refer you to the comment relating to the difference in lighting levels between new bulbs and older ones which suffer from Lumen deprivation. Bearing in mind the current lighting has been in place for almost 2 years it is clear that in making an assessment that this should have been taken into account, and it does not seem to have been considered.*

4.1.3 *Secondly, as you know on the night, we were not able to obtain readings from numbers 19 or 21 Westwood Close, who have clear problems relating to lighting from the car park. My understanding is that these rules do not just relate to sports pitches, they are general guidelines for all lighting of this nature adjacent to housing and therefore these must be checked. From the visual inspection on the night, it would seem that the residents of 19 and 21, could be justified in their comment. I have said all the way along that this is about the height of the poles in relation to the respective levels between the car park and the level of the housing levels which are lower by 2m. To clarify, the residents did point out that they were not available that night due to the very short notice.*

4.1.4 *I do think these points need to be considered before a decision is made. With regard to my call in to committee, I am confirming that this is still required."*

4.1.5 To confirm, the lighting to the car park referred to in the second point is the subject of a separate application for full planning permission which is currently under consideration. Councillor Chittenden has confirmed that he wishes the full text of his call in to be included in this report.

4.1.6 Members will be aware that applications to discharge conditions are not normally reported to Planning Committee, however in the circumstances of this case due to the significant public interest and indeed the expenditure on consultants by the representatives of members of the public I consider it appropriate for the details to be heard in the public arena.

4.2 The **Maidstone Borough Council Environmental Health Officer** raises no objection to the details, and makes the following detailed comments:

4.2.1 *"It is clear to me that the situation has improved greatly. To my mind, the question to ask now is what else can be done to improve the situation? In my view, there is very little – the only concrete measure that could be employed would be to raise the height of the boundary fence in the vicinity of No. 8 Skye Close, the property mentioned above whose garden seems to be the most adversely affected property, to a similar height to that at neighbouring properties. This would go a long way to ensure compliance with the E3 zone, though a reading would be helpful to prove this beyond doubt; this would be a matter for the Y centre and/or residents of the property to carry out. To reiterate previously, complaints have been made to Environmental Health, Planning and the Y centre concerning the lighting principally from the sports pitches, and car park as well as noise from participants. The current situation is that the levels of illumination have been altered and are no longer as intrusive. It is clear that there is one locality where it could be argued that the lighting is still intrusive; also there is, at present, no reading at the window of the affected property to prove/disprove ILE E3 compliance; this issue needs definitive proof by a reading being taken. However, it still needs to be stated that the lights are switched off at 10 p.m. every evening – at this time of the year, the floodlights have very little effect on ambient lighting as the sunset is well after 9 p.m. – this is a major factor in convincing me that this situation is not unreasonable, because it does not affect the sleep pattern for the majority of people and is certainly not a statutory nuisance. Therefore from my perspective, it is just the issue of the low fencing around No. 8 Skye Close that needs confirmation of ILE zone E3 compliance."*

(comments received 6th July 2012)

4.2.2 *"I suggested that a fence should be erected on the boundary between the YMCA site and No. 8 Skye Close. This work has now been completed and a light spillage reading was taken on 26th July 2012 by Mechelec (Lighting Engineers) at window level in the garden of 8 Skye Close, which was my other suggested condition. As hoped for, the reading was 8-9 Lux and therefore compliance with zone E3 of the 2005 ILE guidance. I revisited the site on 2nd August 2012 and was satisfied with the fence, its position, height and type. I therefore am satisfied that the adjusted lighting positions now conform to E3 guidance and that the lighting issue has now been resolved. The situation will improve further with the passage of time, as the vegetation will mature and should provide further protection to surrounding residential properties. The new properties do not have the benefit of enhanced vegetation, but were built after the sports pitch was in place and are at a higher level than the established properties, thus the*

spillage is less of an issue and in any case, predicted readings indicate compliance with E3 zone. This information leaves me with no doubt that the outstanding lighting condition can now be removed."

(Comments received 3rd August 2012)

4.2.3 *"Following a meeting at MBC offices on 23rd August 2012, it was agreed that another set of light readings would be taken from within neighbour's gardens so that there would be confirmation of previous readings taken nearer to the sports pitches. The readings were carried out on the evening of Monday 10th September. As expected, the readings, taken at selected properties around three sides of the floodlit pitches showed compliance with zone E3 of the ILE guidance. The one exception was a reading taken at the new properties on Melrose close, where a conservatory had been added and was closer to the pitch than the original façade. This reading marginally exceeded the 10 lux level. However, another property showed compliance at the façade. The original layout of the property complies with the guidance and I am not aware of any complaints concerning light nuisance from this or any other address in Melrose Close.*

4.2.4 *I am also aware of a communication from Nick Smith Associates dated 27th September 2012 which was prepared to answer continuing concerns expressed by the North Loose Residents Association. The first point mentions the continued exceedence at the one property at Melrose close. This point is dealt with in my comments above. All other readings are less than the 10 lux stipulated in the ILE guidance. There is nothing in this guidance that takes account of lumen deprivation. I have not been able to find out the frequency of lamp replacement at this site and how significant this factor is. We cannot comment on the significance of the current light levels due to an unknown factor of illumination drop-off. The third point reinforces our view over the suitability of the engineer that took the light readings.*

4.2.5 *These readings have given extra reassurance to the previous readings and isoline predictions. As previously stated, the lighting condition can be discharged."*

(comments received 5th December 2012)

4.2.6 *"In my memo dated 4th December 2012, I referred to the communication from Nick Smith Associates dated 27th September 2012 which was prepared to answer continuing concerns expressed by the North Loose Residents Association. I have now been sent technical information concerning the mortality/degradation of the lamps installed at the YMCA. They were installed in January 2011 and have currently had less than 10% usage/degradation based on an average daily usage of 4 hours. I am told that the lights are rated at 10% degradation up to 6000*

hours or approximately 4 years at current usage. On this basis, the current light levels should not degrade by more than 10% until early 2015. I am therefore satisfied that, based on this level of usage, any degradation would have had no noticeable effect on the light readings, compared with those on installation, obtained on 10th September 2012. Therefore the readings taken on that date are accurate and are consistent with my view that they are acceptable and comply with E3 zone as described in the 2005 ILE guidance."

(comments received 13th December 2012)

- 4.3 The **Kent County Council Biodiversity Officer** raises no objection to the details.

5. REPRESENTATIONS

- 5.1 **North Loose Residents Association** (NRLA) raised objection to the application on the grounds that the lighting to the sports pitch causes harm to residential amenity. The NLRA also expressed concern that the measurements taken on site were close to and, in one instance, exceeded ILE guidance levels. Objection was also raised in respect of the procedural matter of the readings being taken.

- 5.2 In addition, the NRLA has provided an assessment of the information provided undertaken by an independent lighting consultant, who raised the same concerns in relation to the readings taken on site, as well as the issue that lumen deprivation of the lamps and build up of dirt in the structures had not been taken into consideration. A copy of the most recent letter from the consultant is attached as Appendix 1.

- 5.3 8 neighbour representations have been received. They raised the following concerns relating to the current application:

- Light spillage and glare from the floodlighting to the sports pitch.
- Disturbance and damage to property as a result of the use of the sports pitch.

- 5.4 In addition, the following concerns, which do not relate to the current application to discharge conditions, were received:

- Light spillage and glare from the lighting to the car park.
- Noise as a result of the use of the sports pitch and the car park.
- Highway safety and on street parking.
- Foul language.
- Lack of privacy.
- Security.
- Failure to retain existing landscaping on the site.

- Insufficient screening to the development.

5.5 The lighting has also been the subject of formal complaints to the Council.

6. CONSIDERATIONS

6.1 Site Description

6.1.1 The site comprises a large area of approximately 2.56Ha. The site is located within the defined settlement boundary of Maidstone, and has no specific environmental or economic designations in the Local Plan. The site is surrounded by residential development fronting onto Melrose Close and Cripple Street (to the north), Loose Road (to the east), Anglesey Avenue and Skye Close (to the south) and Westwood Road (to the west).

6.1.2 As set out in sections 2 and 3 above, the site has been the subject of planning permissions for the redevelopment of the land, and planning permission has been granted at outline and reserved matters stages for the erection of a replacement sports/community facility and residential development. The residential development is predominantly located in the north and east of the site, whilst the sports/community facility, and associated parking is located in the north west of the site and the sports pitch in the south/west of the site.

6.1.3 The community facility and residential development are complete, and have been operational for some time.

6.1.4 Site visits have been undertaken on numerous occasions during 2010, 2011 and 2012, including during the hours of darkness on 9th May 2012, 25th June 2012 and 10th September 2012. On the two latter occasions light readings were taken in the presence of Council officers and representatives of the local community.

6.2 Current Application

6.2.1 The current application relates to the discharge of conditions attached to planning permission MA/03/1147/02. These are conditions 11 (slab levels), 14 (sports pitch floodlighting) and 16 (sports pitch perimeter fencing).

6.3 Principle of Development

6.3.1 The principle of the redevelopment of the land for the purposes of providing a replacement sports/community facility with floodlighting and residential development has been accepted, and is not for consideration at the current time.

6.4 Condition 11 – Slab Levels

- 6.4.1 The details of the slab levels of the Y Centre are shown on drawing number 09060 009 rev C received , and show the building to have a finished floor level of 73.2000 AOD rather than 73.650 AOD as approved under MA/08/1917 (the previous application to discharge slab level conditions). The levels shown on the drawing are considered to be acceptable, being lower than those previously approved; it is not considered that the variation from the approved details would result in harm either visually or to residential amenity.
- 6.4.2 The details of the slab levels of the Y Centre are therefore considered to be acceptable, and I therefore recommend discharge of this condition.

6.5 Condition 14 - Sports Pitch Floodlighting

- 6.5.1 The details of the sports pitch floodlighting are set out on drawing number KL 3771 received 24th March 2011 in respect of the height and form of the lighting columns, and a Kingfisher Lighting specification received 24th March 2011. The floodlights used in the development are the Sport 7 2000 2kW. Further supporting information has also been provided in respect of the requirements of Sport England for facilities of the kind that the lighting serves.
- 6.5.2 There is a Local Plan policy which seeks to restrict the detrimental impact of external lighting on the character of the surrounding area and the residential amenity of the occupiers of neighbouring properties, and requires that the lighting is necessary and the minimum required for the task satisfactorily and with the minimum of light spillage. In this, the Local Planning Authority is supported by the National Planning Policy Framework 2012. Notwithstanding this, the widely accepted Guidance Notes for the Reduction of Obstrusive Light published by the Institution of Lighting Engineers (ILE) is a material consideration in the assessment of applications such as this. The guidance sets out design guidance for exterior lighting installations, which for developments in locations such as this which are considered to fall within category E3 of the guidance (medium district brightness areas – small town centres or urban locations), the limitation on maximum light trespass into windows is 10Lux pre-curfew (which in the circumstances of the case of the Y Centre is 2200, controlled by condition, which is within the suggested curfew hours set out in the guidance).
- 6.5.3 Members will be aware that the lighting serves an existing sports and community facility which has the benefit of planning permission, and as such the need for and acceptability of floodlighting to the sports pitch, and the location of the sports pitch and therefore the lighting within the site, has been accepted in principle by the Council, and the matter for consideration at the current time

under the application to discharge condition 14 is the detail of the floodlighting only.

- 6.5.4 Following the original submission, concern was raised by the Case Officer and the Council's Environmental Health Officer in regard to the impact of the lighting on the amenity of the occupiers of the residential properties and the quality of the information initially provided in support of the application. Subsequently the tilt and orientation of the lighting installations have been altered to reduce light spillage outside the sports pitch from the lighting. These details are shown on drawing number D16498/PY/G received 8th March 2012.
- 6.5.5 The floodlights are arranged in six pairs of floodlights, each pair sharing a lighting column. Three columns are located to the north and south of the pitch. The columns have a height of 12m, and although the floodlights have differing orientations subject to their exact position in relation to the sports pitch (detailed in a table on drawing number D16498/PY/G), they are all oriented at 15° to horizontal. It is my view that the level of detail submitted in support of the application is adequate to ensure compliance and enforcement of the floodlighting.
- 6.5.6 Lux readings were taken around the perimeter of the site during the hours of darkness on 25th June 2012 in order to assess the accuracy of the light spillage calculations. These readings, which were witnessed by Council Officers and representatives of the local community, were all in accordance with or below the predicted values shown on the submitted spillage drawing which indicated that the calculated values would satisfy ILE guidance in respect of light spillage to neighbouring properties, however concern was subsequently raised by Councillor Chittenden and the NLRA that the readings taken did not accurately reflect the impact of the lighting at the windows of people's houses, and therefore could not be said to be in compliance with the ILE guidance.
- 6.5.7 In view of these concerns, a 2m close boarded fence was erected along the boundary of the site with numbers 8 Skye Close and 1 Anglesey Avenue by the developers, in accordance with comments received from the Council's Environmental Health Manager, and 10 further readings were taken; 1 to the rear of 8 Skye Close by the lighting contractor which recorded levels of 8-9Lux to the side elevation of this property, and 9 on 10th September 2012, which were witnessed by Council Officers and representatives of the local community. On the latter occasions measurements were taken in the gardens of properties adjacent to the sports pitch, in the manner recommended in the guidance of the ILE, i.e. adjacent to openings of the properties.
- 6.5.8 The readings recorded on 10th September 2012 were taken at various points at the rear elevations of numbers 25 and 27 Westwood Road, 78 and 84 Melrose

Close, and numbers 8 and 9 Skye Close, which is considered to be a representative sample of the neighbouring properties.

- 6.5.9 All but one of the readings recorded were lower than 10Lux and therefore in compliance with the ILE guidance, with the exception of a reading taken to the rear of 78 Melrose Close. This reading was taken at the rear elevation of a conservatory to this property which projects 2.8m beyond the main rear elevation of the property. The measurements taken at the main rear elevation of this property and a neighbouring dwelling fronting onto Melrose Close satisfied the ILE guidance.
- 6.5.10 Members will be aware that the process of decision making in the determination of planning applications is a matter of balancing harm and benefit. In this case, the lighting serves a community/sports facility which has a historic use of the land for such purposes, and whilst a single reading exceeds the recommended levels of lighting trespass by 1Lux, it is my view that this does not justify refusal of the scheme; the failure of a single reading to accord with the guidance is to my mind de minimus in the wider context of the scheme. This assessment accords with that of the Council's Environmental Health Officer who supports discharge of the condition. Complaints have been received by the Environmental Health team in respect of lighting to both the sports pitch and the car parking (8 complaints during 2011/12), of which 4 were received on the same day and are believed (by reason of their date and the originator) to have resulted from the reconsultation exercise relating to the current application. Given the scale and intensity of the activities taking place on the site, this is not considered to represent a significant level of public disturbance or a statutory nuisance.
- 6.5.11 I am aware that the lighting consultant employed on behalf of the NLRA has raised concern that the values recorded do not take into account the degradation of the lights and associated apparatus, and in response to this concern further information was sought from the applicant in this regard. Notwithstanding the fact that the ILE guidance does not refer to degradation, it has been confirmed that the lamps installed would be expected to degrade by approximately 10% in four years of usage. If that is the case, it is reasonable to expect that during the 18 months that the lighting has been installed, the lumen output has reduced by less than 10%. I am advised that, as the Lux levels measured at the windows of adjacent properties are proportionate to the level of luminance of the lamps, the measurements taken on site, allowing for a degradation of 10% from the optimum 100% brightness of lights as installed, satisfy the guidance in the ILE. This view accords with that of the Council's Environmental Health Officer. I therefore do not consider that there is any merit to the objection raised in this regard.

6.5.12 Whilst I note the objections received from the occupiers of the properties located adjacent to the sports pitch, the fact remains that although the glare resulting from the lighting is bright when viewed from the surrounding properties, there is limited light spillage into the gardens and to the windows of these properties. This is confirmed by all but one of the readings that have been taken on three separate occasions.

6.5.13 Furthermore, it is the case that the landscaping to the south and west of the pitch (adjoining the neighbouring properties fronting onto Westwood Road, Anglesey Avenue and Skye Close) approved under conditions MA/08/1917 and the long term management plan approved under MA/10/0133, which requires the planting and long term maintenance of "native mix planting" including Downy Birch, Field Maple, Pendunculate Oak and Common Beech. This planting has been undertaken, and whilst currently relatively immature will, in the fullness of time, provide additional screening to these boundaries of the site.

6.5.14 The Kent County Council Biodiversity Officer has confirmed that due to the site's location in urbanised surroundings, the use of the floodlights is unlikely to have any implications for bats or other nocturnal animals.

6.5.15 For the reasons set out above, I consider that in the circumstances of the case that the details of the floodlighting to the sports pitch are acceptable, and I therefore recommend discharge of this condition subject to an additional condition requiring the lighting to be maintained in accordance with the approved details. Condition 15 attached to MA/03/1147/02 restricts the use of the lighting to between the hours of 0800 and 2200, and as such a further condition in this regard is considered to be unnecessary in the circumstances of this case.

6.6 Condition 16 - Sports Pitch Perimeter Fencing

6.6.1 The sports pitch perimeter fencing is shown on un-numbered drawings, which show the fencing to extend around the entirety of the pitch area. The fencing comprises a 3m chain link fence, above which is netting to a height of 7m, with intermediate supporting posts at approximately 7m intervals. It is my understanding the fencing was erected in response to complaints to the operators of the site

6.6.2 The chain link fencing and netting, whilst of a considerable height, allows through views and allows light to pass whilst preventing balls from exiting the pitch area. It is therefore not considered to be detrimental to the residential amenity of the occupiers of the neighbouring properties. In the context of the site and its surroundings, the green finished fencing is considered to be visually acceptable.

6.6.3 The details of the sports pitch perimeter fencing are therefore considered to be acceptable, and I therefore recommend discharge of this condition.

6.7 Other Matters

6.7.1 A number of representations are raised concern with regard to the issue of noise and language resulting from the use of the sports pitch. Noise arising from the use of the pitch and the matter of foul language is not a planning issue in the circumstances of this case. The Council's Environmental Health team are aware of complaints having been made in this regards, and the matter is currently the subject of an Environmental Health investigation.

6.7.2 Concerns have been raised in regard to the landscaping of the site and the car park lighting. These matters are the subject of a separate application for full planning permission for amendments to the approved scheme, which is currently under consideration, and will be fully assessed in the determination of that application.

7. CONCLUSION

7.1 The current application seeks discharge of conditions 11, 14 and 16 attached to planning permission MA/03/1147/02 relating to slab levels and floodlighting and perimeter fencing to the sports pitch permitted under that consent. The details submitted in support of the application are considered to be acceptable for the reasons set out above, and as such I recommend discharge of the conditions, subject to the additional conditions detailed in paragraph 5.5.15 above.

8. RECOMMENDATION

Maidstone Borough Council hereby **APPROVES** the details received pursuant to the Conditions set out in the proposal above, **SUBJECT TO** following conditions:

1. The floodlighting to the sports pitch hereby approved shall be implemented and maintained in accordance with the details shown on drawing number KL 3771 and the Kingfisher Lighting Specification received 24th March 2011 and drawing number D16498/PY/G received 8th March 2012 and maintained henceforth in accordance with the approved details;

Reason: In the interests of minimising light pollution, securing the character and appearance of the surrounding area, and preventing harm to the residential amenity of the occupiers of neighbouring residential properties pursuant to policies ENV49 of the Maidstone Wide Local Plan 2000, and CC1, CC6 and BE1 of

the South East Plan 2009, and central government planning policy and guidance as set out in the National Planning Policy Framework 2012.

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 applicant/agent was advised of minor changes required to the application and these were agreed.

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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10.09.2012

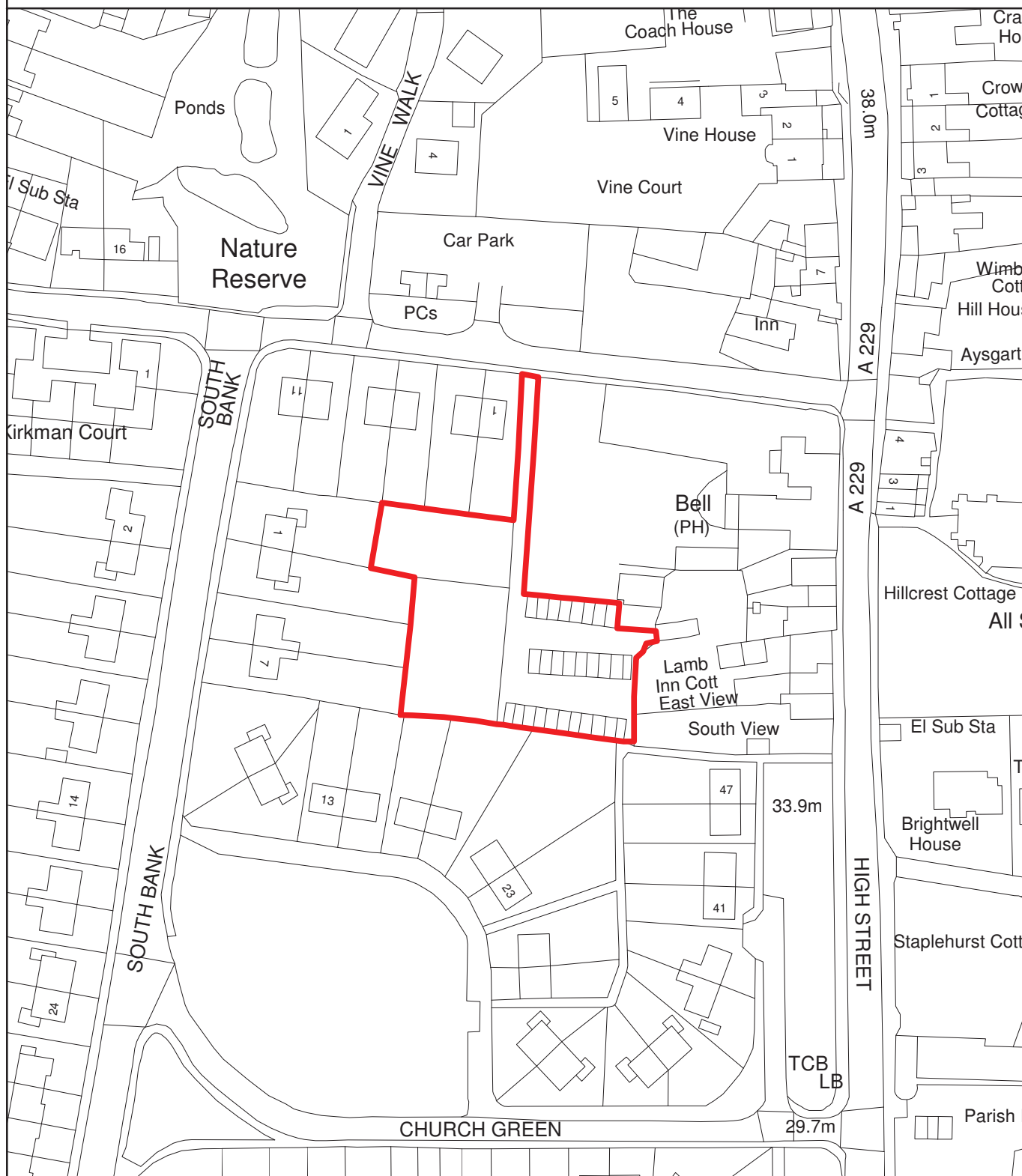
Agenda Item 15

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/11/1481

GRID REF: TQ7842

LAND SOUTH OF 1 BELL LANE,
STAPLEHURST.



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Rob Jarman
Head of Planning

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

APPLICANT: Golding Homes

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

PARISH: Staplehurst

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

AGENDA DATE: 14th March 2013

CASE OFFICER: Steve Clarke

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

- It is contrary to the views expressed by Staplehurst Parish Council
- It is a Departure from the Development Plan

1. POLICIES

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

2. BACKGROUND

- 2.1 This application was reported to the Planning Committee on 30 August 2012. A copy of the previous report urgent update and approved minute is attached at Appendix One.

2.2 At the meeting on 30 August 2012, Members resolved to give delegated powers to the Head of Planning to grant planning permission subject to the prior completion of a s106 agreement or the receipt of a satisfactory s106 unilateral undertaking to secure:

- The provision of an alternative allotment land site "near at hand" to the development site and within the Parish of Staplehurst.

2.3 Discussions have taken place with the applicant since the Committee and it has not been possible to identify a suitable area of land for inclusion within the agreement. The application is therefore being brought back to this Committee for re-consideration.

3. HISTORY

3.1 There is no previous relevant planning history on the site

4. CONSULTATIONS

4.1 No additional responses from consultees have been received since those set out in the appended previous report was published

5. REPRESENTATIONS

5.1 No additional representations have been received since those set out in the appended previous report and urgent update reports were published

6. CONSIDERATIONS

6.1 Site Description

6.1.1 The site comprises an area of some 0.21ha and is located on the south side of Bell Lane. It is accessed via an existing access road that passes to the east side of 1 Bell Lane and to the west of the garden of The Bell Public House. (The Bell PH is currently closed and has ceased trading). The access road runs southwards from Bell Lane and serves a group of 28 lock-up garages and associated hardstanding areas. These are located on the eastern side of the site. On the western side of the site is an area of former informal allotments located to the rear of 1-7(odd) South Bank. The dwellings in Bell Lane and South Bank that back onto the site are all two-storeys in height.

6.1.2 The site lies within the defined settlement boundary of Staplehurst and adjoins on its eastern side the Staplehurst Conservation Area. The site itself has no specific designation on the Maidstone Borough-wide Local Plan 2000.

- 6.1.3 Land levels on the site and the access road fall to the south away from Bell Lane. A footpath link (not a registered Public Right of Way) runs southwards from the south east corner of the site towards the dwellings in Church Green/South Bank and also connects to the High Street.
- 6.1.4 The former allotments have not been used for a number of years (since 2007) and are now somewhat overgrown.
- 6.1.5 There are a number of trees within and adjoining the site that have been the subject of an arboricultural assessment and report. It is proposed to retain all the trees.

6.2 Proposal

- 6.2.1 The application is a full application and seeks permission to demolish the existing lock-up garages and for the erection of 6 elderly persons' bungalows on the site of the garages and the former allotment land to the west.
- 6.2.2 The bungalows would be formed in a terrace of five along the southern side of the site with the sixth unit located in the north-west corner of the site behind 1-5 (odd) Bell Lane.
- 6.2.3 The units would be 2-bedroomed. They would be 6m to ridge and between 2.3m and 3m to eaves. Plot 5 at the western end of the terrace would be set forward some 2m to leave a larger gap to a retained Oak tree located just beyond the southern site boundary, the patio (and access to it from the lounge/dining room) for this unit has also been moved to the west elevation to reduce the impact of shadowing from the oak tree.
- 6.2.4 Other than plot 5 the units on the southern side of the site are located 7m in from the site boundary, Plot 5 is located 7m from this boundary. Plot 5 is also located 4m in from the site's western boundary at the rear of 1-7 (odd) South Bank leaving a distance of approximately 31m between the flank wall of plot 5 and the rear walls of the dwellings in South Bank. The roofs on the front elevations of plots 1-5 would extend forward to provide a canopy over the entrances.
- 6.2.5 Plot 6 is a detached unit located approximately 19.2m south of the existing dwellings in Bell Lane and 28m from the properties in South Bank. It is 5.5m to the ridge and 2.2m to eaves.
- 6.2.6 Indicated materials include brickwork plinth with a snapped header course and render for the walls, timber boarding under interlocking roof tiles. Plot 6 would

additionally have some timber boarding to a gable feature. The units would also be provided with solar panels on the south facing roof slopes.

- 6.2.7 A total of 6 allocated parking spaces, 2 dedicated visitors' spaces and 3 unallocated parking spaces would be provided resulting in a total of 11 car parking spaces.
- 6.2.8 The site access road would be maintained at a width of 3.75m for the first 8m adjacent to Bell Lane then narrowing to 3.5m and then to 3m for a 17m section before widening again to 4.8m. The turning head would be 6m in width. The junction of the access with Bell Lane would be provided with 33m x 2.4m x 33m visibility splays. A new short section of footway along Bell Lane would be provided to the east of the access.
- 6.2.9 Due to the overgrown nature of part of the site, reptile and great crested newt surveys have been undertaken and mitigation measures proposed. The Bell Lane Local Nature Reserve (LNR) will be used as receptor site and enhanced to accommodate any Great Crested Newts found on the site. No newts were found during the survey in 2011 however. It is also proposed and considered necessary by the KCC Biodiversity Team to provide 2 hibernacula on the site. These would be located outside the garden area of plot 6. A pond is also to be restored further along Bell Lane.

6.3 Principle of Development

- 6.3.1 This is the key determining issue for this application.
- 6.3.2 The demolition of the lock-up garages and the erection of residential development on the site of these; is acceptable in principle as the site is located in a defined settlement boundary and the development would take place on previously developed land.
- 6.3.3 In relation to the former allotments, the development should be assessed against saved Borough-wide Local Plan policy ENV25 which states:-

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

- 6.3.4 Policy ENV25 makes no distinction between statutory and non-statutory allotments and neither does it make allowance for allotment land no longer in active use. In addition, Staplehurst is an area where according to the Green Spaces Strategy Provision Tables 2007 there is a shortage of allotment land.

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

- 6.3.5 Attempts have been made since the Planning Committee on 30 August in conjunction with the applicants to identify a potentially suitable plot of land in the vicinity of the site, including land at the end of Chapel Lane and further to the west of the site at the far end of Bell Lane. None of the Chapel Lane sites are considered suitable due to access problems and existing uses. In the case of the Bell Lane land in addition to the access being potentially unsuitable as narrow, un-made and also being a Public Right of Way (KM302A), there are also potential ecological issues due to the presence of nearby ponds and also the need to remove parts of an established hedgerow and potentially some trees to physically gain access to the land. On this basis none of the potential sites have been pursued further.
- 6.3.6 I also understand that the Parish Council allotment group are still seeking to find potentially suitable land in the Parish without success to-date.
- 6.3.7 Additionally, I have also looked again at the application site and its previous use.
- 6.3.8 Members will note that the land has not been used as allotments since 2007. Prior to this they were only used as such under licence from the landowner (the applicants). Physically, the land is not divided into plots and does not have the characteristics of an allotment site. In addition, there is no prospect of the land reverting to its former use, the applicants having made this clear.
- 6.3.9 Given the length of time that has now passed since the land was last used as allotments and the change in characteristics of the land that has also occurred, it is my view that seeking to refuse permission solely on the grounds of the application being contrary to policy ENV25, with all other elements of the application being acceptable as set out below, is unlikely to be sustainable at appeal.
- 6.3.10 On this basis and on this occasion, based solely on the time period that has passed and the history of the use of the land, whilst approval of the development would be a departure from the Development Plan, I do not consider that such an approval would be unacceptable in principle. I no longer consider it reasonable therefore for alternative provision to be sought in this instance.

6.3.11 Balanced with this, is the fact that the development would provide affordable housing for elderly persons which is a further factor weighting in favour of the development in this instance.

6.4 Design and layout

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

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

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

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

6.5 Residential Amenity

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

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

- 6.5.3 The concerns of the occupiers of a property in South Bank in relation to the potential disturbance of the use of the patio area to Plot 5 are noted. However, the separation distances are such that no unacceptable impact sufficient to warrant and sustain objection this ground is likely to occur.
- 6.5.4 I also do not consider that the use of the Beer Garden of The Bell, if the public house is re-opened in the future, is likely to result in complaints from future occupiers given the separation and relationship involved. Likewise any impact from construction would be of a temporary nature and is controlled through Environmental Health legislation if a statutory nuisance occurs.
- 6.5.5 The side garden of 1 Bell Lane is to be fenced by a new 1.8m high close boarded fence and is also already partially enclosed by a 2.5m high garage wall. Given the potential use of the access to serve the existing garages, I do not consider that the development as proposed would result in unacceptable levels of noise and disturbance to the occupiers of 1 Bell Lane.
- 6.5.6 No objections are raised to the development on grounds of residential amenity.

6.6 Highways

- 6.6.1 The initial reservations of Kent Highway Services have been addressed through additional information and revised plans. There are no longer any objections to the suitability of the access to accommodate traffic associated with the development or the visibility at the junction of the access with Bell Lane. The provision of the footpath and dropped kerb crossing point in Bell Lane can be secured through a 'Grampian' condition as it involves works within the highway.
- 6.6.2 The level of car parking provision proposed is also considered acceptable.
- 6.6.3 Subject to the securing of the necessary improvements and the visibility splays by condition no objections are raised to the development on highway grounds.

6.7 Landscaping and ecology

- 6.7.1 Appropriate ecological and arboricultural site investigations have been undertaken on the site.
- 6.7.2 The arboricultural survey shows that all existing trees can be retained, including the use of a no-dig construction method in the vicinity of an Ash tree along the access road.

- 6.7.3 As discussed earlier, plot 5 has been re-sited further forwards to move it away from a retained Oak tree on the southern boundary of the site, the patio doors have also been moved to the west elevation to lessen the potential for concerns regarding overshadowing of the lounge/dining room from the tree. The Landscape officer is satisfied that these measures will assist in the long term retention of the tree and that it will not be adversely affected by the development.
- 6.7.4 There is scope within the site of the development for additional tree planting within the site and along the site boundaries. This can be secured by means of an appropriate landscaping condition.
- 6.7.5 Given the fact that the allotments have been used since 2007, they have become overgrown and have the potential to act as a suitable habitat for reptiles/great crested newts. Great crested newts occupy the ponds in the LNR on the north side of Bell Lane close to the site entrance. Ecological surveys have been undertaken and the need for a protected species licence for Great Crested Newts identified (due to the change to the site and the loss of a potential foraging area) and so a mitigation strategy has been drawn-up, because of the potential impact. No great crested newts have been found on the site during the surveys.
- 6.7.6 The mitigation proposed includes improvements to the LNR and its use as a potential receptor site as required, together with the provision of two refugia on the site itself and the improvement of a pond elsewhere on Bell Lane. The strategy is considered acceptable by the KCC biodiversity team and its implementation can be secured by means of an appropriate condition.
- 6.7.7 No objections are raised to the development on landscape or ecological grounds subject to the imposition of suitable safeguarding conditions.

7. CONCLUSION

- 7.1 The scheme is of an acceptable design and will not result in an unacceptable impact on residential amenity or highway safety.
- 7.2 Appropriate mitigation for potential ecological impacts has been identified and could be secured by means of an appropriate condition.
- 7.3 Whilst the development would be contrary to policy ENV25 of the Borough-wide Local Plan 2000, given the time period that the site has not been in use as allotments and the history of the use of the land, I no longer consider it reasonable for alternative provision to be sought in this case. The development

would also result in the provision of elderly persons' affordable housing accommodation a balancing factor weighing in support of the proposals.

- 7.4 Subject to the expiry of the departure advertisement and the raising of no new issues delegated powers are sought to grant permission subject to appropriate conditions.

8. RECOMMENDATION

Subject to the expiry of the departure advertisement and the raising of no new issues; The Head of Planning be given DELEGATED POWERS to GRANT PLANNING PERMISSION subject to the following conditions:

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

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

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

The submitted details shall include the use of plain clay tiles rather than the interlocking tiles indicated on the submitted drawings.

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

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

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

4. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as

amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

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

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

- i) the provision of additional hedgerow and tree planting on the site's western boundary to maintain a continuous hedgerow along that boundary.

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

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

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

7. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) 'Trees in Relation to Design Demolition and Construction- Recommendations'. No work shall take place on site until full

details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

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

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

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

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

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

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

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

11. Prior to the commencement of any works which may affect reptiles or their habitat, and great crested newts and their habitat, the a detailed mitigation strategy shall be submitted to, and approved in writing by the Local Planning

Authority. All works shall then proceed in accordance with the approved strategy unless any amendments are agreed in writing by the local planning authority. The submitted details shall include the provision of two hibernacula located outside the plot boundary of Plot 6 within the site in the location shown on drawing K10/0176/012revH.

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

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

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

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

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

14. The development hereby permitted shall be carried out in accordance with the following approved plans:
K10/0176/001/B, K10/0176/014/A, K10/0176/015/A received 30/08/2011,
K10/0176/011/B received 10/10/2011, K10/0176/12revH and
K10/0176/013revC received 24/05/2012.

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

Informatives set out below

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

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

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

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

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

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

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

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

The proposed development would be contrary to the provisions of policy ENV25 of the Maidstone Borough-wide Local Plan 2000, however, given the time period that the site has not been in use as allotments and the history of the use of the land, it is not considered reasonable for alternative provision to be sought in this case. The development would also result in the provision of elderly persons' affordable housing

accommodation a balancing factor weighing in support of the proposals. The development would, also not have an unacceptable impact on ecology or biodiversity or trees to be retained. Subject therefore to the imposition of suitable safeguarding conditions, the development is considered acceptable and there are no reasonable grounds to refuse planning permission.

APPENDIX ONE

RESOLVED: That subject to negotiations to achieve a suitable alternative surface to the car park, the Head of Planning be given delegated powers to grant permission subject to the following condition:-

The surface hereby permitted shall be constructed within....months of the date of this permission (the period of time to be 2 or 3 months, depending upon the time of year at which permission is granted).

Reason: In order to preserve the visual amenity of the countryside in accordance with policy ENV28 of the Maidstone Borough-Wide Local Plan 2000.

Voting: 9 – For 0 – Against 4 – Abstentions

115. MA/11/1187 - CHANGE OF USE OF BUILDING TO HOLIDAY LET - THE OLD COACH HOUSE, SPENNY LANE, YALDING

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 as amended by the urgent update report.

Voting: 13 – For 0 – Against 0 – Abstentions

116. MA/11/1481 - DEMOLITION OF EXISTING GARAGE BLOCKS AND THE ERECTION OF SIX TWO-BEDROOM ELDERLY PERSONS BUNGALOWS WITH ASSOCIATED PARKING AND PRIVATE AMENITY SPACE, TOGETHER WITH THE ALTERATION/IMPROVEMENT OF THE EXISTING VEHICULAR ACCESS FROM BELL LANE - LAND SOUTH OF 1 BELL LANE, STAPLEHURST

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

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

Mr Mandy addressed the meeting on behalf of the applicant.

RESOLVED: That subject to the prior completion of a Section 106 legal agreement or the receipt of a satisfactory Section 106 unilateral undertaking to secure the provision of an alternative allotment land site "near at hand" to the development site and within the Parish of Staplehurst, the Head of Planning be given delegated powers to grant permission subject to the conditions and informatives set out in the report with the amendment of the second informative as follows:-

There shall be no burning of waste materials on site.

Voting: 12 – For 0 – Against 1 – Abstention

117. MA/11/2108 - CHANGE OF USE OF EXISTING DORMITORY BUILDING INTO 10 RESIDENTIAL BEDSITS WITH ALTERATIONS AND THE

Item no. 13

Page no. 20

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

Reference no. MA/11/1481

Officer Comment

I have reconsidered the issue of the Policy ENV25 and the offered contribution. I now consider that it would be most appropriate and in accordance with the wording of the policy to secure physical alternative provision to comply with the terms of the policy rather than a contribution which has uncertainty as to its use. I would additionally advise Members that if it has not been possible to complete the agreement within a four month period that I intend to bring the matter back before the Committee.

Amendments to recommendation

Amend the Head of Term to read

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

- The provision of an alternative allotment land site within Staplehurst Parish

Item no. 13

Page no. 20

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

Reference no.

MA/11/1481

Representations

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

Officer Comment

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

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

Amendments to recommendation

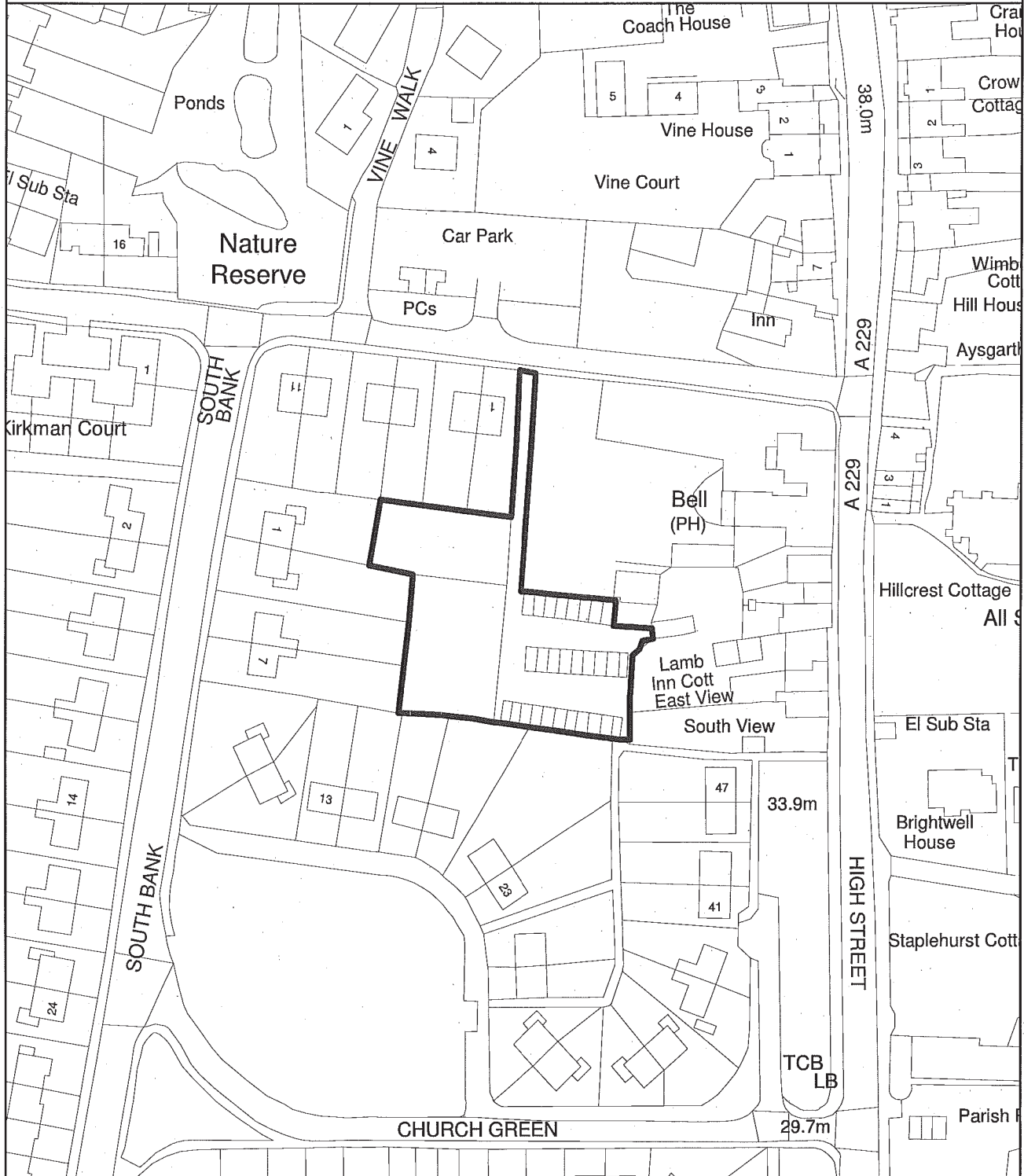
None

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/11/1481

GRID REF: TQ7842

LAND SOUTH OF 1 BELL LANE,
STAPLEHURST.



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Rob Jarman
Head of Planning

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

6. CONCLUSION

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

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

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

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

7. RECOMMENDATION

SUBJECT TO:

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

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

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

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

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

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

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

interlocking tiles indicated on the submitted drawings.

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

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

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

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

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

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

i) the provision of additional hedgerow and tree planting on the site's western boundary to maintain a continuous hedgerow along that boundary

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Informatives set out below

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

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

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

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

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

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

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

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

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

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

To
All recipients of the
Planning Committee Agenda

Date: 07 March 2013
My ref: MA/11/1481

Dear Sir/Madam,

**Maidstone Borough Council Planning Committee:
Thursday 14 March 2013:
Item 15 LAND SOUTH OF 1, BELL LANE, STAPLEHURST,**

PROPOSAL: Demolition of existing garage blocks and the erection of six two-bedroom elderly persons bungalows with associated parking and private amenity space, together with the alteration/improvement of the existing vehicular access from Bell Lane:

I apologise for an error which has left an incomplete Appendix One to the report of the Head of Planning on Item 15: land south of 1 Bell Lane Staplehurst

Attached is a complete Appendix One which should be read in conjunction with the main report.

I again apologise for any inconvenience this may have caused.

Yours sincerely,



For Head of Planning
Contact: Steve Clarke
t 01622 602418 f 01622 602972
e steveclarke@maidstone.gov.uk

APPENDIX ONE

RESOLVED: That subject to negotiations to achieve a suitable alternative surface to the car park, the Head of Planning be given delegated powers to grant permission subject to the following condition:-

The surface hereby permitted shall be constructed within....months of the date of this permission (the period of time to be 2 or 3 months, depending upon the time of year at which permission is granted).

Reason: In order to preserve the visual amenity of the countryside in accordance with policy ENV28 of the Maidstone Borough-Wide Local Plan 2000.

Voting: 9 – For 0 – Against 4 – Abstentions

115. MA/11/1187 - CHANGE OF USE OF BUILDING TO HOLIDAY LET - THE OLD COACH HOUSE, SPENNY LANE, YALDING

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 as amended by the urgent update report.

Voting: 13 – For 0 – Against 0 – Abstentions

116. MA/11/1481 - DEMOLITION OF EXISTING GARAGE BLOCKS AND THE ERECTION OF SIX TWO-BEDROOM ELDERLY PERSONS BUNGALOWS WITH ASSOCIATED PARKING AND PRIVATE AMENITY SPACE, TOGETHER WITH THE ALTERATION/IMPROVEMENT OF THE EXISTING VEHICULAR ACCESS FROM BELL LANE - LAND SOUTH OF 1 BELL LANE, STAPLEHURST

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

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

Mr Mandy addressed the meeting on behalf of the applicant.

RESOLVED: That subject to the prior completion of a Section 106 legal agreement or the receipt of a satisfactory Section 106 unilateral undertaking to secure the provision of an alternative allotment land site "near at hand" to the development site and within the Parish of Staplehurst, the Head of Planning be given delegated powers to grant permission subject to the conditions and informatives set out in the report with the amendment of the second informative as follows:-

There shall be no burning of waste materials on site.

Voting: 12 – For 0 – Against 1 – Abstention

117. MA/11/2108 - CHANGE OF USE OF EXISTING DORMITORY BUILDING INTO 10 RESIDENTIAL BEDSITS WITH ALTERATIONS AND THE

Item no. 13

Page no. 20

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

Reference no.

MA/11/1481

Officer Comment

I have reconsidered the issue of the Policy ENV25 and the offered contribution. I now consider that it would be most appropriate and in accordance with the wording of the policy to secure physical alternative provision to comply with the terms of the policy rather than a contribution which has uncertainty as to its use. I would additionally advise Members that if it has not been possible to complete the agreement within a four month period that I intend to bring the matter back before the Committee.

Amendments to recommendation

Amend the Head of Term to read

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

- The provision of an alternative allotment land site within Staplehurst Parish

Item no. 13

Page no. 20

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

Reference no.

MA/11/1481

Representations

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

Officer Comment

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

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

Amendments to recommendation

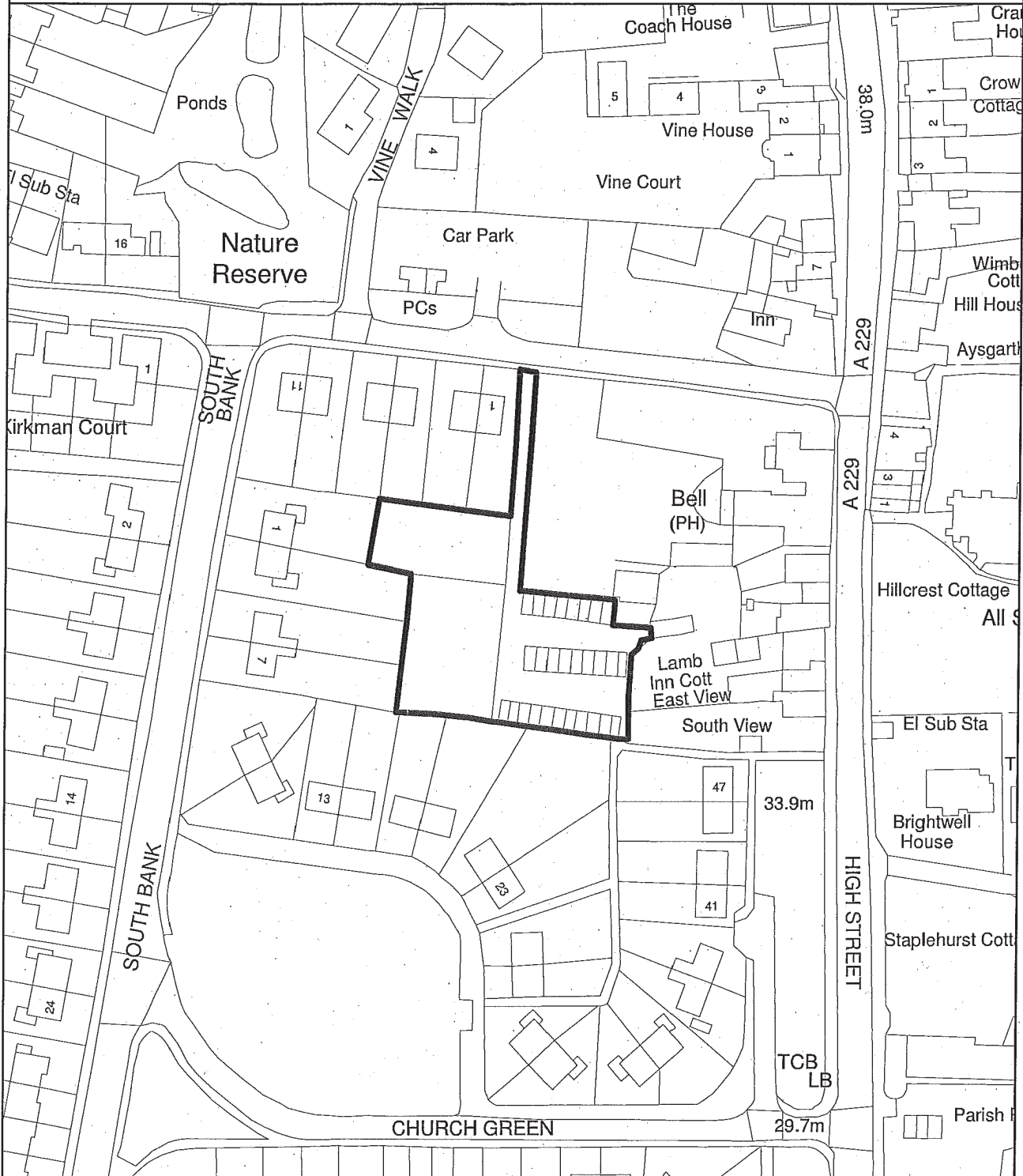
None

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/11/1481

GRID REF: TQ7842

LAND SOUTH OF 1 BELL LANE,
STAPLEHURST.



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Rob Jarman
Head of Planning

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

APPLICANT: Golding Homes

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

PARISH: Staplehurst

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

AGENDA DATE: 30th August 2012

CASE OFFICER: Steve Clarke

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

- It is contrary to views expressed by Staplehurst Parish Council

1. **POLICIES**

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

2. **HISTORY**

2.1 No previous relevant planning history on the site

3. **CONSULTATIONS**

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

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

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

3.2 Kent Highway Services:

3.2.1 Originally had several concerns:

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

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

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

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

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

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

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

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

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

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

Vision splays from the access are acceptable.

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

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

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

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

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

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

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

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

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

3.3 **English Heritage:** Were consulted due to the size of the site being in excess of 1000m² and the potential impact on the adjacent Conservation Area. They do not wish to offer any comments and state that the application should be considered against national and local policies and the Council's specialist conservation advice.

3.4 **KCC Biodiversity Team:**

3.4.1 Originally commented as follows

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3.5 **Environment Agency:** No objections

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

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

3.8 **UK Power Networks:** No objections

3.9 **MBC Conservation Officer:** No objections

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

Recommendation

It is, therefore, recommended that:

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

3.10 **MBC Landscape:**

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

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

In conclusion,

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

3.11 **MBC Environmental Health:** No objections

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

4. **REPRESENTATIONS**

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

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

5. **CONSIDERATIONS**

5.1 **Site description**

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

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

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

5.2 Proposal

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

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

5.3 Principle of Development

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

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

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

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

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

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

5.4 Design and layout

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

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

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

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

5.5 Residential Amenity

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

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

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

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

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

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

5.6 Highways

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

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

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

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

5.7 Landscaping and ecology

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

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

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

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

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

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

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

6. CONCLUSION

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

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

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

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

7. RECOMMENDATION

SUBJECT TO:

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

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

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

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

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

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

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

interlocking tiles indicated on the submitted drawings.

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

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

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

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

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

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

i) the provision of additional hedgerow and tree planting on the site's western boundary to maintain a continuous hedgerow along that boundary

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Informatives set out below

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

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

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

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

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

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

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

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

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

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

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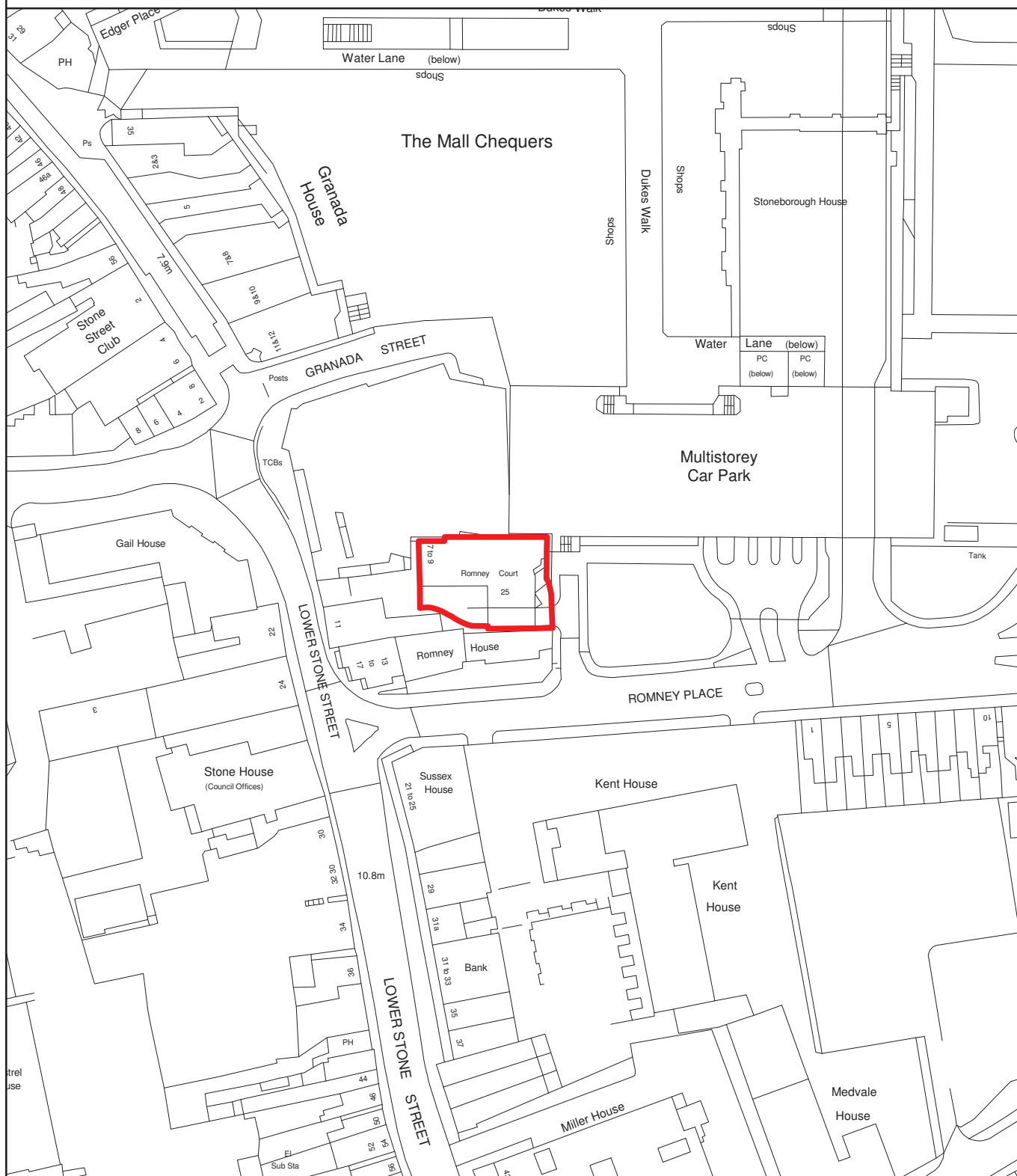
7. 3. 2013

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/12/0362

GRID REF: TQ7655

ROMNEY COURT, 25 ROMNEY PLACE,
MAIDSTONE.



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Rob Jarman
Head of Planning

APPLICATION: MA/12/0362 Date: 15 February 2012 Received: 8 June 2012

APPLICANT: Bridport Capital Limited

LOCATION: ROMNEY COURT, 25, ROMNEY PLACE, MAIDSTONE, KENT, ME15 6LG

PARISH: Maidstone

PROPOSAL: Change of use of existing three storey office building with semi-basement car park to residential accommodation comprising 6 one-bedroom apartments and 4 two-bedroom apartments with alterations to fenestration and entrance porch in accordance with the site location plan, and plans numbered P1, P2, P3, P4, marketing information as received on the 27 February 2012 and the flood risk assessment as received on the 8 June 2012.

AGENDA DATE: 14th March 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.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ED2, T13
- South East Plan 2009: CC6, BE6, T4
- Government Policy: National Planning Policy Framework (2012)

2. HISTORY

There is no planning history relevant to this application and has been advertised as such.

3. CONSULTATIONS

- 3.1 **Kent Highway Services** were consulted and raised no objections to this proposal.
- 3.2 **Maidstone Borough Council Environmental Health Officer** was consulted and raised no objection subject to the imposition of safeguarding conditions.

- 3.3 **Maidstone Borough Council Parks and Open Space Manager** was consulted and raised no objections subject to contributions of £15,750 being made towards the improvement of Mote Park, which is situated less than half a mile from the application site.
- 3.4 **Maidstone Borough Council Conservation Officer** was consulted and raised no objection to the proposal subject to the receipt of details with regards to the balcony.
- 3.5 **UK Power Networks** were consulted and raised no objection to the proposal.
- 3.6 **Southern Water** were consulted and raised no objection to the proposal.
- 3.7 **Kent County Council (Mouchel)** were consulted and raised no objections to this proposal, subject to the receipt of contributions of £3,765.29 towards local libraries, youth facilities, community learning and adult social services.
- 3.8 **English Heritage** were consulted and raised no objections to this proposal.
- 3.9 **Southern Gas Networks** were consulted and raised no objections to this proposal.

4. REPRESENTATIONS

- 4.1 Neighbouring occupiers were notified and raised no objections to this proposal.

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 The application site is located within the urban area of Maidstone, within an area designated within the Maidstone Borough Wide Local Plan (2000) for employment purposes.
- 5.1.2 To the north of the application site lies 'The Mall' shopping centre, and the car park associated with it.
- 5.1.3 To the south of the application site is a two storey commercial building, and Romney Place, which links Lower Stone Street and the A249. Kent House lies to the south side of Romney Place.
- 5.1.4 To the east of the application site is the access into the car park and the service yard of the Mall, and beyond this the access into Sainsbury's.

5.1.5 To the west of the application site are further commercial buildings which front Lower Stone Street, including a Grade II listed building.

5.2 Proposal

5.2.1 The proposal is for the change of use of the existing office building into residential accommodation. This accommodation would consist of 6 one bedroom flats, and 4 two bedroom flats. All flats would be accessed from a communal entrance which would be located within the south-eastern corner of the building.

5.2.2 Basement car parking would be provided with a total of 18 spaces shown as being available.

5.2.3 It is proposed that some minor alterations be made to the fenestration of the building, including the incorporation of some balconies, as well as the alteration of the porch roof.

5.3 Principle of Development

5.3.1 The application has been advertised as a departure from the Development Plan because the proposed use (C3 Use) does not fall within Class B1 Use. Indeed, the application site is within an area designated for employment purposes (B1 Use) under saved Policy ED2 of the Maidstone Borough Wide Local Plan 2000. The Policy states;

'Planning permission will not be granted to redevelop or use vacant business, industrial, storage or distribution sites or premises for non-employment purposes unless the retention of the site or premises for employment use has been explored fully without success.'

5.3.2 Central government guidance and advice has changed since the Maidstone Borough Wide Local Plan (2000) was adopted. Therefore, when determining this application, it is appropriate to give weight to the more recent central government guidance and assess whether this would override the existing local policy.

5.3.3 The National Planning Policy Framework is also quite clear in its interpretation of the retention of employment sites. This states that Local Authorities should review the required amount of land for employment at the same time as undertaking the Strategic Housing Land Availability Assessments and should include a re-appraisal of the suitability of previously allocated land. This continual assessment of the suitability of land will ensure less properties such as this one, remaining empty for a significant period of time. The purpose of this is

to maintain the vitality of town centres, whilst responding to changes in working patterns and business needs.

- 5.3.4 Clearly, in this instance, the allocation was made in 2000, and has not been fully reviewed since. As such, should the applicant be able to demonstrate that suitable marketing has taken place, and that there is no demand for this property to be used as office space/employment space, then I consider it acceptable to depart from the local plan policy.

Marketing information from applicant

- 5.3.5 Due to this employment designation, the applicant was asked to demonstrate that the retention of the site for B1 Use based employment purposes has been fully examined, without success.
- 5.3.6 The applicant's supporting information demonstrates that the premises have been substantially vacant since the end of 2009 (although one tenant remained until the owners of the property passed it to the receivers). On 17th August 2010, these receivers were appointed and local agents, Sibley Pares were instructed as agents to secure either purchasers or occupants of the building.
- 5.3.7 There was no interest shown in the property, and on 10th October 2011, 'Allsop' were appointed to put the property up for auction. The property was extensively advertised both locally, and nationally, within the Estates Gazette. Details of the marketing information have been submitted as part of this application, to verify this. There were no offers made for the property.
- 5.3.8 the applicants then approached MKH Clokes with regards to letting the property, and they advised that due to the excess office space already within the town centre, there would be little prospect of finding tenants for the property. Whilst accepting this advice, the applicants have continued to market the property for a commercial tenancy with Pestell and Co without success. It is on this basis that they are now submitting an application for residential use.

Assessment of supporting evidence

- 5.3.9 I am satisfied that the information submitted does demonstrate that there has been genuine and thorough attempts made to let and indeed sell the property without success. The property has been vacant for a significant period of time, and has been marketed both nationally and locally, without finding a tenant.
- 5.3.10 There is clear evidence that there is an overprovision of lower grade office stock within the centre of Maidstone, and the proximity of Kent House and other large offices (which have high vacancy rates) further exacerbates this problem. I am

therefore satisfied that in this instance, the loss of this small element of commercial floor space can be lost without any impact upon the economic vitality of the town centre.

5.4 Visual Impact

- 5.4.1 The application site lies within a Conservation Area, and adjacent to a listed building and as such, any alterations to the building should be of a suitably high standard, and should respond positively to the character and appearance of the locality. The alterations proposed are relatively minor in nature, with the provision of Juliet balconies, and elongated windows. These changes would not detract from the character and appearance of the property, nor upon the wider character and appearance of the locality.
- 5.4.2 The change of use would not significantly alter the character of the building, and would not appear as out of place within the immediate locality.

5.5 Residential Amenity

- 5.5.1 The proposal would not give rise to any overlooking of existing residential properties, due to the separation distances involved. Due to the building being existing, there would be no further impact in terms of overshadowing to nearby properties.
- 5.5.2 In terms of the amenity of the future occupiers, due to the location of the site, it has been requested that the applicants undertake a full noise assessment, and carry out any mitigation that is required. It has been suggested that a condition be imposed requiring this, which I consider to be reasonable, and necessary.
- 5.5.3 In terms of internal accommodation, the room sizes proposed are all of an acceptable level, with adequate natural light likely to be obtained. I therefore see no reason to object to this proposal on the grounds of residential amenity.

5.6 Highways

- 5.6.1 Kent Highway Services have raised no objections to this proposal on the basis that the application site lies within a wholly sustainable location, and provides a suitable level of car parking provision. There would not therefore be any detrimental impact upon highway safety should this application be approved.

5.7 S106 Agreement

- 5.7.1 As the application would see the creation of ten units of accommodation, this falls above the threshold for when contributions may be paid towards suitable

infrastructure. 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.

5.7.2 Maidstone Borough Council Parks and Open Space Officer requested that contributions of £15,750 are made towards the enhancement of Mote Park. This request accords with the Council's DPD, and is considered to be a reasonable amount to be provided. As there is no open space to be provided within the curtilage of the building, and due to the proximity of Mote Park, I consider the proposal to be necessary and well related to the development. As such, I consider this request to be acceptable.

5.7.3 Kent County Council (Mouchel) has requested that contributions totalling £3,765.29 be provided towards local libraries (£2,433.62), youth facilities (£155.49), community learning (£427.70) and adult social services (£748.48). These have been fully justified in the submission, on the basis of the floor space and numbers of bedrooms proposed. There has been no request for financial contributions for schools provision. I consider the requests made to be reasonable, and to be necessary to make the development acceptable. I therefore consider it appropriate to request this money.

5.8 Other Matters

5.8.1 As this is a conversion of an existing building, it is not possible for the applicant to adhere to the code for sustainable homes.

6. CONCLUSION

6.1 Whilst the application site is located within an area that is allocated to be retained for employment purposes, the applicant has demonstrated that significant efforts have been made to market this property for such a purpose. However, they have been unsuccessful in their attempts to market the property for commercial purposes. It is for this reason that I am satisfied that it is acceptable to allow for this change of use.

6.2 The proposal would not give rise to any highway safety, or residential amenity concerns, and as such I see no reason to refuse this application. As such, I recommend that Members give this application favourable consideration, and grant delegated powers to approve, subject to the receipt of a suitable S106 legal agreement, and the imposition of the conditions set out below.

7. RECOMMENDATION

Grant the Head of Planning delegated powers to approve subject to the completion of a suitable S106 agreement addressing the following:

- 1) Contributions of £15,750 being made towards the improvement of Mote Park, which is situated less than half a mile from the application site.
- 2) Contributions of £2,433.62 being made towards the improvement of library facilities within the new archive centre.
- 3) Contributions of £155.49 being made towards the enhancement of youth facilities within Maidstone.
- 4) Contributions of £427.70 being made towards the community learning within Maidstone.
- 5) Contributions of £748.48 being made towards adult social services within Maidstone.

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 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 building(s) 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).

3. No occupation of the development hereby permitted shall take place until details of suitable bicycle storage provision have been submitted to and approved in writing by the Local Planning Authority. Such details as are approved shall be provided before occupation and provided thereafter.

Reason: In the interests of promoting sustainable modes of transport in accordance with the National Planning Policy Framework (2012).

4. No development shall take place until full details (1: or 1:10 scale plans) of the balconies proposed have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of preserving the character of the Conservation Area in accordance with Policy BE6 of the South East Plan (2009).

5. No development shall take place until an acoustic survey, to identify the noise environment of the site has been carried out. Where habitable rooms will be exposed to unacceptable noise levels (in accordance with BS8233), mitigation should include a scheme of acoustic protection sufficient to ensure internal noise levels (LA_{eqt}) no greater than 30dB in bedrooms and living rooms with windows closed. Where internal noise levels will exceed 35dB in bedrooms (night-time) and 45dB in living rooms (day-time) with windows open, the scheme of acoustic protection should incorporate acoustically screened mechanical ventilation.

Reason: In the interests of the future occupiers amenity, in accordance with the National Planning Policy framework (2012).

Informatives set out below

A formal application for connection to the public sewerage system is required in order to service this development, please contact Adkins Ltd, Anglo St James House, 39A Southgate Street, Winchester.

The application represents a departure from the provisions of the Development Plan however, the applicant has indicated that all efforts have been secure a use that accords with it, without success. As such, it is considered acceptable in this instance to allow for a departure from the Development Plan

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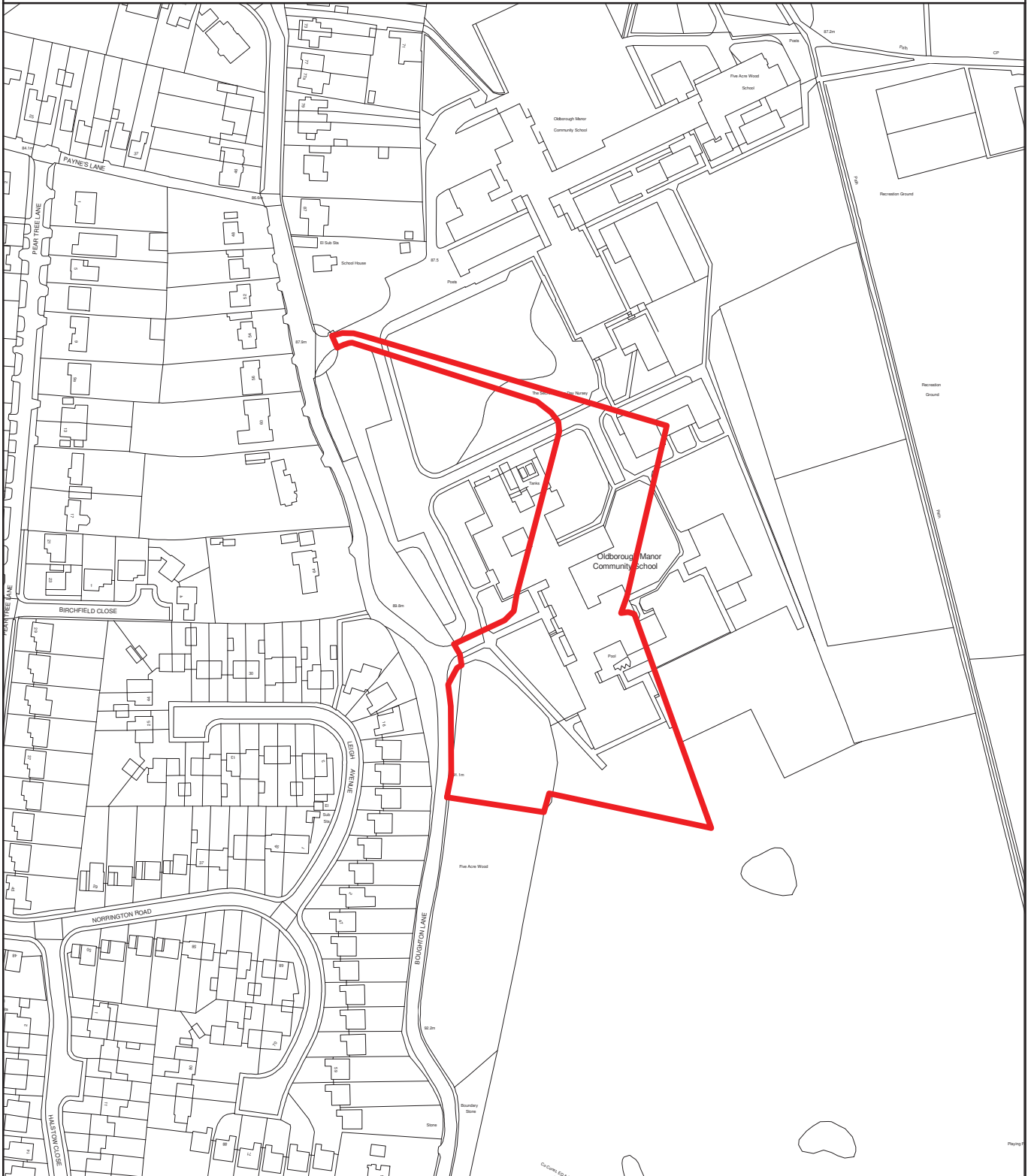
Agenda Item 17

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/12/1989

GRID REF: TQ7652

NEW LINE LEARNING ACADAMY,
BOUGHTON LANE, MAIDSTONE.



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Rob Jarman
Head of Planning

APPLICATION: MA/12/1989 Date: 1 November 2012 Received: 5 November 2012

APPLICANT: Future Schools Trust

LOCATION: NEW LINE LEARNING ACADEMY, BOUGHTON LANE, MAIDSTONE, KENT, ME15 9QL

PARISH: Boughton Monchelsea, Maidstone

PROPOSAL: Outline application for the erection of a primary school with access to be determined at this stage with appearance, landscaping, layout and scale reserved for subsequent approval as shown on drawing nos. T0216/SK03revP1, DHA/9152/01 and DHA/9152/02, Planning statement, Transport assessment, Tree survey, Contamination assessment, Archaeology report, Ecology report, Sustainability statement, Statement of Community Involvement received 01/11/2012, Design and Access Statement received 12/12/2012 and Transport Assessment Addendum received 30/01/2013.

AGENDA DATE: 14th March 2013

CASE OFFICER: Steve Clarke

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

- Councillor Chittenden has requested it be reported for the reasons set out in the report.

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV32, T13, T23,
South East Plan 2009: SP2, SP3, CC1, CC4, CC6, NRM4, NRM5, NRM7, T4, T5,
BE1, BE6, S3, S6, AOSR7
Loose Road Character Area Assessment
Government Policy: NPPF 2012, Policy statement-planning for schools
development 2011

2. HISTORY

2.1 Previous relevant planning history on the site is as follows:-

- MA/12/1994: Outline application for the erection of a new studio school with access to be determined at this stage with appearance, landscaping, layout and scale reserved for subsequent approval: UNDETERMINED
- MA/12/1989: Outline application for the erection of a primary school with access to be determined at this stage with appearance, landscaping, layout and scale reserved for subsequent approval: UNDETERMINED
- MA/09/2293: A consultation with Maidstone Borough Council by Kent County Council for the floodlighting of the two 3-court multi use games areas: RAISE NO OBJECTIONS 12/02/2010
- MA/08/2098: A consultation with Maidstone Borough Council by Kent County Council for the demolition of existing school buildings, erection of new academy, including erection of new 6 court sports hall, erection of vocational centre (indicative footprint only), re-provision of outdoor playing pitches, new 6 court MUGA, 153 car parking spaces, 150 bicycle spaces, strategic landscaping works and associated circulatory access roads: RAISE NO OBJECTIONS 11/11/2008
- MA/08/1700: An Article 10 Consultation by Kent County Council with Maidstone Borough Council for the demolition of existing school buildings, erection of a new Academy including erection of new 6 court Sports Hall, erection of Vocational Centre (indicative footprint only), re-provision of outdoor playing pitches, new 6 court MUGA, 153 car parking spaces, 160 bicycle spaces, strategic landscaping works and associated circulatory access roads: RAISE NO OBJECTIONS 09/10/2008
- MA/07/2620: A consultation with Maidstone Borough Council by Kent County Council for the provision of temporary accommodation comprising 8 classrooms, 5 practical rooms, 1 conference room, 1 dining room, 1 ante room, 96 additional car parking spaces and new rear pedestrian access: RAISE NO OBJECTIONS 28/02/2008
- MA/07/1007: A consultation with Maidstone Borough Council by Kent County Council for an outline application for demolition of existing school buildings; erection of new school (single academy status for Oldborough Manor Community School and Senacre pupils); erection of new six court sports hall, erection of new vocational centre; re-provision of outdoor playing pitches; new M.U.G.A.; 153 car parking spaces; strategic landscaping works, circulatory access: RAISE NO OBJECTIONS 06/09/2007

- 2.2 The Tiger Primary School opened on the site (utilising part of the existing Academy building) in September 2012.

3. CONSULTATIONS

3.1 Loose Parish Council: Make the following comments

'Whilst these applications do not relate to a site within our Parish, but given our adjacent location and the potential far reaching implications of the proposals, we wish to comment as follows:

It was considered that the "known" future application for a proposed residential development of a large number of houses adjacent to the site, which is assumed to be in the pipeline, should have been included with these applications. This would have allowed appraisal of the full scope of proposals at outline stage. It is our understanding that the schools development hinges on the residential development?

It is also understood that a proposed primary school is being considered at Shepway. Consequently, we would ask whether the case for a further primary school in this area is valid?

It is the Parish Council's strong view that the increase in vehicular traffic that will result from these proposals would be a totally unacceptable quantity, raising concerns for the safety of Boughton Lane users and nuisance (noise, fumes, and lights) for its residents. These issues would be further exacerbated if the residential development went ahead. Boughton Lane has several blind corners and no pavement when coming from the southern direction. It is felt that some school traffic will use the very narrow lanes to cut through from Park Wood and Boughton Monchelsea. These are totally unsuitable for any increase in traffic.

There are further serious concerns regarding the potential effect of additional traffic on the A299, specifically at its junctions with Boughton Lane, the Wheatsheaf and Armstrong Road. These are locations where congestion is an already major problem and traffic often builds up through the full length between them. Effects of future development in Coxheath, Marden, Staplehurst and Headcorn are also going to contribute to a worsening traffic situation.

It was noted at our meeting that according to information provided at the planning open day at the NLL Academy, that there was going to be at least 20% of pupils going to the new schools who will be walked to school rather than driven. This seems particularly unrealistic. Parents will elect to drive their children to school rather than letting them walk given the potential dangers of Boughton Lane. There will be a proportion of pupils that live outside a walk-able distance to the school in any case.

It would be prudent to mention that we are already working with the nearby Loose School with a view to improving the parking and vehicular movements around the school area and local roads, to help make it safer for other road users, pedestrians and local residents. There have been problems here regarding the volume of vehicles in the vicinity of the school associated with school activities.

Regarding the proposed access and exit points to the schools from Boughton Lane, it is noted that the existing ones are to be retained. It is paramount that the location of these points should be considered with the objective of providing the safest solution. We have concerns over the current positions in this respect given the nature of Boughton Lane.

Strong concerns were raised over the detrimental effect the new school and potential residential development may have on the existing ancient woodland in the vicinity, and the loss of green space. We would not wish to see any ancient woodland area compromised as it is considered to be of ecological importance.

Loose Parish Council fully supports the North Loose Residents Association and South Ward in relation to their concerns with these applications.'

3.2 **Boughton Monchelsea Parish Council:** Do not object and comment as follows
'No objection to this application regarding access however the Parish Council is concerned at the cumulative traffic effect that would result from new educational facilities at this location and would expect this to be carefully considered and provided for in any future detailed planning application.'

3.3 **North Loose Residents Association:** Object and comment as follows

'The North Loose Residents Association considers that the applications for both schools and the proposed playing field housing development to be submitted shortly should be considered as one proposal. The finance for this site is inextricably linked with the proposed housing development, as that development is required to fund these applications.

The public consultation as held displayed all three developments together as one proposal. People were unsurprisingly more concerned about the impact of the extra housing and did not take on board the full impact that the schools would have. This is reflected in the developers' comments that on the results of their questionnaire, that there was little feedback about the schools. We are therefore concerned that there has not been a suitable public consultation about the proposals for the two schools as the housing outlined in the presentation had created a substantial distraction to the local audience.

The North Loose Residents Association conducted our own exit survey at the consultation, after people had viewed the exhibition. This survey – 61 forms completed – returned a result of 100% against the proposal, with many people saying it was difficult to comment further because so little detail was presented.

In the draft Statement of Community Involvement now out to consultation, the Cabinet Member for Planning, Transport and Development says there is a duty to ensure the means for proper consultation are in place, that the Council should listen to the public and use their responses to shape and improve the borough, for the benefit of all. The public consultation for this application did not meet these criteria and therefore we

believe that a further exhibition should be held which needs to give greater detail to enable a proper consultation to be held.

On the developers' own admission, the extra schools alone will double the traffic flows in Boughton Lane at peak times. We already have evidence of unacceptable congestion in Boughton Lane at these times, with queues going back from the Loose Road to the school entrance and we have photos of traffic mounting the pavement when two slightly larger vehicles meet. These facts do not take into consideration the anticipated increase from the proposed housing development, which of course with some 220 houses will add significantly to the traffic problems not only in Boughton Lane, but also in Loose Road and at the Wheatsheaf junction. Tailbacks would inevitably extend into the rural part of Boughton Lane at peak times, bringing the land to a standstill. No attempt has been made to lessen the known air pollution at the Wheatsheaf junction and these developments will exacerbate these issues.

There is no guarantee that a high percentage of pupils will be local; indeed the advertised long opening hours of the school, with breakfast and after school clubs, will attract working parents from further away and will generate an even higher increase in traffic.

There is also a major and reasonable concern that the use of other small roads as 'rat runs' will increase when drivers become even more agitated at the queues on the Loose Road. Paynes Lane, Pear Tree Avenue, Berwyn Grove and Norrington Road would all see increases in traffic in addition to the extra burden on Boughton Lane.

This proposal breaks the guidance in the Loose Road Area Character Assessment, which states: 'any developments should not generate additional traffic which would erode the boundary features of Boughton Lane and Paynes Lane'. Page 70 para 8 (a) and (b) refer.

Some of the extra traffic will be coming from Boughton Monchelsea. This is a country lane with no footpaths and the danger to pedestrians is increased by the permitted use of the fruit packing factory and the very large lorries that access it. There will inevitably be traffic casualties here in the future. There are no bus services in Boughton Lane. The nearest bus route is 490 metres away, which is two and half times the recommended distance in Policy T21 of the Local Plan.

We understand that the Jubilee Church is considering opening a new free primary school at Shepway by September 2014, and we question whether there is a need for two new primary schools opening at the same time? Shepway has better traffic links to the main road system and is therefore more sustainable than another school in Boughton Lane. We have met with the National Union of Teachers and they seriously doubt that the New Line Learning project can be a sustainable development, given that it is likely that 50% or more of the children will not be from local homes.

Because the proposed studio school will be vocational, it is inevitable that a high percentage of those students will be coming from outside the area. We know there is capacity at Cornwallis School, which has better transport links and is on main roads. A more sustainable option for this school would therefore be at Cornwallis.

Five Acre Wood has now been designated as Ancient Woodland. The plans for the primary school show the building to be very near to this protected area. Given this protected status, any access through, or damage to, the Ancient Woodland or trees nearby would be unacceptable. The NPPF gives extra protection to irreplaceable habitats and specifically mentions areas designated as Ancient Woodland. Given the amount of development in South Ward over recent years and the loss of many green spaces, we would expect Maidstone Borough Council planners to ensure that no further loss is occasioned to this protected area.

On the application form (Q13a-13c) the applicants have stated that there are no biodiversity or geological conservation features that would be adversely affected by this development. However, we do not accept this statement and refer to our comments in the preceding paragraph.

There are a number of sustainability issues to be considered with this application:

- Funding for both schools would ultimately require the playing field site to be developed for housing. The school applications should not be considered in isolation.
- Do we need two new primary schools locally?
- The primary school and studio school will generate an increase in use of cars;
- There are no nearby bus services;
- The local road system was never intended to support this amount of traffic;
- Local air pollution (already in contravention of EEC limits) will increase;
- The alternative primary school at Shepway has better road links.
- A better option for the studio school would be at Cornwallis.
- There is a threat to designated Ancient Woodland

We therefore call on Maidstone Borough Council planners to seriously consider the impact this development will have on the area and ask that the applications be REFUSED.'

3.4 **Natural England:** Raise no objections and comment as follows:-

'The National Planning Policy Framework (NPPF) expects local authorities to prevent harm to biodiversity and geological interests. Paragraph 118 makes it clear how the government expects the council to consider planning decisions that could lead to harm to biodiversity and geological interests. Paragraph 109 identifies the importance of establishing coherent ecological networks that are more resilient to current and future pressures. Protection for ancient woodland is included in Paragraph 118 of the NPPF and states that "planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss".

The ecological survey submitted with this application has not identified that there will be any significant impacts on statutorily protected sites, species or on priority Biodiversity Action Plan (BAP) habitats as a result of this proposal. However, when considering this

application the council should encourage opportunities to incorporate biodiversity in and around the development (Paragraph 118 of the NPPF).

We have not assessed the survey for badgers, barn owls and breeding birds¹, water voles, widespread reptiles or white-clawed crayfish. These are all species protected by domestic legislation and you should use our standing advice to assess the impact on these species.

- 3.5 **Environment Agency:** Have assessed the site as having a low environmental risk and therefore have no comments to make
- 3.6 **Southern Water:** Have advised that there is currently inadequate capacity to provide foul sewage disposal to the development. Additional off-site sewers or improvements to existing sewers will be required to provide sufficient capacity. Southern Water has requested that an informative is attached to advise the applicants of necessary contact details to instigate the appropriate mechanisms to ensure sufficient capacity is provided. They have also requested that a condition is imposed on any consent requiring details of foul and surface water drainage to be submitted and approved in consultation with Southern Water.
- 3.7 **UK Power Networks:** No objections
- 3.8 **KCC Heritage Conservation:** Raise no objections, but recommend a condition requiring a programme of archaeological works:

'The site of the application lies within an area of archaeological potential associated with prehistoric and Roman activity. A Roman road and significant levels of Iron Age and Romano-British occupation activity have been recorded especially to the east. Associated remains may survive within the land of the New Line Academy. This application is supported by a DBA by CgMs. The DBA is fine and presents basic information on heritage issues and the previous ground disturbance. In general I agree with their comments although I maintain that there is potential for archaeology to survive on site despite the level of previous development. I recommend the following condition is placed on any forthcoming consent:

AR1 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

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

- 3.9 **KCC Ecology:** Raise no objections and comment as follows
An ecological survey has been submitted in support of this planning application. We have reviewed the ecological survey in conjunction with the desk top information available to us (including aerial photos and biological records). We are satisfied with the assessment

of the ecological survey that the proposed development has limited potential to directly impact protected species – as the footprint of the proposed development will be on short amenity grassland or hard standing. As a result we require no additional information to be submitted prior to determination.

There are areas of woodland that are adjacent to the site. The ecological scoping survey has recommended that a 3 meter buffer is created between the woodland area and the development site. This area should be managed to be beneficial to biodiversity. Details of the buffer and the proposed management must be included within the landscape plan when the Reserve Matters are submitted for determination.

Badgers

Evidence of badgers and a disused outlier badger set was recorded within the woodland site. If planning permission is granted – prior to works starting on the site an updated badger survey must be carried out and submitted for comments. The ecological survey has detailed precautionary mitigation – once the updated survey has been carried out it must be reviewed and if necessary updated.

Bats

The report has assessed there is limited potential for bats to use the proposed development site for roosting, foraging or commuting. However they may be present within the surrounding woodland. Lighting can be detrimental to roosting, foraging and commuting bats. We advise that the Bat Conservation Trust's *Bats and Lighting in the UK* guidance is adhered to in the lighting design (see end of this note for a summary of key requirements).

Enhancements

One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged". The report has made recommendations to increase roosting and nesting opportunities for bats and birds. Details must be incorporated in to the information submitted for the reserved matters.'

3.10 Kent Highway Services: Kent Highways made the following initial comments.

- 'The New Line Learning (NLL) Academy site is part of the wider Oldborough Campus on Boughton Lane, Maidstone. There are two vehicular accesses to NLL from Boughton Lane; one to the north west and the other to the south west.
- There is reasonable footway access between the site and Loose Road, whose junction with Boughton Lane is controlled by a signal junction with formal pedestrian crossing facilities. Pedestrian access to the site can also be gained from the east via Mangravet Avenue and Public Right of Way KB26 which provides access to the Park Wood residential area.
- There are no designated cycle routes on Boughton Lane or the other local roads within close proximity to the site.

- The closest bus stops to the site are located approximately 550 metres away on Loose Road. From the Mangravet Avenue access, the closest bus stop is approximately 560 metres away on Sutton Road. Both of these stops are served by high frequency services to/from Maidstone Town Centre.
- Boughton Lane is up to 7.0 metres wide and subject to a 30mph speed limit within the vicinity of the site. The vehicle access points operate on a one-way system, with vehicles entering at the northern access and exiting at the southern access. Visibility is adequate at both accesses.
- Personal Injury Accident (PIA) data has been sourced for the local highway network surrounding the site for the three year period ending 31st December 2011. A total of 17 PIAs were recorded during this period, 60% of which occurred at the A229/A274 junction. All of these accidents were classed as 'slight', with no serious or fatal incidents taking place. There was no specific pattern within the data to suggest that the design and/or condition of the local highway network is a cause for concern in this respect.
- The development proposals comprise the erection of a primary school and studio school at the site of the NLL. The primary school opened in September 2012, taking on an initial roll of 90 pupils who are currently using the existing NLL facilities. It is proposed that the new school buildings will be completed by 2014 and that the increase in pupils from the initial 90 to the full capacity of 420 will be reached by 2018/19. A total of 63 staff will be employed when full capacity is reached.
- It is proposed that the studio school would come forward over two phases, with a final capacity of 280 students and 20 staff. The pupils using the school would be aged between 16 and 18.
- During the period up to 2019, the existing NLL proposes to increase its roll from the existing 691 pupils to the full capacity of 1,050. Staff numbers would increase from the current 136 to 165. The increase in trips associated with this growth in pupil and staff numbers has been accounted for in the Transport Assessment.
- It is proposed that the existing vehicular access and egress arrangements on Boughton Lane will remain in place to serve the new developments, as they currently operate well, as corroborated by KCC Highways during a recent site visit. Existing servicing arrangements will also remain unchanged.'

3.10.1 The comments noted that the proposed level of car parking provision at 240 spaces was substantially less than the maximum figure of 369 spaces in the Kent and Medway SPG4 (Parking Standards).

3.10.2 The comments go on to address the issue of modal share of trips to the site, comparisons with the TRICS database, the routing of traffic to the development and traffic flows in the area in general. The highlighted elements were those

areas in which further information was required to be supplied to be further assessed by Kent Highway Services.

- The modal share of trips to the proposed primary school has been derived from the average modal splits recorded in six local primary school Travel Plans. Whilst this approach is sound, it is clear that the geographical location of the site and the characteristics of the local pedestrian, cycling and public transport networks will also impact on the likely modal shares. **Thus whilst it is acknowledged that the composition of trips to primary and secondary schools vary, reference should be made to the modal shares recorded in the NLL Travel Plan – particularly for staff trips – as a point of reference.** Indeed, the 2009 NLL School Travel Plan 'Hands Up' survey in 2009 recorded a significantly greater car modal share for staff than that estimated for the proposed primary school. Moreover, as the Transport Assessment acknowledges, a significant proportion of trips may be shared by pupils attending NLL and the proposed primary school.
- It should be noted that the Transport Assessment Scoping Note agreed with KCC Highways in April 2012 stated that an updated pupil and staff questionnaire survey would be conducted to ascertain existing NLL travel patterns. **It does not appear that this exercise has been carried out.**
- It has been assumed in the Transport Assessment that the Travel Plan could reduce new car trips by 15%; however it is unclear what the basis for this assumption is. It is requested that the Transport Assessment should be revised to only include results for the scenario without any Travel Plan percentage reductions, to provide for a robust analysis of traffic impacts and parking demand.
- It is also reported that the estimated vehicle trip attraction to the primary school has been cross-referenced with outline details from the TRICS database; however these details have not been supplied. **This information should be provided to KCC Highways.**
- The Transport Assessment assumes that the development of 200 dwellings at the proposed Wards residential site, to the south of NLL on Boughton Lane, would significantly increase the proportion of new trips to the primary school routing from this direction from 3% to 30%. Again, it is unclear what the basis for this assumption is. **This information should be provided to KCC Highways.**
- The impact of the development proposals on the A229 / Boughton Lane / Cripple Street and Wheatsheaf junctions has been presented in terms of the percentage increase in traffic on each arm, as agreed with KCC Highways. The base traffic flows have been growthed to the horizon year of 2019 and the development trips added. The greatest impacts are forecast to be on Boughton Lane, Loose Road (to the north of the Cripple Street junction) and Sutton Road in the AM peak; each of which record an increase in traffic well exceeding 10%. Across the whole of the A229 / Boughton Lane / Cripple Street junction, the increase in traffic equates to 11% in the AM peak with no Wards development in place, which is significant. KCC's Guidance on Transport Assessments and Travel Plans states that where the

increase in flows due to the development proposals exceeds 10%, an operational assessment will be required to demonstrate that the capacity of the network is adequate to cope with the proposals under the worst combination of flows that is likely to occur. ***The scope of this further analysis should be discussed with KCC Highways.***

- ***Given the scale of the anticipated traffic impacts on the local highway network, which falls within the Maidstone Air Quality Management Area, KCC Highways is minded to recommend to Maidstone Borough Council the negotiation of an appropriate contribution to the capital cost of the proposed Sutton Road/Loose Road Bus Lane by way of a Section 106 Agreement with the applicant. This scheme is considered to be directly related to the development proposals and would contribute significantly to the attainment of the Travel Plan mode share targets.'***

3.10.3 Subsequent to the production of these comments, further dialogue between Kent Highways and the applicant's highway consultants took place which resulted in the submission of an addendum to the Transport Statement on 30 January 2013. This additional information has been considered by Kent Highway Services who confirmed on 21 February 2013 that they have no objections to the application and its details.

'The Transport Assessment Addendum submitted by the applicant satisfactorily addresses the initial concerns raised by Kent County Council (KCC) Highways and Transportation.

It is accepted that the Loose Road / Boughton Lane / Cripple Street signalised junction is operating close to its design capacity. A physical modification to the junction layout would be required to address this, which is neither practical nor proportionate to the scale of traffic impacts associated with this application. It is therefore considered appropriate for the applicant to make a contribution to the provision of off-site sustainable transport infrastructure.

Following further discussion with the applicant, a contribution of £45,000 to the proposed Sutton Road/Loose Road Bus Lane has been agreed in principle, based on its forecast usage by households associated with the development proposals. It is recommended that this contribution be secured by means of a Section 106 Agreement.'

3.10.4 It is considered appropriate that a s106 contribution for Phase-one of the 'bus-lane between 'The Wheatsheaf' junction and Armstrong Road is sought. Kent Highway Services have indicated that for both this application and the Studio School application (MA/12/1994) it would be appropriate to seek a contribution towards the costs of phase one of the 'bus-lane of £45,000.

3.11 **MBC Environmental Health:** Raise no objections and comment as follows

'The concise planning statement accompanying the application typically falls short of all environmental concerns. Whilst the inclusion of contamination is welcome, there is no

mention of the effect of noise and in particular, air quality, on future pupils and local residents of this proposal. That said, however, I would not necessarily expect noise to be of too much concern at this site, because of its location, but there will be undoubtedly be elevated air pollution to the local environment by the extra number of vehicles which will visit the site to load/unload children, therefore a scheme to offset this expected increase should be submitted.

The contamination report is very detailed and thorough and concludes that although the risk of contamination is low, there is enough potential for further investigations to take place; I would not disagree with this conclusion. The other issues described in the statement are not of environmental health concern.'

Its is recommended that conditions are imposed requiring a remediation statement and validation/closure report for contamination and details of reduction/off-setting measures to reduce transport based air pollution arising from the development during construction and when in occupation. Informatives governing hours of operation and conduct on site during construction are also recommended.

4. REPRESENTATIONS

4.1 **Cllr Chittenden** has requested that the application is considered by the Planning Committee for the following reasons

'As you are aware local members and residents were invited to attend an open day at the school at the Invitation of New Line Learning and Ward Homes, when the extent of the intended developments were revealed.

As well as these two schools, we understand that these two applications will be followed by an application for up to 225 houses on the existing playing fields and that which will be re-sited in the current open rural countryside.

I would ask that if you intend to recommend approval, these current applications go to the Planning committee for the following reasons.

- The schools should **not** be considered on their own. The full development including the houses should be considered jointly because of the affect in relation to the exits onto a narrow, country Lane, the increased intensity of traffic at the junction of Boughton Lane / Cripple street and the overall increase affecting the serious congestion problems that already exist along the Loose Road and the approach to the Wheatsheaf and Armstrong Road junction.
- Looking at these two applications and the housing as a whole, this is a serious change/addition to the proposals to create a Strategic Housing site to the South of the Town and any application should be considered in conjunction with that. It should be part of the overall additional review that has just been instigated and be assessed following the recent decision to review the Core Strategy evidence base. It is absolutely essential that, because of its serious affect on the area to the South of the town

including the Transport Strategy which is also now under review, and which will be affected by all three applications, the options for whether the school and housing should be allowed should not be decided until full evidence is available and has been subject to the proper scrutiny.

- Traffic congestion from Boughton Lane and into the Loose Road is already a major problem which at the moment has no acceptable resolution. The school applications for 420 plus additional students all considerably increase the present problems that exist.'

4.2 A total of 61 representations have been received in response to consultation on the original and additional application details that have been submitted. All 61 representations raise objections to the proposals on the following (summarised) grounds.

- The application should not be considered in isolation but along with the studio school and the proposed housing development.
- The entire site lies within the Southern Anti-coalescence Belt identified and safeguarded by policy ENV32 of the Maidstone Borough-wide Local Plan 2000. The policy seeks to stop the infilling of the existing gaps between the main urban area of Maidstone and the villages to the south.
- Development will result in unacceptable levels of additional traffic on the already busy and unsuitable narrow and winding Boughton Lane.
- Boughton Lane has no pavements for much of its length with people walking on the road. This development will make it worse.
- Boughton Lane is already affected by the HGVs that go to the fruit farm it is totally unsuitable for more traffic
- If the school is built the playing field land will have to be sold off to finance the new school build.
- Traffic on Loose Road and the surrounding area will come to a standstill.
- Surrounding residential roads will become 'rat-runs' as people try to avoid the congestion.
- Air quality is already poor in the area and along Loose Road these proposals and the additional traffic they generate will make it worse.
- The site is close to Five Acre Wood now identified as Ancient Woodland, there could be an adverse impact on wildlife and the trees.
- No bus services in Boughton Lane.
- It appears that the Jubilee Church is also seeking to open a free school in the area why do we need two new schools?
- There is a good existing level of schools in the area already new ones are not needed.
- Paynes Lane is narrow and traffic has increased markedly since the traffic lights at the end of Boughton Lane were installed. This development will add further to traffic and make residents' lives worse. The road should be traffic-calmed or made one way or the speed limit reduced to 20mph.

- To solve traffic problems a new road should be constructed leading eastwards from the Boughton Lane also serving the school and connecting it to Sutton Road.
- The comments of the North Loose Residents Association are entirely agreed with and supported.
- Any development should take place at the Cornwallis Academy which has better public transport links, better road access and more space.

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 The New Line Learning Academy site is situated on the east side of Boughton Lane. It is approximately 550m south east of the signal-controlled junction of Boughton Lane/Cripple Street and the A229 Loose Road.
- 5.1.2 The entire site, including the current playing fields, lies within the urban area of Maidstone as defined in the Maidstone Borough-wide Local Plan (MBWLP) 2000. It is however also subject to saved policy ENV32 and as such lies within the defined Southern Anti-Coalescence Belt which seeks to prevent the urban area of Maidstone linking with the villages immediately to its south such as Coxheath, Loose, Boughton Monchelsea, Chart Sutton and Langley.
- 5.1.3 The site is currently occupied by the New Line Learning Academy and the Tiger Primary School which opened in September 2012 in part of the academy premises. To the north of the academy complex are situated Five Acre Wood School and the premises of Loose Baptist Church. The New Line Learning Academy building is up to three storeys in height.
- 5.1.4 The complex fronts onto Boughton Lane, the western side of which is lined by residential properties. Part of the site frontage to Boughton Lane is covered by Five Acre Wood which is identified as Ancient Woodland in the 2012 Borough-wide inventory. The Woodland is subject to TPO no 17 of 2002. Public Footpath KB26 forms the eastern boundary of the Academy site.
- 5.1.5 There are two vehicular access points onto Boughton Lane; one ingress (to the north) and one egress (to the south). The existing car park areas serving the site are located towards the western site boundary to the west of the academy buildings.

5.2 Proposal

- 5.2.1 This is an outline planning application and seeks planning permission for the erection of a primary school. Access is to be determined at this stage with

appearance, landscaping, layout and scale reserved for subsequent approval. The application site area amounts to 1.3ha.

- 5.2.2 The proposal would allow the Tiger Primary School to have its own building and grounds, separate to the New Line Learning Academy building where it is currently located.
- 5.2.3 The school would be able to support up to 420 pupils and would be a two-form entry school. It is anticipated that numbers at the school would build-up over time, reaching capacity in around 2018/19. The submitted illustrative plans and application details indicate that the building would accommodate up to 2250m² of floorspace in a building of up to three storeys in height. The indicated parameters are as follows:-
Length- upper limit = 60m;
Width - upper limit = 40m;
Height - no higher than the existing NLL Academy building (15m).
- 5.2.4 The building would be located to the west of the existing academy building on a currently flat and open area between the academy and an existing sub-station which would be retained.
- 5.2.5 Access to the site (a non reserved matter) would be from Boughton Lane and would utilise the existing vehicular and pedestrian access points. The plans indicate that additional parking could be provided within the site. There are currently 172 parking spaces on the site. The applicants have indicated that this could be increased to approximately 240 spaces to serve the primary school, the proposed studio school and the existing academy.
- 5.2.6 It is intended that the building would achieve a BREEAM Very Good rating and a sustainability statement demonstrating that this is possible has been submitted as part of the application.
- 5.2.7 Also submitted as part of the application in addition to a planning statement and design and access statement are a contamination assessment, ecological appraisal, tree survey, archaeological report, flood risk assessment and transport assessment for which an addendum has also been submitted in response to the initial comments from Kent Highway Services.

5.3 Principle of Development

- 5.3.1 The site is an existing educational campus within the urban area of Maidstone. In principle therefore, no objections are raised to the proposed development, which will complement the existing role of the site. As stated earlier, the site is also subject to policy ENV32 of the MBWLP 2000. Policy ENV32 states:-

WITHIN THE SOUTHERN ANTI-COALESCENCE BELT AS DEFINED ON THE PROPOSALS MAP, DEVELOPMENT WHICH SIGNIFICANTLY EXTENDS THE DEFINED URBAN AREA OR THE BUILT UP EXTENT OF ANY SETTLEMENT, OR WHICH, AS A RESULT OF INFILLING, CONSOLIDATES EXISTING AREAS OF DEVELOPMENT, WILL NOT BE PERMITTED.

- 5.3.2 The proposals will not extend the defined urban area being located within it and as such Policy ENV32 is complied with. In terms of consolidation referred to in the policy, the written text supporting the policy defines this as follows:
'Also within this area, there are many small parcels of land, which due to their limited size and the effect of development on their character and appearance may be difficult to protect under normal countryside restraint policies. The development of such sites would lead to both coalescence and consolidation of the scattered settlements in the area, much to its detriment'

Again in my view this does not apply to the application site as the site is not in the countryside.

- 5.3.3 The proposals should also be considered alongside the 'Planning for Schools Development' statement issued by the Communities Secretary in 2011. This document is a material consideration and is appended to the report at Appendix One. There is a clear presumption in favour of allowing new state-funded school development (including free schools) and authorities should only refuse permission where there is clear and cogent evidence that leads to that conclusion.

5.4 Highways

- 5.4.1 The impact of the traffic generated by the development on the local highway network is the key consideration in relation to this application. Clearly there will be an increase in traffic as a result of the development and an additional impact on the local road network. The issue is whether this will be so significant as to justify and sustain a refusal on highway grounds.
- 5.4.2 The submitted Transport Assessment considers the impact of the Primary School, the proposed Studio School, the New Line Learning Academy at full capacity and also takes into account a potential housing development on some of the existing school land to the south. Members are advised that no application for residential development has yet been submitted.
- 5.4.3 It is not the case therefore that this application and the studio school application (MA/12/1994), have been considered in isolation.

- 5.4.4 The approach taken to assess the traffic implications of the development is considered to be robust and appropriate. Kent Highway Services have fully considered the Transport Assessment and its later Addendum and have confirmed that there will be an 11% increase in traffic at the junction of Boughton Lane/Cripple Street/Loose Road as a result of the developments currently proposed when at capacity, and taking into account the trips generated by the academy when at full capacity and also the potential residential development.
- 5.4.5 As Members will be aware, this junction has recently been signalised. Having considered the capacity and impact of the development, it is considered that there are no cost-effective improvements which could be made to fully mitigate these impacts.
- 5.4.6 As a result it is necessary to consider appropriate measures to improve sustainable transport provision in the locality and to ensure a robust Travel Plan is prepared to seek to reduce car-borne traffic and improve modal split over-time away from car-based journeys. This is also a requirement from the Environmental Health team which has recommended a condition requiring details of reduction/off-setting measures to reduce transport based air pollution arising from the development during construction and when in occupation.
- 5.4.7 As Members will be aware, the Council is, through the Draft Integrated Transport Strategy and Draft Core Strategy Transport policy seeking the provision of a dedicated 'bus-lane along Sutton Road/Loose Road as far as Armstrong Road/Parkway junction.
- 5.4.8 It is considered appropriate that a contribution for Phase-one of the 'bus-lane between 'The Wheatsheaf' junction and Armstrong Road is sought. Kent Highway Services have indicated following negotiation with the applicants that for both this application and the Studio School application (MA/12/1994) it would be appropriate to seek a contribution in total of half the Phase-one cost of £45,000
- 5.4.9 Subject to this contribution being secured, no objections are raised to the development on highway grounds.

5.5 Visual impact and impact on residential amenity

- 5.5.1 Given that layout, appearance and scale are reserved matters it is not possible to fully assess the potential visual impact of the development.
- 5.5.2 However, the indicated siting of the building is considered to be appropriate and well related to the existing academy building. The indicated scale parameters are also considered acceptable. The building in its indicated location would not erode

the openness of the site and would be well-grouped with the existing buildings on the site.

- 5.5.3 The building would be located in excess of 50m from the western site boundary and some 75m from the nearest residential property. The western boundary is also wooded and protected by virtue of TPO no 17 of 2002 and this woodland would be retained, further screening and mitigating the impact of the development.
- 5.5.4 The existing academy buildings are glimpsed through the trees to the south of the site along Boughton Lane and the additional building would not unacceptably add to the visual bulk and mass of the development on the site. Similarly the building would not look out of context when viewed from the public footpath (KB26) that runs along the eastern boundary of the academy site.
- 5.5.5 In my view the development would not appear cramped given the space that would be retained around the buildings.
- 5.5.6 I consider that with appropriate design and siting the development would not have an adverse visual impact on the area or an unacceptable impact in terms of privacy or overlooking of residential properties.

5.6 Landscaping and ecology

- 5.6.1 The proposed site of the building will not have any implications for ecology in and of itself as it is a well maintained grassed area. The Kent County Council Biodiversity team have recommended that a minimum 3m buffer is maintained between the building and the woodland to the west and that this buffer is managed for biodiversity. They have also recommended enhancement measures are secured and that a further badger survey is carried out. These details can be secured by appropriate conditions.
- 5.6.2 Subject to appropriate detailing at Reserved matters stage I do not consider that the development will have an adverse impact on landscape features or ecology.

5.7 Other Matters

- 5.7.1 A Contamination study has been submitted as part of the application. The risk of contamination has been identified as low but as a precautionary measure further investigative work is recommended. The Environmental Health team concur with this precautionary approach and have recommended a condition requiring a remediation statement and a validation/closure report, be imposed on any permission. I too concur with this approach and consider such a condition to be appropriate and necessary.

5.7.2 Kent County Heritage Conservation has recommended a condition requiring a programme of archaeological work to be submitted and approved. I also consider this request to be reasonable and an appropriate condition should be imposed.

5.8 S106 obligations

5.8.1 Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the CIL Regulations 2010 and para 204 of the NPPF 2012. This has strict criteria that set out that any obligation must meet the following requirements: -

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

As set out earlier in the report, Kent Highway Services have requested a contribution of £45,000 towards the provision of a 'bus-lane from the junction of Loose Road/Sutton Road at 'The Wheatsheaf' PH northwards towards Armstrong Road.

5.8.2 The signalised junction of Boughton Lane and Loose Road is at or near capacity and it would be subject to an 11% increase in traffic as a result of the proposed development at the New Line Learning site. There are no cost-effective measures that can be implemented to mitigate the impact of this additional traffic at the junction rendering it necessary to consider appropriate measures to improve sustainable transport provision in the locality.

5.8.3 The requested contribution is based on forecast usage by households associated with the development proposals and seeks to improve public transport accessibility and thereby increasing its attractiveness as a mode of transport. The contribution is therefore considered necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in kind and scale to the development.

6. CONCLUSION

6.1 The proposed school is acceptable in principle and subject to appropriate detailed design being secured at Reserved Matter stage it is not considered that the indicated siting would have any adverse impact on residential amenity or the character and appearance of the area as a whole. There will also, subject to appropriate design and enhancement measures being achieved at reserved matters stage, no adverse impact in terms of ecology or landscaping.

- 6.2 Subject to the s106 contribution secure the contribution towards the first phase of a 'bus-lane for the section that would run between 'The Wheatsheaf' junction (Loose Road/Sutton Road) and Armstrong Road, there are no highway objections to the development as proposed.
- 6.3 Subject to the above and appropriate conditions no objections are raised to the proposals approval for which would accord with the principles set out in the 'Planning for schools development' - Policy Statement.

7. RECOMMENDATION

Subject to:

A: The prior completion of a s106 agreement in such terms as the Head of Legal Services may advise to secure a contribution, in conjunction with application MA/12/1994, of £45,000 towards the provision of a dedicated 'bus-lane along the A229 Loose Road between its junction with the A274 Sutton Road and Armstrong Road.

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

1. The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-
 - a. Layout
 - b. Scale
 - c. Appearance
 - d. Landscaping

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. The development shall not commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that features of archaeological interest are properly examined and recorded pursuant to policy BE6 of the South East Plan 2009 and the advice in the NPPF 2012.

3. The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site have been submitted to and approved, in writing, by the local planning authority:

1: A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment. This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

2: A Closure/validation Report is submitted upon completion of the works. The closure report shall include full verification details as set out above. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean.

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: To prevent harm to human health and pollution of the environment pursuant to the advice in the NPPF 2012.

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers pursuant to policy CC6 of the South East Plan 2009.

5. 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 building(s) or land and maintained thereafter;

Reason: No such details have been submitted and in the interest of amenity pursuant to policy CC6 of the South East Plan 2009.

6. The development shall not commence until an updated badger survey of the site and adjoining area has been undertaken and the details submitted for approval to the local planning authority. The report shall include as appropriate details of precautionary mitigation measures. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To ensure the protection of wildlife and supporting habitat pursuant to the advice in the NPPF 2012.

7. The details of landscaping pursuant to condition 1 above shall include inter-alia,
 - 1: Details of a minimum 3m wide buffer between the development site and the adjacent woodland to the west together with a management programme showing the area to be managed to the benefit of biodiversity.
 - 2: Details of enhancement measures to increase roosting opportunities for bats and birds
 - 3: Details of Tree Protection Measures and Root Protection Areas in accordance with BS5837:2012 'Trees in Relation to Design, Construction and Demolition-Recommendations'

Reason: To ensure the enhancement and protection of wildlife and supporting habitat pursuant to the advice in the NPPF 2012.

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

Reason: In the interest of pollution and flood prevention pursuant to the advice in the NPPF 2012.

9. The development shall not commence until details showing the provision of a total of not more than 240 parking spaces within the overall site together with sufficient turning area to enable vehicles to enter and leave the site in forward gear have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details and no development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (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 provision is likely to lead to parking inconvenient to other road users and in the interests of road safety pursuant to policy T13 of the Maidstone Borough-wide Local Plan 2000.

10. The primary school building hereby permitted shall achieve a minimum BREEAM New Construction rating of at least Very Good. No part of the building shall be occupied until a final certificate has been issued for it certifying that a BREEAM New Construction rating of at least Very Good has been achieved.

Reason: To ensure a sustainable and energy efficient form of development in accordance with Kent Design and Policy CC4 of the South East Plan 2009.

11. The details of reserved matters of layout, appearance and scale submitted pursuant to condition 1 above shall include inter-alia;

- (i) The maximum height of the building(s) not exceeding 15m
- (ii) The maximum dimensions of the development not exceeding 60m in length and 40m in width
- (iii) Details of the provision of cycle parking spaces

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

Reason: No such details have been submitted and to ensure an appropriate size for the building pursuant to policies CC6 and BE1 of the South East Plan 2009 and the advice in the NPPF 2012.

12. The development shall be operated in accordance with a Travel Plan to be submitted to and approved by the Local Planning Authority prior to the first occupation of the buildings. The Travel Plan shall be subject to review at 2 yearly intervals thereafter.

Reason: To minimise reliance on the use of the private car in the interests of sustainable development and to ensure safety and free flow of traffic on the surrounding highway network, in accordance with policy T5 of the South East Plan 2009.

13. The development hereby permitted shall be carried out in accordance with the following approved plans: T0216/SK03revP1,DHA/9152/01and DHA/9152/02;

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

Informatives set out below

The applicant should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Atkins Ltd. Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962858688) or www.southernwater.co.uk

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

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

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

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

Construction traffic and worker's vehicles in association with the development should only park within the application site and not on surrounding roads in the interests of highway safety.

The developer shall undertake a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environmental Act 2005 Section 54.

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

- a) Low-pressure sodium lamps or high-pressure sodium must be used instead of mercury or metal halide lamps where glass glazing is preferred due to its UV filtration characteristics.
- b) Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each light to direct the light and reduce spillage.
- c) The times during which the lighting is on must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to the minimum to reduce the amount of 'lit time'.
- d) Lamps of greater than 2000 lumens (150 W) must not be used.
- e) Movement sensors must be used. They must be well installed and well aimed to reduce the amount of time a light is on each night.
- f) The light must be aimed to illuminate only the immediate area required by using as sharp a downward angle as possible. This lit area must avoid being directed at, or close to, any bats' roost access points or flight paths from the roost. A shield or hood can be used to control or restrict the area to be lit. Avoid illuminating at a wider angle as this will be more disturbing to foraging and commuting bats as well as people and other wildlife.
- g) The lights on any upper levels must be directed downwards to avoid light spill and ecological impact.
- h) The lighting must not illuminate any bat bricks and boxes placed on the buildings or the trees in the grounds

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 applicant/agent was advised of minor changes required to the application and these were agreed.

The applicant/agent was provided with formal pre-application advice.

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.

APPENDIX ONE



Policy statement – planning for schools development

The Secretary of State for Communities and Local Government (Mr Eric Pickles) and the Secretary of State for Education (Mr Michael Gove) wish to set out the Government's commitment to support the development of state-funded schools and their delivery through the planning system. This statement supersedes the Statement of 26 July 2010.

The Government is firmly committed to ensuring there is sufficient provision to meet growing demand for state-funded school places, increasing choice and opportunity in state-funded education and raising educational standards. State-funded schools - which include Academies and free schools, as well as local authority maintained schools (community, foundation and voluntary aided and controlled schools) - educate the vast majority of children in England. The Government wants to enable new schools to open, good schools to expand and all schools to adapt and improve their facilities. This will allow for more provision and greater diversity in the state-funded school sector to meet both demographic needs and the drive for increased choice and higher standards. For instance, creating free schools remains one of the Government's flagship policies, enabling parents, teachers, charities and faith organisations to use their new freedoms to establish state-funded schools and make a real difference in their communities. By increasing both the number of school places and the choice of state-funded schools, we can raise educational standards and so transform children's lives by helping them to reach their full potential.

It is the Government's view that the creation and development of state-funded schools is strongly in the national interest and that planning decision-makers can and should support that objective, in a manner consistent with their statutory obligations. We expect all parties to work together proactively from an early stage to help plan for state-school development and to shape strong planning applications. This collaborative working would help to ensure that the answer to proposals for the development of state-funded schools should be, wherever possible, "yes".

The Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools, and that the following principles should apply with immediate effect:

- **There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.**
- **Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their**

planning decisions. The Secretary of State will attach significant weight to the need to establish and develop state-funded schools when determining applications and appeals that come before him for decision.

- **Local authorities should make full use of their planning powers to support state-funded schools applications.** This should include engaging in pre-application discussions with promoters to foster a collaborative approach to applications and, where necessary, the use of planning obligations to help to mitigate adverse impacts and help deliver development that has a positive impact on the community.
- **Local authorities should only impose conditions that clearly and demonstrably meet the tests set out in Circular 11/95.** Planning conditions should only be those absolutely necessary to making the development acceptable in planning terms.
- **Local authorities should ensure that the process for submitting and determining state-funded schools' applications is as streamlined as possible,** and in particular be proportionate in the information sought from applicants. For instance, in the case of free schools, authorities may choose to use the information already contained in the free school provider's application to the Department for Education to help limit additional information requirements.
- **A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority.** Given the strong policy support for improving state education, the Secretary of State will be minded to consider such a refusal or imposition of conditions to be unreasonable conduct, unless it is supported by clear and cogent evidence.
- **Appeals against any refusals of planning permission for state-funded schools should be treated as a priority.** Where permission is refused and an appeal made, the Secretary of State will prioritise the resolution of such appeals as a matter of urgency in line with the priority the Government places on state education.
- **Where a local planning authority refuses planning permission for a state-funded school, the Secretary of State will consider carefully whether to recover for his own determination appeals against the refusal of planning permission.**

This statement applies to both change of use development and operational development necessary to the operational needs of the school.

The Government is today publishing a summary of the responses to its consultation, *Planning for Schools Development*, and will continue to explore whether there is further scope and need for the planning system to do more to support state-funded schools, and in particular, free schools in the future.

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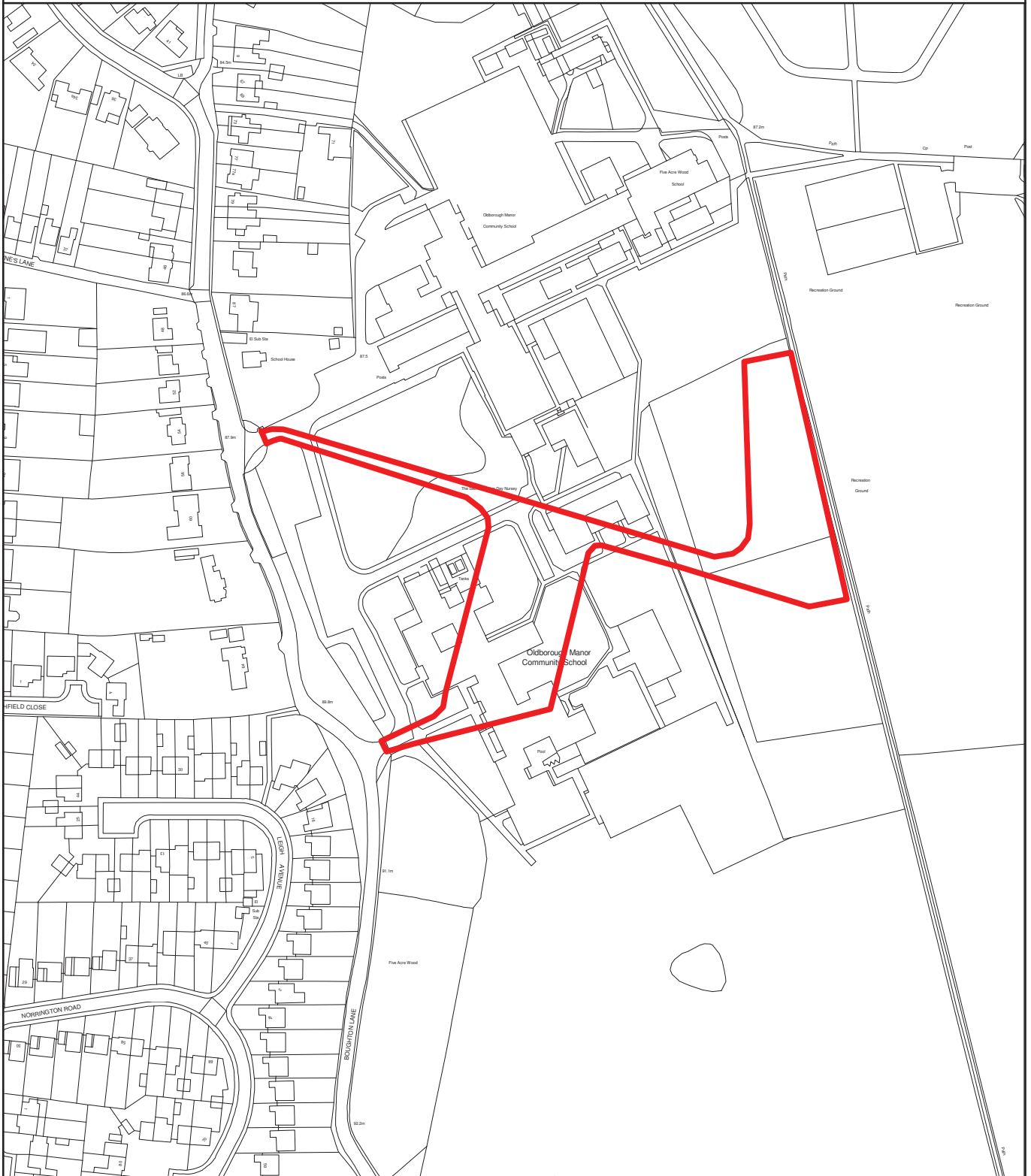
Agenda Item 18

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/12/1994

GRID REF: TQ7652

NEW LINE LEARNING ACADAMY,
BOUGHTON LANE, MAIDSTONE.



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Rob Jarman
Head of Planning

APPLICATION: MA/12/1994 Date: 1 November 2012 Received: 5 November 2012

APPLICANT: Future Schools Trust

LOCATION: NEW LINE LEARNING ACADEMY, BOUGHTON LANE, MAIDSTONE, KENT, ME15 9QL

PARISH: Boughton Monchelsea, Maidstone

PROPOSAL: Outline application for the erection of a new studio school with access to be determined at this stage with appearance, landscaping, layout and scale reserved for subsequent approval. As shown on drawing nos. T0216/SK03revP1, 9372/01 and DHA/9152/02, Planning statement, Design and Access statement Transport assessment, Tree survey, Contamination assessment, Archaeology report, Ecology report, Sustainability statement, Statement of Community Involvement received 01/11/2012 and Transport Assessment Addendum received 30/01/2013.

AGENDA DATE: 14th March 2013

CASE OFFICER: Steve Clarke

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

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

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV32, T13, T23,
South East Plan 2009: SP2, SP3, CC1, CC4, CC6, NRM4, NRM5, NRM7, T4, T5,
BE1, BE6, S3, S6, AOSR7
Loose Road Character Area Assessment
Government Policy: NPPF 2012, Policy statement-planning for schools
development 2011

2. HISTORY

2.1 Previous relevant planning history on the site is as follows

- MA/12/1994: Outline application for the erection of a new studio school with access to be determined at this stage with appearance, landscaping, layout and scale reserved for subsequent approval: UNDETERMINED
- MA/12/1989: Outline application for the erection of a primary school with access to be determined at this stage with appearance, landscaping, layout and scale reserved for subsequent approval: UNDETERMINED
- MA/09/2293: A consultation with Maidstone Borough Council by Kent County Council for the floodlighting of the two 3-court multi use games areas: RAISE NO OBJECTIONS 12/02/2010
- MA/08/2098: A consultation with Maidstone Borough Council by Kent County Council for the demolition of existing school buildings, erection of new academy, including erection of new 6 court sports hall, erection of vocational centre (indicative footprint only), re-provision of outdoor playing pitches, new 6 court MUGA, 153 car parking spaces, 150 bicycle spaces, strategic landscaping works and associated circulatory access roads: RAISE NO OBJECTIONS 11/11/2008
- MA/08/1700: An Article 10 Consultation by Kent County Council with Maidstone Borough Council for the demolition of existing school buildings, erection of a new Academy including erection of new 6 court Sports Hall, erection of Vocational Centre (indicative footprint only), re-provision of outdoor playing pitches, new 6 court MUGA, 153 car parking spaces, 160 bicycle spaces, strategic landscaping works and associated circulatory access roads: RAISE NO OBJECTIONS 09/10/2008
- MA/07/2620: A consultation with Maidstone Borough Council by Kent County Council for the provision of temporary accommodation comprising 8 classrooms, 5 practical rooms, 1 conference room, 1 dining room, 1 ante room, 96 additional car parking spaces and new rear pedestrian access: RAISE NO OBJECTIONS 28/02/2008
- MA/07/1007: A consultation with Maidstone Borough Council by Kent County Council for an outline application for demolition of existing school buildings; erection of new school (single academy status for Oldborough Manor Community School and Senacre pupils); erection of new six court sports hall, erection of new vocational centre; re-provision of outdoor playing pitches; new M.U.G.A.; 153 car parking spaces; strategic landscaping works, circulatory access: RAISE NO OBJECTIONS 06/09/2007

- 2.2 The Tiger Primary School opened on the site (utilising part of the existing Academy building) in September 2012.

3. CONSULTATIONS

3.1 Loose Parish Council: Make the following comments

'Whilst these applications do not relate to a site within our Parish, but given our adjacent location and the potential far reaching implications of the proposals, we wish to comment as follows:

It was considered that the "known" future application for a proposed residential development of a large number of houses adjacent to the site, which is assumed to be in the pipeline, should have been included with these applications. This would have allowed appraisal of the full scope of proposals at outline stage. It is our understanding that the schools development hinges on the residential development?

It is also understood that a proposed primary school is being considered at Shepway. Consequently, we would ask whether the case for a further primary school in this area is valid?

It is the Parish Council's strong view that the increase in vehicular traffic that will result from these proposals would be a totally unacceptable quantity, raising concerns for the safety of Boughton Lane users and nuisance (noise, fumes, and lights) for its residents. These issues would be further exacerbated if the residential development went ahead. Boughton Lane has several blind corners and no pavement when coming from the southern direction. It is felt that some school traffic will use the very narrow lanes to cut through from Park Wood and Boughton Monchelsea. These are totally unsuitable for any increase in traffic.

There are further serious concerns regarding the potential effect of additional traffic on the A299, specifically at its junctions with Boughton Lane, the Wheatsheaf and Armstrong Road. These are locations where congestion is an already major problem and traffic often builds up through the full length between them. Effects of future development in Coxheath, Marden, Staplehurst and Headcorn are also going to contribute to a worsening traffic situation.

It was noted at our meeting that according to information provided at the planning open day at the NLL Academy, that there was going to be at least 20% of pupils going to the new schools who will be walked to school rather than driven. This seems particularly unrealistic. Parents will elect to drive their children to school rather than letting them walk given the potential dangers of Boughton Lane. There will be a proportion of pupils that live outside a walk-able distance to the school in any case.

It would be prudent to mention that we are already working with the nearby Loose School with a view to improving the parking and vehicular movements around the school area and local roads, to help make it safer for other road users, pedestrians and local residents. There have been problems here regarding the volume of vehicles in the vicinity of the school associated with school activities.

Regarding the proposed access and exit points to the schools from Boughton Lane, it is noted that the existing ones are to be retained. It is paramount that the location of these points should be considered with the objective of providing the safest solution. We have concerns over the current positions in this respect given the nature of Boughton Lane.

Strong concerns were raised over the detrimental effect the new school and potential residential development may have on the existing ancient woodland in the vicinity, and the loss of green space. We would not wish to see any ancient woodland area compromised as it is considered to be of ecological importance.

Loose Parish Council fully supports the North Loose Residents Association and South Ward in relation to their concerns with these applications.'

3.2 **Boughton Monchelsea Parish Council:** Do not object and comment as follows
'No objection to this application regarding access however the Parish Council is concerned at the cumulative traffic effect that would result from new educational facilities at this location and would expect this to be carefully considered and provided for in any future detailed planning application.'

3.3 **North Loose Residents Association:** Object and comment as follows

'The North Loose Residents Association considers that the applications for both schools and the proposed playing field housing development to be submitted shortly should be considered as one proposal. The finance for this site is inextricably linked with the proposed housing development, as that development is required to fund these applications.

The public consultation as held displayed all three developments together as one proposal. People were unsurprisingly more concerned about the impact of the extra housing and did not take on board the full impact that the schools would have. This is reflected in the developers' comments that on the results of their questionnaire, that there was little feedback about the schools. We are therefore concerned that there has not been a suitable public consultation about the proposals for the two schools as the housing outlined in the presentation had created a substantial distraction to the local audience.

The North Loose Residents Association conducted our own exit survey at the consultation, after people had viewed the exhibition. This survey – 61 forms completed – returned a result of 100% against the proposal, with many people saying it was difficult to comment further because so little detail was presented.

In the draft Statement of Community Involvement now out to consultation, the Cabinet Member for Planning, Transport and Development says there is a duty to ensure the means for proper consultation are in place, that the Council should listen to the public and use their responses to shape and improve the borough, for the benefit of all. The public consultation for this application did not meet these criteria and therefore we

believe that a further exhibition should be held which needs to give greater detail to enable a proper consultation to be held.

On the developers' own admission, the extra schools alone will double the traffic flows in Boughton Lane at peak times. We already have evidence of unacceptable congestion in Boughton Lane at these times, with queues going back from the Loose Road to the school entrance and we have photos of traffic mounting the pavement when two slightly larger vehicles meet. These facts do not take into consideration the anticipated increase from the proposed housing development, which of course with some 220 houses will add significantly to the traffic problems not only in Boughton Lane, but also in Loose Road and at the Wheatsheaf junction. Tailbacks would inevitably extend into the rural part of Boughton Lane at peak times, bringing the land to a standstill. No attempt has been made to lessen the known air pollution at the Wheatsheaf junction and these developments will exacerbate these issues.

There is no guarantee that a high percentage of pupils will be local; indeed the advertised long opening hours of the school, with breakfast and after school clubs, will attract working parents from further away and will generate an even higher increase in traffic.

There is also a major and reasonable concern that the use of other small roads as 'rat runs' will increase when drivers become even more agitated at the queues on the Loose Road. Paynes Lane, Pear Tree Avenue, Berwyn Grove and Norrington Road would all see increases in traffic in addition to the extra burden on Boughton Lane.

This proposal breaks the guidance in the Loose Road Area Character Assessment, which states: 'any developments should not generate additional traffic which would erode the boundary features of Boughton Lane and Paynes Lane'. Page 70 para 8 (a) and (b) refer.

Some of the extra traffic will be coming from Boughton Monchelsea. This is a country lane with no footpaths and the danger to pedestrians is increased by the permitted use of the fruit packing factory and the very large lorries that access it. There will inevitably be traffic casualties here in the future. There are no bus services in Boughton Lane. The nearest bus route is 490 metres away, which is two and half times the recommended distance in Policy T21 of the Local Plan.

We understand that the Jubilee Church is considering opening a new free primary school at Shepway by September 2014, and we question whether there is a need for two new primary schools opening at the same time? Shepway has better traffic links to the main road system and is therefore more sustainable than another school in Boughton Lane. We have met with the National Union of Teachers and they seriously doubt that the New Line Learning project can be a sustainable development, given that it is likely that 50% or more of the children will not be from local homes.

Because the proposed studio school will be vocational, it is inevitable that a high percentage of those students will be coming from outside the area. We know there is capacity at Cornwallis School, which has better transport links and is on main roads. A more sustainable option for this school would therefore be at Cornwallis.

Five Acre Wood has now been designated as Ancient Woodland. The plans for the primary school show the building to be very near to this protected area. Given this protected status, any access through, or damage to, the Ancient Woodland or trees nearby would be unacceptable. The NPPF gives extra protection to irreplaceable habitats and specifically mentions areas designated as Ancient Woodland. Given the amount of development in South Ward over recent years and the loss of many green spaces, we would expect Maidstone Borough Council planners to ensure that no further loss is occasioned to this protected area.

On the application form (Q13a-13c) the applicants have stated that there are no biodiversity or geological conservation features that would be adversely affected by this development. However, we do not accept this statement and refer to our comments in the preceding paragraph.

There are a number of sustainability issues to be considered with this application:

- Funding for both schools would ultimately require the playing field site to be developed for housing. The school applications should not be considered in isolation.
- Do we need two new primary schools locally?
- The primary school and studio school will generate an increase in use of cars;
- There are no nearby bus services;
- The local road system was never intended to support this amount of traffic;
- Local air pollution (already in contravention of EEC limits) will increase;
- The alternative primary school at Shepway has better road links.
- A better option for the studio school would be at Cornwallis.
- There is a threat to designated Ancient Woodland

We therefore call on Maidstone Borough Council planners to seriously consider the impact this development will have on the area and ask that the applications be REFUSED.'

3.4 **Natural England:** Raise no objections and comment as follows:-

'The National Planning Policy Framework (NPPF) expects local authorities to prevent harm to biodiversity and geological interests. Paragraph 118 makes it clear how the government expects the council to consider planning decisions that could lead to harm to biodiversity and geological interests. Paragraph 109 identifies the importance of establishing coherent ecological networks that are more resilient to current and future pressures. Protection for ancient woodland is included in Paragraph 118 of the NPPF and states that "planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss".

The ecological survey submitted with this application has not identified that there will be any significant impacts on statutorily protected sites, species or on priority Biodiversity Action Plan (BAP) habitats as a result of this proposal. However, when considering this

application the council should encourage opportunities to incorporate biodiversity in and around the development (Paragraph 118 of the NPPF).

We have not assessed the survey for badgers, barn owls and breeding birds¹, water voles, widespread reptiles or white-clawed crayfish. These are all species protected by domestic legislation and you should use our standing advice to assess the impact on these species.

- 3.5 **Environment Agency:** Have assessed the site as having a low environmental risk and therefore have no comments to make
- 3.6 **Southern Water:** Have advised that there is currently inadequate capacity to provide foul sewage disposal to the development. Additional off-site sewers or improvements to existing sewers will be required to provide sufficient capacity. Southern Water has requested that an informative is attached to advise the applicants of necessary contact details to instigate the appropriate mechanisms to ensure sufficient capacity is provided. They have also requested that a condition is imposed on any consent requiring details of foul and surface water drainage to be submitted and approved in consultation with Southern Water.
- 3.7 **UK Power Networks:** No objections
- 3.8 **KCC Heritage Conservation:** Raise no objections, but recommend a condition requiring a programme of archaeological works:

'The site of the application lies within an area of archaeological potential associated with prehistoric and Roman activity. A Roman road and significant levels of Iron Age and Romano-British occupation activity have been recorded especially to the east. Associated remains may survive within the land of the New Line Academy. This application is supported by a DBA by CgMs. The DBA is fine and presents basic information on heritage issues and the previous ground disturbance. In general I agree with their comments although I maintain that there is potential for archaeology to survive on site despite the level of previous development. I recommend the following condition is placed on any forthcoming consent:

AR1 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

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

- 3.9 **KCC Ecology:** Raise no objections and comment as follows
An ecological survey has been submitted in support of this planning application. We have reviewed the ecological survey in conjunction with the desk top information available to us (including aerial photos and biological records). We are satisfied with the assessment

of the ecological survey that the proposed development has limited potential to directly impact protected species – as the footprint of the proposed development will be on short amenity grassland or hard standing. As a result we require no additional information to be submitted prior to determination.

There are areas of woodland that are adjacent to the site. The ecological scoping survey has recommended that a 3 meter buffer is created between the woodland area and the development site. This area should be managed to be beneficial to biodiversity. Details of the buffer and the proposed management must be included within the landscape plan when the Reserve Matters are submitted for determination.

Badgers

Evidence of badgers and a disused outlier badger set was recorded within the woodland site. If planning permission is granted – prior to works starting on the site an updated badger survey must be carried out and submitted for comments. The ecological survey has detailed precautionary mitigation – once the updated survey has been carried out it must be reviewed and if necessary updated.

Bats

The report has assessed there is limited potential for bats to use the proposed development site for roosting, foraging or commuting. However they may be present within the surrounding woodland. Lighting can be detrimental to roosting, foraging and commuting bats. We advise that the Bat Conservation Trust's *Bats and Lighting in the UK* guidance is adhered to in the lighting design (see end of this note for a summary of key requirements).

Enhancements

One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged". The report has made recommendations to increase roosting and nesting opportunities for bats and birds. Details must be incorporated in to the information submitted for the reserved matters.'

3.10 Kent Highway Services: Kent Highways made the following initial comments.

- 'The New Line Learning (NLL) Academy site is part of the wider Oldborough Campus on Boughton Lane, Maidstone. There are two vehicular accesses to NLL from Boughton Lane; one to the north west and the other to the south west.
- There is reasonable footway access between the site and Loose Road, whose junction with Boughton Lane is controlled by a signal junction with formal pedestrian crossing facilities. Pedestrian access to the site can also be gained from the east via Mangravet Avenue and Public Right of Way KB26 which provides access to the Park Wood residential area.
- There are no designated cycle routes on Boughton Lane or the other local roads within close proximity to the site.

- The closest bus stops to the site are located approximately 550 metres away on Loose Road. From the Mangravet Avenue access, the closest bus stop is approximately 560 metres away on Sutton Road. Both of these stops are served by high frequency services to/from Maidstone Town Centre.
- Boughton Lane is up to 7.0 metres wide and subject to a 30mph speed limit within the vicinity of the site. The vehicle access points operate on a one-way system, with vehicles entering at the northern access and exiting at the southern access. Visibility is adequate at both accesses.
- Personal Injury Accident (PIA) data has been sourced for the local highway network surrounding the site for the three year period ending 31st December 2011. A total of 17 PIAs were recorded during this period, 60% of which occurred at the A229/A274 junction. All of these accidents were classed as 'slight', with no serious or fatal incidents taking place. There was no specific pattern within the data to suggest that the design and/or condition of the local highway network is a cause for concern in this respect.
- The development proposals comprise the erection of a primary school and studio school at the site of the NLL. The primary school opened in September 2012, taking on an initial roll of 90 pupils who are currently using the existing NLL facilities. It is proposed that the new school buildings will be completed by 2014 and that the increase in pupils from the initial 90 to the full capacity of 420 will be reached by 2018/19. A total of 63 staff will be employed when full capacity is reached.
- It is proposed that the studio school would come forward over two phases, with a final capacity of 280 students and 20 staff. The pupils using the school would be aged between 16 and 18.
- During the period up to 2019, the existing NLL proposes to increase its roll from the existing 691 pupils to the full capacity of 1,050. Staff numbers would increase from the current 136 to 165. The increase in trips associated with this growth in pupil and staff numbers has been accounted for in the Transport Assessment.
- It is proposed that the existing vehicular access and egress arrangements on Boughton Lane will remain in place to serve the new developments, as they currently operate well, as corroborated by KCC Highways during a recent site visit. Existing servicing arrangements will also remain unchanged.'

3.10.1 The comments noted that the proposed level of car parking provision at 240 spaces was substantially less than the maximum figure of 369 spaces in the Kent and Medway SPG4 (Parking Standards).

3.10.2 The comments go on to address the issue of modal share of trips to the site, comparisons with the TRICS database, the routing of traffic to the development and traffic flows in the area in general. The highlighted elements were those

areas in which further information was required to be supplied to be further assessed by Kent Highway Services.

- The modal share of trips to the proposed primary school has been derived from the average modal splits recorded in six local primary school Travel Plans. Whilst this approach is sound, it is clear that the geographical location of the site and the characteristics of the local pedestrian, cycling and public transport networks will also impact on the likely modal shares. **Thus whilst it is acknowledged that the composition of trips to primary and secondary schools vary, reference should be made to the modal shares recorded in the NLL Travel Plan – particularly for staff trips – as a point of reference.** Indeed, the 2009 NLL School Travel Plan 'Hands Up' survey in 2009 recorded a significantly greater car modal share for staff than that estimated for the proposed primary school. Moreover, as the Transport Assessment acknowledges, a significant proportion of trips may be shared by pupils attending NLL and the proposed primary school.
- It should be noted that the Transport Assessment Scoping Note agreed with KCC Highways in April 2012 stated that an updated pupil and staff questionnaire survey would be conducted to ascertain existing NLL travel patterns. **It does not appear that this exercise has been carried out.**
- It has been assumed in the Transport Assessment that the Travel Plan could reduce new car trips by 15%; however it is unclear what the basis for this assumption is. It is requested that the Transport Assessment should be revised to only include results for the scenario without any Travel Plan percentage reductions, to provide for a robust analysis of traffic impacts and parking demand.
- It is also reported that the estimated vehicle trip attraction to the primary school has been cross-referenced with outline details from the TRICS database; however these details have not been supplied. **This information should be provided to KCC Highways.**
- The Transport Assessment assumes that the development of 200 dwellings at the proposed Wards residential site, to the south of NLL on Boughton Lane, would significantly increase the proportion of new trips to the primary school routing from this direction from 3% to 30%. Again, it is unclear what the basis for this assumption is. **This information should be provided to KCC Highways.**
- The impact of the development proposals on the A229 / Boughton Lane / Cripple Street and Wheatsheaf junctions has been presented in terms of the percentage increase in traffic on each arm, as agreed with KCC Highways. The base traffic flows have been growthed to the horizon year of 2019 and the development trips added. The greatest impacts are forecast to be on Boughton Lane, Loose Road (to the north of the Cripple Street junction) and Sutton Road in the AM peak; each of which record an increase in traffic well exceeding 10%. Across the whole of the A229 / Boughton Lane / Cripple Street junction, the increase in traffic equates to 11% in the AM peak with no Wards development in place, which is significant. KCC's Guidance on Transport Assessments and Travel Plans states that where the

increase in flows due to the development proposals exceeds 10%, an operational assessment will be required to demonstrate that the capacity of the network is adequate to cope with the proposals under the worst combination of flows that is likely to occur. ***The scope of this further analysis should be discussed with KCC Highways.***

- ***Given the scale of the anticipated traffic impacts on the local highway network, which falls within the Maidstone Air Quality Management Area, KCC Highways is minded to recommend to Maidstone Borough Council the negotiation of an appropriate contribution to the capital cost of the proposed Sutton Road/Loose Road Bus Lane by way of a Section 106 Agreement with the applicant. This scheme is considered to be directly related to the development proposals and would contribute significantly to the attainment of the Travel Plan mode share targets.'***

3.10.3 Subsequent to the production of these comments, further dialogue between Kent Highways and the applicant's highway consultants took place which resulted in the submission of an addendum to the Transport Statement on 30 January 2013. This additional information has been considered by Kent Highway Services who confirmed on 21 February 2013 that they have no objections to the application and its details.

'The Transport Assessment Addendum submitted by the applicant satisfactorily addresses the initial concerns raised by Kent County Council (KCC) Highways and Transportation.

It is accepted that the Loose Road / Boughton Lane / Cripple Street signalised junction is operating close to its design capacity. A physical modification to the junction layout would be required to address this, which is neither practical nor proportionate to the scale of traffic impacts associated with this application. It is therefore considered appropriate for the applicant to make a contribution to the provision of off-site sustainable transport infrastructure.

Following further discussion with the applicant, a contribution of £45,000 to the proposed Sutton Road/Loose Road Bus Lane has been agreed in principle, based on its forecast usage by households associated with the development proposals. It is recommended that this contribution be secured by means of a Section 106 Agreement.'

3.10.4 It is considered appropriate that a s106 contribution for Phase-one of the 'bus-lane between 'The Wheatsheaf' junction and Armstrong Road is sought. Kent Highway Services have indicated that for both this application and the Primary School application (MA/12/1989) it would be appropriate to seek a contribution towards the costs of phase one of the 'bus-lane of £45,000.

3.11 **MBC Environmental Health:** Raise no objections and comment as follows

'The concise planning statement accompanying the application typically falls short of all environmental concerns. Whilst the inclusion of contamination is welcome, there is no

mention of the effect of noise and in particular, air quality, on future pupils and local residents of this proposal. That said, however, I would not necessarily expect noise to be of too much concern at this site, because of its location, but there will be undoubtedly be elevated air pollution to the local environment by the extra number of vehicles which will visit the site to load/unload children, therefore a scheme to offset this expected increase should be submitted.

The contamination report is very detailed and thorough and concludes that although the risk of contamination is low, there is enough potential for further investigations to take place; I would not disagree with this conclusion. The other issues described in the statement are not of environmental health concern.'

It is recommended that conditions are imposed requiring a remediation statement and validation/closure report for contamination and details of reduction/off-setting measures to reduce transport based air pollution arising from the development during construction and when in occupation. Informatives governing hours of operation and conduct on site during construction are also recommended.

4. REPRESENTATIONS

4.1 **Cllr Chittenden** has requested that the application is considered by the Planning Committee for the following reasons

'As you are aware local members and residents were invited to attend an open day at the school at the Invitation of New Line Learning and Ward Homes, when the extent of the intended developments were revealed.

As well as these two schools, we understand that these two applications will be followed by an application for up to 225 houses on the existing playing fields and that which will be re-sited in the current open rural countryside.

I would ask that if you intend to recommend approval, these current applications go to the Planning committee for the following reasons.

- The schools should **not** be considered on their own. The full development including the houses should be considered jointly because of the affect in relation to the exits onto a narrow, country Lane, the increased intensity of traffic at the junction of Boughton Lane / Cripple street and the overall increase affecting the serious congestion problems that already exist along the Loose Road and the approach to the Wheatsheaf and Armstrong Road junction.

- Looking at these two applications and the housing as a whole, this is a serious change/addition to the proposals to create a Strategic Housing site to the South of the Town and any application should be considered in conjunction with that. It should be part of the overall additional review that has just been instigated and be assessed following the recent decision to review the Core Strategy evidence base. It is absolutely essential that, because of its serious affect on the area to the South of the town

including the Transport Strategy which is also now under review, and which will be affected by all three applications, the options for whether the school and housing should be allowed should not be decided until full evidence is available and has been subject to the proper scrutiny.

- Traffic congestion from Boughton Lane and into the Loose Road is already a major problem which at the moment has no acceptable resolution. The school applications for 420 plus additional students all considerably increase the present problems that exist.'

4.2 A total of 61 representations have been received in response to consultation on the original and additional application details that have been submitted. All 61 representations raise objections to the proposals on the following (summarised) grounds.

- The application should not be considered in isolation but along with the studio school and the proposed housing development.
- The entire site lies within the Southern Anti-coalescence Belt identified and safeguarded by policy ENV32 of the Maidstone Borough-wide Local Plan 2000. The policy seeks to stop the infilling of the existing gaps between the main urban area of Maidstone and the villages to the south.
- Development will result in unacceptable levels of additional traffic on the already busy and unsuitable narrow and winding Boughton Lane.
- Boughton Lane has no pavements for much of its length with people walking on the road. This development will make it worse.
- Boughton Lane is already affected by the HGVs that go to the fruit farm it is totally unsuitable for more traffic
- If the school is built the playing field land will have to be sold off to finance the new school build.
- Traffic on Loose Road and the surrounding area will come to a standstill.
- Surrounding residential roads will become 'rat-runs' as people try to avoid the congestion.
- Air quality is already poor in the area and along Loose Road these proposals and the additional traffic they generate will make it worse.
- The site is close to Five Acre Wood now identified as Ancient Woodland, there could be an adverse impact on wildlife and the trees.
- No bus services in Boughton Lane.
- It appears that the Jubilee Church is also seeking to open a free school in the area why do we need two new schools?
- There is a good existing level of schools in the area already new ones are not needed.
- Paynes Lane is narrow and traffic has increased markedly since the traffic lights at the end of Boughton Lane were installed. This development will add further to traffic and make residents' lives worse. The road should be traffic-calmed or made one way or the speed limit reduced to 20mph.

- To solve traffic problems a new road should be constructed leading eastwards from the Boughton Lane also serving the school and connecting it to Sutton Road.
- The comments of the North Loose Residents Association are entirely agreed with and supported.
- Any development should take place at the Cornwallis Academy which has better public transport links, better road access and more space.

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 The New Line Learning Academy site is situated on the east side of Boughton Lane. It is approximately 550m south east of the signal-controlled junction of Boughton Lane/Cripple Street and the A229 Loose Road.
- 5.1.2 The entire site, including the current playing fields, lies within the urban area of Maidstone as defined in the Maidstone Borough-wide Local Plan (MBWLP) 2000. It is however also subject to saved policy ENV32 and as such lies within the defined Southern Anti-Coalescence Belt which seeks to prevent the urban area of Maidstone linking with the villages immediately to its south such as Coxheath, Loose, Boughton Monchelsea, Chart Sutton and Langley.
- 5.1.3 The site is currently occupied by the New Line Learning Academy and the Tiger Primary School which opened in September 2012 in part of the academy premises. To the north of the academy complex are situated Five Acre Wood School and the premises of Loose Baptist Church. The New Line Learning Academy building is up to three storeys in height.
- 5.1.4 The complex fronts onto Boughton Lane, the western side of which is lined by residential properties. Part of the site frontage to Boughton Lane is covered by Five Acre Wood which is identified as Ancient Woodland in the 2012 Borough-wide inventory. The Woodland is subject to TPO no 17 of 2002. Public Footpath KB26 forms the eastern boundary of the Academy site.
- 5.1.5 There are two vehicular access points onto Boughton Lane; one ingress (to the north) and one egress (to the south). The existing car park areas serving the site are located towards the western site boundary to the west of the academy buildings.

5.2 Proposal

- 5.2.1 This is an outline planning application and seeks planning permission for the erection of a studio school. Access is to be determined at this stage with

appearance, landscaping, layout and scale reserved for subsequent approval. The application site area amounts to 1.0ha.

- 5.2.2 The proposal would result in the construction of a 'studio' school with an emphasis on vocational training. The building would be located to the north of the existing academy building. The proposed siting was also shown on the applications for the redevelopment of the former Oldborough Community College to provide the current academy buildings.
- 5.2.3 The school would be able to support up to 280 pupils post-16 years of age and 20 full-time teaching staff. The school would include business unit space to enable hands-on learning experience can be provided with links to local businesses. The submitted illustrative plans and application details indicate that the building would accommodate up to 1500m² of floorspace in a building of up to two storeys in height. The indicated parameters are as follows:-
Length- upper limit = 65m;
Width - upper limit = 25m;
Height - no higher than the existing NLL Academy building (15m).
- 5.2.4 The building would be located to the north of the existing academy building on a currently flat and open area immediately to the west of public footpath KB26.
- 5.2.5 Access to the site (a non reserved matter) would be from Boughton Lane and would utilise the existing vehicular and pedestrian access points. The plans indicate that additional parking could be provided within the site. There are currently 172 parking spaces on the site. The applicants have indicated that this could be increased to approximately 240 spaces to serve the primary school, the proposed studio school and the existing academy.
- 5.2.6 It is intended that the building would achieve a BREEAM Very Good rating and a sustainability statement demonstrating that this is possible has been submitted as part of the application.
- 5.2.7 Also submitted as part of the application in addition to a planning statement and design and access statement are a contamination assessment, ecological appraisal, tree survey, archaeological report, flood risk assessment and transport assessment for which an addendum has also been submitted in response to the initial comments from Kent Highway Services.

5.3 Principle of Development

- 5.3.1 The site is an existing educational campus within the urban area of Maidstone. In principle therefore, no objections are raised to the proposed development, which

will complement the existing role of the site. As stated earlier, the site is also subject to policy ENV32 of the MBWLP 2000. Policy ENV32 states:-

WITHIN THE SOUTHERN ANTI-COALESCENCE BELT AS DEFINED ON THE PROPOSALS MAP, DEVELOPMENT WHICH SIGNIFICANTLY EXTENDS THE DEFINED URBAN AREA OR THE BUILT UP EXTENT OF ANY SETTLEMENT, OR WHICH, AS A RESULT OF INFILLING, CONSOLIDATES EXISTING AREAS OF DEVELOPMENT, WILL NOT BE PERMITTED.

5.3.2 The proposals will not extend the defined urban area being located within it and as such Policy ENV32 is complied with. In terms of consolidation referred to in the policy, the written text supporting the policy defines this as follows:

'Also within this area, there are many small parcels of land, which due to their limited size and the effect of development on their character and appearance may be difficult to protect under normal countryside restraint policies. The development of such sites would lead to both coalescence and consolidation of the scattered settlements in the area, much to its detriment'

Again in my view this does not apply to the application site as the site is not in the countryside.

5.3.3 The proposals should also be considered alongside the 'Planning for Schools Development' statement issued by the Communities Secretary in 2011. This document is a material consideration and is appended to the report at Appendix One. There is a clear presumption in favour of allowing new state-funded school development (including free schools) and authorities should only refuse permission where there is clear and cogent evidence that leads to that conclusion.

5.4 Highways

5.4.1 The impact of the traffic generated by the development on the local highway network is the key consideration in relation to this application. Clearly there will be an increase in traffic as a result of the development and an additional impact on the local road network. The issue is whether this will be so significant as to justify and sustain a refusal on highway grounds.

5.4.2 The submitted Transport Assessment considers the impact of the Primary School, the proposed Studio School, the New Line Learning Academy at full capacity and also takes into account a potential housing development on some of the existing school land to the south. Members are advised that no application for residential development has yet been submitted.

5.4.3 It is not the case therefore that this application and the primary school application (MA/12/1989), have been considered in isolation.

- 5.4.4 The approach taken to assess the traffic implications of the development is considered to be robust and appropriate. Kent Highway Services have fully considered the Transport Assessment and its later Addendum and have confirmed that there will be an 11% increase in traffic at the junction of Boughton Lane/Cripple Street/Loose Road as a result of the developments currently proposed when at capacity, and taking into account the trips generated by the academy when at full capacity and also the potential residential development.
- 5.4.5 As Members will be aware, this junction has recently been signalised. Having considered the capacity and impact of the development, it is considered that there are no cost-effective improvements which could be made to fully mitigate these impacts.
- 5.4.6 As a result it is necessary to consider appropriate measures to improve sustainable transport provision in the locality and to ensure a robust Travel Plan is prepared to seek to reduce car-borne traffic and improve modal split over-time away from car-based journeys. This is also a requirement from the Environmental Health team which has recommended a condition requiring details of reduction/off-setting measures to reduce transport based air pollution arising from the development during construction and when in occupation.
- 5.4.7 As Members will be aware, the Council is, through the Draft Integrated Transport Strategy and Draft Core Strategy Transport policy seeking the provision of a dedicated 'bus-lane along Sutton Road/Loose Road as far as Armstrong Road/Parkway junction.
- 5.4.8 It is considered appropriate that a contribution for Phase-one of the 'bus-lane between 'The Wheatsheaf' junction and Armstrong Road is sought. Kent Highway Services have indicated following negotiation with the applicants that for both this application and the Studio School application (MA/12/1989) it would be appropriate to seek a contribution in total of half the Phase-one cost of £45,000
- 5.4.9 Subject to this contribution being secured, no objections are raised to the development on highway grounds.

5.5 Visual impact and impact on residential amenity

- 5.5.1 Given that layout, appearance and scale are reserved matters it is not possible to fully assess the potential visual impact of the development.
- 5.5.2 However, the indicated siting of the building is considered to be appropriate and well related to the existing academy building. The indicated scale parameters are

also considered acceptable. The building would not erode the openness of the site and is well grouped with existing buildings.

- 5.5.3 The building would be located in excess of 210m from the western site boundary and some 240 from the nearest residential property to the west and in excess of 180m from the Mangravet estate to the east. The western boundary is also wooded and this would be retained, further screening and mitigating the impact of the development from Boughton Lane.
- 5.5.4 The existing academy buildings are glimpsed through the trees to the south of the site along Boughton Lane and the additional building would not unacceptably add to the visual bulk and mass of the development on the site.
- 5.5.5 Similarly the building would not look out of context when viewed from the public footpath (KB26) that runs along the eastern boundary of the academy site. I consider that there would be adequate separation from the footpath. From the footpath the development would be read with other development on the academy site and the adjacent development to the north.
- 5.5.6 In my view the development would not appear cramped given the space that would be retained around the buildings.
- 5.5.7 I consider that with appropriate design and siting the development would not have an adverse visual impact on the area or an unacceptable impact in terms of privacy or overlooking of residential properties.

5.6 Landscaping and ecology

- 5.6.1 The proposed site of the building will not have any implications for ecology in and of itself as it is a well maintained grassed area. The Kent County Council Biodiversity team have recommended that a minimum 3m buffer is maintained between any development and the woodland to the west and that this buffer is managed for biodiversity. They have also recommended enhancement measures are secured and that a further badger survey is carried out. These details can be secured by appropriate conditions. However, in the case of the studio school, the indicated site of the building is located some 200m from the protected woodland on the western site boundary and there is no other woodland in the vicinity of the proposed site and as such the 3m buffer is not considered appropriate.
- 5.6.2 Subject to appropriate detailing at Reserved matters stage I do not consider that the development will have an adverse impact on landscape features or ecology.

5.7 Other Matters

- 5.7.1 A Contamination study has been submitted as part of the application. The risk of contamination has been identified as low but as a precautionary measure further investigative work is recommended. The Environmental Health team concur with this precautionary approach and have recommended a condition requiring a remediation statement and a validation/closure report, be imposed on any permission. I too concur with this approach and consider such a condition to be appropriate and necessary.
- 5.7.2 Kent County Heritage Conservation has recommended a condition requiring a programme of archaeological work to be submitted and approved. I also consider this request to be reasonable and an appropriate condition should be imposed.

5.8 S106 obligations

- 5.8.1 Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the CIL Regulations 2010 and para 204 of the NPPF 2012. This has strict criteria that set out that any obligation must meet the following requirements: -
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.

As set out earlier in the report, Kent Highway Services have requested a total contribution of £45,000 towards the provision of a 'bus-lane from the junction of Loose Road/Sutton Road at 'The Wheatsheaf' PH northwards towards Armstrong Road.

- 5.8.2 The signalised junction of Boughton Lane and Loose Road is at or near capacity and it would be subject to an 11% increase in traffic as a result of the proposed development at the New Line Learning site. There are no cost-effective measures that can be implemented to mitigate the impact of this additional traffic at the junction rendering it necessary to consider appropriate measures to improve sustainable transport provision in the locality.
- 5.8.3 The requested contribution is based on forecast usage by households associated with the development proposals and seeks to improve public transport accessibility and thereby increasing its attractiveness as a mode of transport. The contribution is therefore considered necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in kind and scale to the development.

6. CONCLUSION

- 6.1 The proposed school is acceptable in principle and subject to appropriate detailed design being secured at Reserved Matter stage it is not considered that the indicated siting would have any adverse impact on residential amenity or the character and appearance of the area as a whole. There will also, subject to appropriate design and enhancement measures being achieved at reserved matters stage, no adverse impact in terms of ecology or landscaping.
- 6.2 Subject to the s106 contribution secure the contribution towards the first phase of a 'bus-lane for the section that would run between 'The Wheatsheaf' junction (Loose Road/Sutton Road) and Armstrong Road, there are no highway objections to the development as proposed.
- 6.3 Subject to the above and appropriate conditions no objections are raised to to the proposals approval for which would accord with the principles set out in the 'Planning for schools development' - Policy Statement.

7. RECOMMENDATION

Subject to:

A: The prior completion of a s106 agreement in such terms as the Head of Legal Services may advise to secure a contribution, in conjunction with application MA/12/1989, of £45,000 towards the provision of a dedicated 'bus-lane along the A229 Loose Road between its junction with the A274 Sutton Road and Armstrong Road.

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

1. The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-
 - a. Layout
 - b. Scale
 - c. Appearance
 - d. Landscaping

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. The development shall not commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that features of archaeological interest are properly examined and recorded pursuant to policy BE6 of the South East Plan 2009 and the advice in the NPPF 2012.

3. The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

1: A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment. This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

2: A Closure/validation Report is submitted upon completion of the works. The closure report shall include full verification details as set out above. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean.

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: To prevent harm to human health and pollution of the environment pursuant to the advice in the NPPF 2012.

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers pursuant to policy CC6 of the South East Plan 2009.

5. 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 building(s) or land and maintained thereafter;

Reason: No such details have been submitted and in the interest of amenity pursuant to policy CC6 of the South East Plan 2009.

6. The development shall not commence until an updated badger survey of the site and adjoining area has been undertaken and the details submitted for approval to the local planning authority. The report shall include as appropriate details of precautionary mitigation measures. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To ensure the protection of wildlife and supporting habitat pursuant to the advice in the NPPF 2012.

7. The details of landscaping pursuant to condition 1 above shall include inter-alia,
1: Details of enhancement measures to increase roosting opportunities for bats and birds
2: Details of Tree Protection Measures and Root Protection Areas in accordance with BS5837:2012 'Trees in Relation to Design, Construction and Demolition-Recommendations'

Reason: To ensure the enhancement and protection of wildlife and supporting habitat pursuant to the advice in the NPPF 2012.

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

Reason: In the interest of pollution and flood prevention pursuant to the advice in the NPPF 2012.

9. The development shall not commence until details showing the provision of a total of not more than 240 parking spaces within the overall site together with sufficient turning area to enable vehicles to enter and leave the site in forward

gear have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details and no development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (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/garage provision is likely to lead to parking inconvenient to other road users and in the interests of road safety pursuant to policy T13 of the Maidstone Borough-wide Local Plan 2000.

10. The studio school building hereby permitted shall achieve a minimum BREEAM New Construction rating of at least Very Good. No part of the building shall be occupied until a final certificate has been issued for it certifying that a BREEAM New Construction rating of at least Very Good has been achieved.

Reason: To ensure a sustainable and energy efficient form of development in accordance with Kent Design and Policy CC4 of the South East Plan 2009.

11. The details of reserved matters of layout, appearance and scale submitted pursuant to condition 1 above shall include inter-alia;
 - (i) The maximum height of the building(s) not exceeding 15m
 - (ii) The maximum dimensions of the development not exceeding 65m in length and 25m in width
 - (iii) Details of the provision of cycle parking spaces

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

Reason: No such details have been submitted and to ensure an appropriate size for the building pursuant to policies CC6 and BE1 of the South East Plan 2009 and the advice in the NPPF 2012.

12. The development shall be operated in accordance with a Travel Plan to be submitted to and approved by the Local Planning Authority prior to the first occupation of the buildings. The Travel Plan shall be subject to review at 2 yearly intervals thereafter.

Reason: To minimise reliance on the use of the private car in the interests of sustainable development and to ensure safety and free flow of traffic on the surrounding highway network, in accordance with policy T5 of the South East Plan 2009.

13. The development hereby permitted shall be carried out in accordance with the following approved plans:
9372/01, DHA/9152/02, T0216/SK03revP1;

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

Informatives set out below

The applicant should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Atkins Ltd. Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962858688) or www.southernwater.co.uk

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

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

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

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

Construction traffic and worker's vehicles in association with the development should only park within the application site and not on surrounding roads in the interests of highway safety.

The developer shall undertake a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environmental Act 2005 Section 54.

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

- a) Low-pressure sodium lamps or high-pressure sodium must be used instead of mercury or metal halide lamps where glass glazing is preferred due to its UV filtration characteristics.
- b) Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each light to direct the light and reduce spillage.
- c) The times during which the lighting is on must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to the minimum to reduce the amount of 'lit time'.
- d) Lamps of greater than 2000 lumens (150 W) must not be used.
- e) Movement sensors must be used. They must be well installed and well aimed to reduce the amount of time a light is on each night.
- f) The light must be aimed to illuminate only the immediate area required by using as sharp a downward angle as possible. This lit area must avoid being directed at, or close to, any bats' roost access points or flight paths from the roost. A shield or hood can be used to control or restrict the area to be lit. Avoid illuminating at a wider angle as this will be more disturbing to foraging and commuting bats as well as people and other wildlife.
- g) The lights on any upper levels must be directed downwards to avoid light spill and ecological impact.
- h) The lighting must not illuminate any bat bricks and boxes placed on the buildings or the trees in the grounds

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 applicant/agent was advised of minor changes required to the application and these were agreed.

The applicant/agent was provided with formal pre-application advice.

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.



7. 3. 2013

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THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/12/2090

GRID REF: TQ7843

**5 BATHURST CLOSE,
STAPLEHURST.**



Staple

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**Rob Jarman
Head of Planning**

APPLICATION: MA/12/2090 Date: 19 November 2012 Received: 5 December 2012
APPLICANT: Mr Philip Hollembly
LOCATION: 5, BATHURST CLOSE, STAPLEHURST, TONBRIDGE, KENT, TN12 0NA
PARISH: Staplehurst
PROPOSAL: Erection of a single storey front extension, first floor side and two storey rear extension as shown on A3 Existing and Proposed Plan elevations plan, A4 Existing and Proposed floor plans, A4 Site Location Plan and Application Form received 20th November 2012.
AGENDA DATE: 14th March 2013
CASE OFFICER: Kevin Hope

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

The recommendation is contrary to the views of Staplehurst Parish Council who have raised objections to the application for the following reasons:-

- The proposed extension would significantly add to the footprint of the property and take away the visual gap and that the ground floor extended to the fence line.
- They noted that the property was set higher than adjacent property and the proposal would reduce available light.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: H18
- South East Plan 2009: BE1, CC6
- Village Design Statement: N/A
- Government Policy: National Planning Policy Framework 2012
- MBC Residential Extensions Supplementary Planning Document 2009

2. HISTORY

- 61/0147A/MK3 – Erection of dwellings – Approved with conditions

- 62/0081/MK3 – Details of 141 houses and garages with estate roads – Approved with conditions

3. CONSULTATIONS

None.

4. REPRESENTATIONS

4.1 Two representations have been received, from neighbouring occupiers raising the following points:-

- Resulting scale of the development proposed.
- Overshadowing of neighbouring properties.
- Development would cause harm to the openness of the streetscene.
- Additional pressure on existing parking provision.
- Loss of light to No7 Bathurst Close.
- Loss of privacy to No7 Bathurst Close.
- Development encroaches over the boundary with No7.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The application site is located within the defined village envelope of Staplehurst and has no specific environmental or economic designation. The property comprises a detached dwelling with side garage and driveway to the front. The surrounding streetscene comprises a range of dwelling types. The application property and the neighbouring two to the north are constructed in a staggered pattern and are identical in appearance. The remaining dwellings within the street are semi detached and of a different overall character.

5.1.2 The spacing between dwellings within this street differs between dwellings although the ground floor spacing of approximately 1.5m is largely consistent. At first floor level, there is a gap of approximately 5.5m between the application property and No7 to the north with a similar distance to No3 to the south. The application dwelling is set back from the road by approximately 9m with garden area and front drive providing parking provision for two vehicles in addition to the side garage.

5.2 Proposal

5.2.1 Planning permission is sought for the erection of a single storey front extension, first floor side and two storey rear extension.

5.2.2 The proposed front extension would project 1.5m to the front of the dwelling with a width of 4m. This would attach to the side garage and would have a hipped roof design with an eaves height and ridge height of approximately 2.2m and 3m respectively.

5.2.3 The proposed first floor side extension would project approximately 2.7m from the existing side elevation of the dwelling and would have a pitch roof extending at 90° from the existing pitched roof of the dwelling. The eaves height of this would match that of the dwelling with a ridge height of approximately 6.5m. The proposed two storey rear extension would project approximately 5.2m from the existing rear elevation of the dwelling and would have an overall width of 5.5m. The extension would have a matching eaves height and a ridge height to match the proposed first floor side addition. A single storey addition would also extend to the rear of the existing garage continuing the proposed hipped roof of the garage and extending 5.2m to be in line with the proposed two storey rear addition.

5.3 Principle of development

5.3.1 In principle, household extensions are considered acceptable within the urban area of Maidstone subject to its scale, design and its impact upon the surrounding area. This is outlined within policy H18 of the Maidstone Borough Wide Local Plan 2000 and the Residential Extensions Supplementary Planning Document 2009 as shown below:-

Policy H18:-"EXTENSIONS AND ADDITONS TO RESIDENTIAL PROPERITES WILL BE PERMITTED PROVIDED THAT THE PROPOSAL:

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

5.3.2 The Residential Extensions SPD also provides guidance on side and rear extensions within paragraphs 4.15 to 4.19. This document states that:-

- *The pattern of gaps in a street scene should be maintained. Other than in areas with significant spacing between dwellings, there should normally be a minimum gap of 3*

metres between the side wall of a two storey side extension and the adjoining property for the full height of the extension.

- *On detached houses situated close to neighbouring properties, rear extensions should generally extend no more than 4 metres from the rear elevation.*
- *Where a front extension would be acceptable within the streetscene, the scale should respect the scale of the building to which it is attached and the roof should be of the same form. A front extension should not closely abut, or obstruct the outlook from, adjacent windows and should not compromise the visual integrity of a whole terrace, or significantly diminishing the quality of the front garden areas or the character of the streetscene.*

5.3.3 I will consider these points under sections 5.4 and 5.5 below.

5.4 Visual Impact and design

5.4.1 With regard to its impact upon the existing dwelling, the proposed side addition would have a modest width of 2.7m from the existing side elevation of the dwelling and would have a ridge height 0.3m lower than the existing dwelling. I consider that this would result in a subservient side addition. Similarly, the proposed front extension is modest in scale and the hipped roof extending over the existing garage would create a more coherent appearance to the dwelling overall. In terms of the proposed two storey rear addition, whilst I appreciate that this is of a significant scale and is in excess of the scale stated within the Residential Extensions SPD, I do not consider that this is significantly overwhelming or visually dominant to the existing dwelling. The reduced ridge height in line with the proposed side addition also helps to create a subservient appearance to the development. As such, I do not consider that this proposal would harm the character or appearance of the dwelling. It is also stated within the application form that matching materials shall be used; however, a condition shall be imposed to secure that a satisfactory visual appearance would be achieved.

5.4.2 With regard to the impact upon the streetscene, clearly the proposed extension would have an impact upon the streetscene given its presence within the streetscene. However, due to the design of the proposed first floor side and front extensions including a reduced ridge height and in keeping fenestration design reduce the impact of the development and I do not consider there to be a harmful impact. Whilst in terms of its scale, I appreciate that this would represent a significant increase in the scale of the property; however I do not consider this to be significantly harmful. The comments raised by neighbours regarding the resulting appearance of the dwelling and its impact upon the surrounding area have been considered, however, as discussed above, I do not consider this development would be significantly overwhelming or harmful which would warrant refusal on visual impact grounds.

5.4.3 With regard to the spacing, a distance of 2.9m at first floor level would be retained between the northern side of the application dwelling and No7 Bathurst Close. At ground floor level this distance reduces to 1.5m which remains unchanged due to the existing siting of the side garage. Whilst I appreciate that this proposal would result in the loss of some space between the two dwellings, I do not consider that this would result in significant harm to the spacing of this street. Furthermore, due to the set back nature of the properties, there is an openness to the frontage of dwellings with landscaped side boundaries, I do not consider that this would be effected by the proposed development.

5.4.4 I therefore consider that the proposal is in accordance with criteria 1 and 2 of policy H18 as outlined above.

5.5 Neighbouring Amenity

5.5.1 With regard to neighbouring residential amenity, a number of representations have been received raising concerns over the impact upon the amenity of No7 Bathurst Close.

5.5.2 A BRE light test has been conducted comprising both the elevation and floor plan test to assess the impact upon light to No7 Bathurst Close. This shows that the development would pass both tests and would not result in a significant loss of light to No7 due to its siting approximately 2.9m from the proposed two storey extension, 1.5m from the single storey side garage extension and the siting of the existing single storey rear extension to No7. Furthermore, whilst I also acknowledge that this property is located to the north of the application dwelling, due to the staggered position of the dwellings, I do not consider that this development would result in a significant loss of light or overshadowing to No7. Similarly, by virtue of this separation between the two properties and its location to the side of No7, I do not consider that there would be a significant loss of outlook.

5.5.3 Whilst the proposed side and rear extensions may reduce the level of direct sunlight to the rear garden of No7, the BRE test undertaken shows that there would not be a significant loss of light to the habitable rooms of No7 and therefore would not warrant a refusal of planning permission.

5.5.4 With regard to a loss of privacy, I note that comments have been raised with regard to a loss of privacy upon No7. The proposal does not include any ground or first floor windows to the side elevation and due to the separation between the dwellings and the existing single storey rear extension to the rear of No7, I do not consider that there would be significant overlooking or loss of privacy to No7.

5.5.5 With regard to the issue of possible encroachment raised within the comments received, the submitted plans appear to show the eaves of the proposed hipped roof to the existing garage encroaching over the boundary with No7 by approximately 0.1m. The agent has subsequently submitted a certificate B to clarify that part of the development falls under a different ownership.

5.5.6 Due to the scale of the proposed development and its siting in relation to other neighbouring properties, I do not consider that there would be a significant impact upon the amenity of any other properties.

5.6 **Landscaping**

5.6.1 No additional landscaping has been proposed within this application. In this case, no significant planting would be lost by this proposal and I do not consider that it would be reasonable to consider such details.

5.7 **Highways**

5.7.1 Comments have been raised regarding the additional pressure that may be created upon the existing parking provision at this site. The existing driveway at this site can accommodate two vehicles in addition to the existing single garage which will also remain. I consider this level of parking provision to be sufficient for a property within this village location.

6. **CONCLUSION**

6.1 For the reasons outlined above, I consider the development would not cause any demonstrable harm to the character or appearance of the surrounding area, it would not have a detrimental impact upon the amenities of the existing residents and would not result in harm to highway safety. It is therefore considered overall that the proposal is acceptable with regard to the relevant provisions of the development plan and amenity impacts on the local environment and other material considerations such as are relevant. I therefore recommend conditional approval of the application on this basis.

7. **RECOMMENDATION**

I therefore recommend to GRANT PLANNING PERMISSION subject to the following conditions:-

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

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with policy H18 of the Maidstone Borough Wide Local Plan 2000, policies BE1 and CC6 of the South East Plan 2009 and the guidance contained within the National Planning Policy Framework 2012.

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

A3 Existing and Proposed Plan elevations plan, A4 Existing and Proposed floor plans, A4 Site Location Plan and Application Form received 20th November 2012.

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers in accordance with policy H18 of the Maidstone Borough Wide Local Plan 2000, policies BE1 and CC6 of the South East Plan 2009 and the guidance contained within the National Planning Policy Framework 2012.

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 applicant/agent was advised of minor changes required to the application and these were agreed.

The applicant/agent was provided with formal pre-application advice.

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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THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/12/2138

GRID REF: TQ7843

33 REEVES CLOSE,
STAPLEHURST.



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Rob Jarman
Head of Planning

APPLICATION: MA/12/2138 Date: 26 November 2012 Received: 26 November 2012

APPLICANT: Mr L Beeken

LOCATION: 33, REEVES CLOSE, STAPLEHURST, TONBRIDGE, KENT, TN12 0NN

PARISH: Staplehurst

PROPOSAL: Erection of an attached new dwelling as shown on drawing no.s REEVES/60 Rev A, REEVES/61 Rev A, REEVES/62 Rev A and REEVES/01 received on 26/11/12.

AGENDA DATE: 14th March 2013

CASE OFFICER: Louise Welsford

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

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

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: H28, T13.
South East Plan 2009: BE1, BE5, CC1, CC4, CC6, H1, H5, T4, NRM5.
Government Policy: National Planning Policy Framework.

2. HISTORY

MA/12/0898N Two storey side extension – Approved.
MA/74/0172 Residential development of estate – Approved.

3. CONSULTATIONS

3.1 Staplehurst Parish Council:

“Councillors remarked that the proposal would adversely affect the light and openness of the area by creating terraced houses in a semi-detached location. They observed that parking problems would be exacerbated by a combination of additional cars and reduced on-road space. Expressing sympathy with views submitted in public forum, they agreed to recommend REFUSAL and requested that it be reported to MBC Planning Committee”.

3.2 Kent Highways: No objections. Recommend visibility conditions.

3.3 **Environmental Health Manager:** No objections. Recommends informatives.

3.4 **Landscape Officer:** No objections. Recommends a standard landscaping condition.

4. REPRESENTATIONS

4.1 Representations have been received from 2 neighbouring properties. These raise the issues of:

- parking and access
- loss of privacy
- loss of light
- not in keeping, including terracing out of place
- density
- insufficient infrastructure
- loss of openness of corner
- loss of property value

5. CONSIDERATIONS

5.1 Site Description

5.1.1 This application relates to a residential plot containing a semi-detached dwelling. The dwelling is constructed of brick and white boarding, under a concrete tiled roof.

5.1.2 The site is located within the village settlement boundary of Staplehurst, upon a corner plot, at a bend in Reeves Close. To the east of the subject dwelling is a grass verge containing a tree, between the pavement and road. To the south of the site, the building line staggers westwards as it travels southwards, whilst the building line to the eastern side of the road, opposite the site, is more regular. To the north of the site, upon the opposite corner of the road, lies a terrace of dwellings, which is sited further eastwards than the existing dwelling on site.

5.1.3 The surroundings are residential in character, with the streetscene being mainly characterised by semi-detached dwellings, although it does contain a terrace of six dwellings (this being to the north of the site). However, this close is part of a larger estate, and in the wider surroundings there is a mixture of detached, semi detached and terraced dwellings. Whilst semi-detached properties are prevalent in the street, in my view, terracing is part of the established character of this part of Staplehurst village, as seen in the wider context.

5.1.4 Reeves Close is a cul-de-sac, with no on-street parking restrictions.

5.2 Relevant Planning History

5.2.1 It is noted that there is an extant planning permission for the erection of a two storey side extension (including front extension to number 33 and new front porch roof to number 34) under reference MA/12/0898.

5.2.2 The permitted extension was approximately 4.4m in width, which is only approximately 0.3m less than the width of this proposal. This extant permission is a strong material consideration in relation to this proposal, as it was of a similar scale and bulk to the current proposal, although the current scheme, must, of course, be assessed upon its own merits.

5.3 Proposal

5.3.1 Planning permission is sought for the erection of an attached dwelling. The existing dwelling is semi-detached and the proposal would result in the existing pair of semi's becoming a terrace of three instead.

5.3.2 The dwelling would be of the same depth and height as the existing pair, and it would be approximately 4.7m in width, with a small, flat roofed porch to the front elevation, similar to those of the existing pair. The dwelling would be set in by approximately 3.8m from the eastern boundary of its curtilage and in the region of 7-8m from where the grass verge meets the road to the east.

5.4 Principle of Development

5.4.1 This proposal relates to an area of garden land. Under PPS3, garden land ceased to be classified as brownfield land and the National Planning Policy Framework maintains that stance. Accordingly, it does not follow that the principle of residential development on this site is automatically acceptable due to its location upon garden land. However, the site lies within the village settlement boundary of Staplehurst and Policy H28 of the Maidstone Borough-Wide Local Plan 2000 allows for new minor residential development within the village boundary, in addition to site allocations.

5.4.2 The NPPF states, in paragraph 14 that "at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development.....". In my opinion, this site is a sustainable location for residential development. Staplehurst village contains good public transport links, including a main line train station and bus routes, plus other facilities, such as school, shops and employment opportunities. The Design & Access Statement gives the following distances to transport links and facilities:-

Train Station	0.6miles
Bus Stop	0.3miles
Playing Fields	0.1miles
School	0.3miles
Village Centre	0.5miles.

5.4.3 I conclude that the principle of residential development upon this site is acceptable. However, a number of key issues must still be assessed, including the impacts upon visual and residential amenity and highways implications.

5.5 Visual Impact

5.5.1 The site is part of a large circa 1970s estate, with the area comprising a mixture of detached, semi-detached and terraced properties. Whilst semi-detached properties are generally prevalent, terracing is part of the surrounding character and there are terraces to the south, in Pope Drive and a terrace to the north of the site, within Reeves Close. To my mind, a terrace is not out of character with what one might expect to see in this location and the introduction of terracing here would be in keeping with the wider surroundings.

5.5.2 In terms of the layout of Reeves Close, the eastern side of the road is made up wholly of semi-detached properties, of a fairly regular building line. However, to the western (site) side of the road, there is less uniformity. To the south of the site there are three pairs of semi-detached dwellings with a staggered building line. The northernmost pair is sited significantly further eastwards than the southernmost pair. To the north of the site, (to the opposite corner) lies a terrace of six dwellings.

5.5.3 Visually, this is a sensitive site, being a corner plot. However, as the building line is already staggered (as described above), the addition of an attached dwelling in this location would continue this staggered pattern and would not appear out of character. Importantly, the proposal would retain a gap of approximately 3.8m to the site boundary and in the region of 7-8m to the road. This substantial gap would ensure that the proposal is not overly prominent in the streetscene, especially given that a gap of approximately 12m would remain to the nearest dwelling to the south. The substantial gap remaining to the corner would also ensure that the openness of the corner is maintained, which is important for such a plot. Sufficient space would remain to give a soft edge to the development. (see landscaping details in section 5.8).

5.5.4 Furthermore, the terrace to the north is also sited further eastwards, towards the corner, than the existing dwelling on site. It is noted also that number 1 has been extended to the side at two storey level upon a corner plot and the

remaining space to the corner resulting from this proposal would not be out of character with corner plots in the vicinity.

- 5.5.5 Moreover, there is an extent permission (reference MA/12/0898) for a two storey side extension upon the site, which would be of a similar scale to the proposed dwelling. The extent permission gives a building of only approximately 0.2m lower in ridge height and approximately 0.3m less in width. This is a strong material consideration in the determination of this application.
- 5.5.6 The size of the resultant block of three dwellings would be in keeping with the general character of the wider surroundings. Relatively wide blocks – whether terraces or extended semi-detached properties - are not an unusual feature of the surrounding area and the mass of the development would not, therefore, appear out of place. The plot sizes would also not be significantly out of keeping with the surroundings and the density is also considered appropriate in these surroundings, considering the plot sizes.
- 5.5.7 The design of the new dwelling would be in keeping with the existing pair, and it would be constructed of red brick, white boarding and concrete roof tiles to match. As this is a corner plot, it is important that the flank elevation has a satisfactory visual appearance in the street, and this would be achieved through the use of flank windows, which would break up the blandness of the brickwork.

5.6 Residential Amenity

- 5.6.1 In terms of light and outlook, the proposal would be sited where it would not cause a significant loss of light to, overshadowing of, or overbearing impact upon, any neighbouring property, as it would be sited alongside number 33, with sufficient separation distance to surrounding properties. Number 34 have objected upon the grounds of loss of light, but the main part of the dwelling would be in line with number 34 and also further from it than the existing number 33, so there would be no significant adverse impact in this regard.
- 5.6.2 With regards to privacy, there would be sufficient separation distances to the north and east. (Properties to the north and east are separated from the site by the road). Number 32, to the south, does have flank fenestration facing the site, but the views gained would be slightly oblique and over a distance of a minimum of approximately 12m and views would be less direct than those from the existing dwelling on site. Moreover, the extent permission also allowed for fenestration with such a relationship. Number 34 have objected upon the grounds of privacy, but the new dwelling would only give oblique views towards number 34 and this relationship is as very commonly found in rows of dwellings.

5.6.3 The access arrangements have been laid out such as to prevent significant noise and disturbance from traffic movements for any property.

5.7 Highways

5.7.1 Objections have been received upon the grounds of parking and access.

5.7.2 In total, three parking spaces are proposed for the two dwellings. A new parking space would be created to the front garden of number 33 to serve the existing dwelling, and the existing rear parking space and garage would be re-allocated to the new dwelling.

5.7.3 Reeves Close is not a through route, and has no on-street parking restrictions. It also lies in a 30mph speed limit. The Kent Highways Engineer has been consulted and is satisfied that the extent of parking proposed is sufficient and that it would not lead to any highway safety problems. Being a cul-de-sac, the nature, frequency and volume of traffic would be of lower impact than a through route. As the development provides sufficient parking to the satisfaction of the Highways Engineer, it would be unreasonable to refuse permission against this advice.

5.7.4 Moreover, this is a sustainable village location, with good public transport links and other modes of transport could therefore also be used.

5.7.5 The Highways Engineer suggest conditions to secure adequate visibility and these are considered appropriate.

5.8 Landscaping

5.8.1 There is an existing tree to the front garden which is shown to be removed and replaced. The Landscape Officer and I are both of the view that this tree is of poor condition and that its replacement is appropriate and could secure a more suitable species which would be likely to have a longer lifespan. One new parking space is proposed to the frontage, but this is not out of character with the surroundings and indeed many nearby properties have much larger expanses of hard surfacing to their frontage.

5.8.2 Importantly, the scheme would retain a soft edge to the corner, with the existing established hedge being retained to the eastern boundary. A small section would require removal in order to provide the required visibility splay, but this would not be significant. Fencing is shown to be sited behind the existing mature hedge, which would soften its appearance and ensure that it would not be an obtrusive feature within the area.

5.8.3 The existing tree to the verge upon the corner (outside of the site) would also be retained, which would further emphasize the green edge to the development.

5.9 Other Matters

5.9.1 In terms of ecology, this site is a maintained residential garden, which lies within a built up environment. It is not considered to be of any high ecological value. The existing hedge would be predominantly retained and the existing tree is considered too small and young to be of value to bats.

5.9.2 The application advises that Level 3 of the Code for Sustainable Homes would be sought and this would ensure a suitable level of sustainability.

5.9.3 Loss of property value is not a material planning consideration.

5.9.4 Due to the fact that only one new dwelling is sought, there is not considered to be a significant increase in use of infrastructure or need for it.

5.9.5 I propose to attach a condition to remove appropriate permitted development rights, to ensure that the openness and soft edge to the corner can be retained.

6. CONCLUSION

6.1 The proposal would preserve the visual amenity of the streetscene and would be in keeping with the character of the surroundings. It would preserve residential amenity and is not considered to give rise to significant highway safety issues.

6.2 I recommend approval.

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 samples of the materials to be used in the construction of the external surfaces of the development 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 to preserve the character and appearance of the locality in accordance with Policies BE1 and CC6 of the South East Regional Plan 2009 and the advice in the National Planning Policy Framework.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no development within Schedule 2, Part 1 Classes A, B, E & F and Part 2 Class A shall be carried out without the permission of the local planning authority.

Reason: To safeguard the character and appearance of the locality, in accordance with Policies BE1 and CC6 of the South East Regional Plan 2009 and the advice in the National Planning Policy Framework.

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

Reason: No details have been submitted and to ensure a satisfactory appearance to the development, and in the interests of highway safety, in accordance with Policies BE1, CC1 and CC6 of the South East Regional Plan 2009 and the advice in the National Planning Policy Framework.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first use of the dwelling hereby permitted or the completion of the development, whichever is the sooner; and any trees or plants which within a period of ten years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation;

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

6. No development shall take place until an independently verified report has been submitted to and approved in writing by the Local Planning Authority showing that the development achieves a score of Level 3 or better for each residential unit under 'The Code for Sustainable Homes'. Each residential unit shall be provided strictly in accordance with the approved report before it is occupied.
Reason: To ensure a sustainable and energy efficient form of development in accordance with Policies BE1 and CC4 of the South East Regional Plan 2009 and the advice in the National Planning Policy Framework.

7. Before the development hereby permitted is first occupied, the proposed bathroom window to the east elevation (shown on drawing no. REEVES/61 Rev A) shall be obscure glazed and shall be subsequently be maintained as such to the satisfaction of the Local Planning Authority;

Reason: To provide a satisfactory living environment for the occupiers of the new dwelling, in accordance with accordance with Policy BE1 of the South East Regional Plan 2009 and the advice in the National Planning Policy Framework.

8. The development hereby permitted shall be carried out in accordance with the following approved plans:
REEVES/60 Rev A, REEVES/61 Rev A, REEVES/62 Rev A and REEVES/01 received on 26/11/12.
Reason: To ensure a satisfactory appearance to the development and to preserve the character and appearance of the locality, in accordance with Policies BE1 and CC6 of the South East Regional Plan 2009 and the advice in the National Planning Policy Framework.

9. The development shall not commence until a scaled drawing showing the provision of 2m x 2m pedestrian visibility splays behind the footway on both sides of the new access and a 2m x 2m visibility splay on the northern side of the existing access has been submitted to and approved in writing by, the Local Planning Authority. The approved visibility splays shall be provided with no obstruction over 0.6m above footway level prior to the first use of the dwelling hereby permitted and subsequently maintained;
Reason: In the interests of highway safety, accordance with Policy CC1 of the South East Regional Plan 2009 and the advice in the National Planning Policy Framework.

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

development, in accordance with Policies BE1 and CC6 of the South East Regional Plan 2009 and the advice in the National Planning Policy Framework.

Informatives set out below

Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:1997 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 EHM regarding noise control requirements.

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

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

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

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

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 08458 247800) in order to obtain the necessary Application Pack.

The applicant should be aware that the site is in a radon affected area with a 3-5% probability of elevated radon concentrations. If the probability of exceeding the Action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and

refurbishments (BRE 1999, 2001, AND 2007). If the probability rises to 10% or more, provision for further preventative measures are required in new houses. Test(s) for the presence of radon gas are recommended to be carried out. Further information can be obtained from the Health Protection Agency.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside the normal working hours is advisable. Where possible, the developer shall provide the Council and residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work, for example scaffolding alarm misfiring late in the night/early hours of the morning, any over-run of any kind.

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 applicant/agent was provided with pre-application advice.

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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Ward
& Partners
Estate Agents

REEVES CLOSE

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POPE DRIVE
EVEN Nos 2 18 →

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SECRET FLOOR

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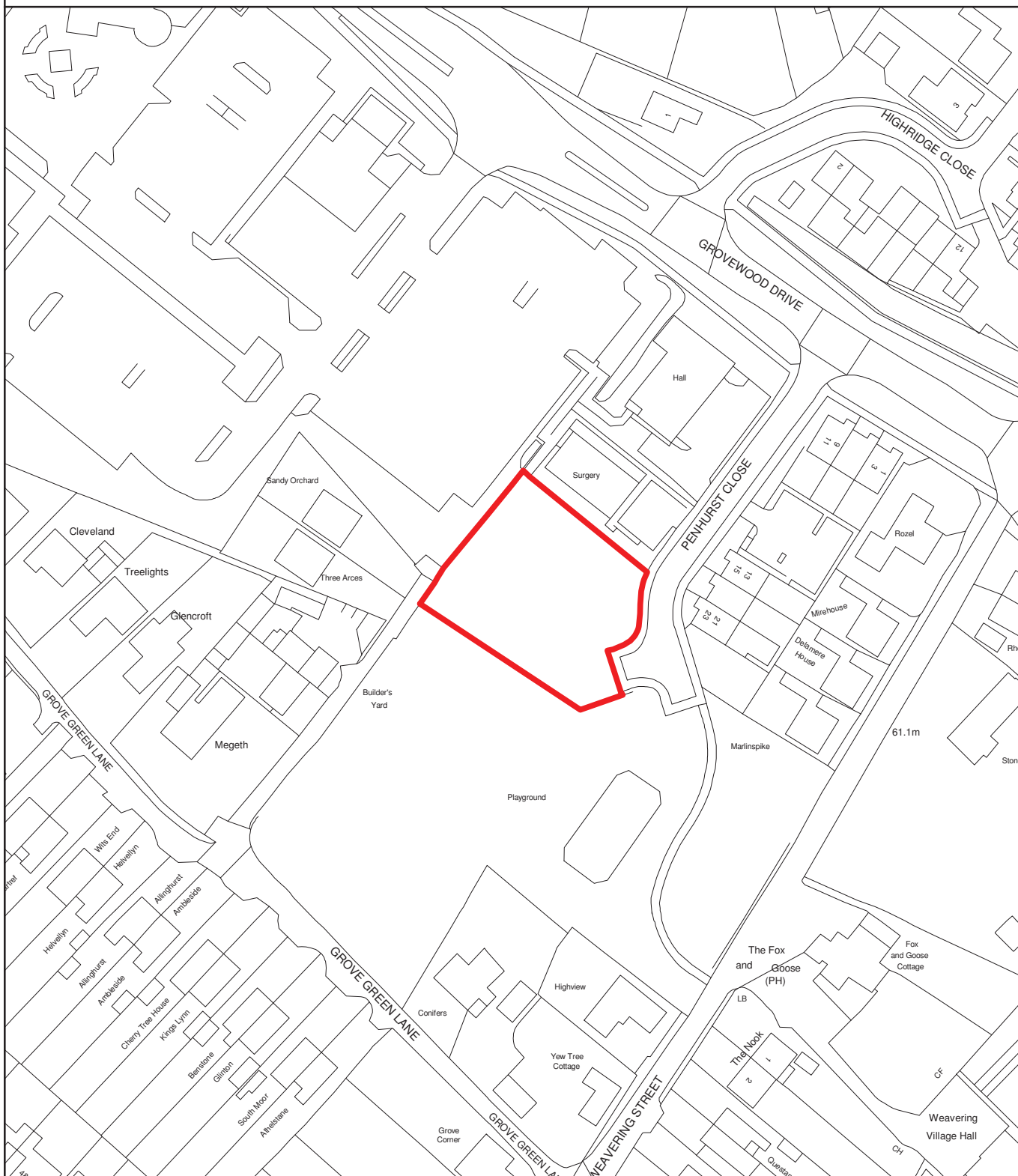
18.02.2013

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/12/1426

GRID REF: TQ7856

LAND AT PENHURST CLOSE,
GROVE GREEN.



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Rob Jarman
Head of Planning

APPLICATION: MA/12/1426 Date: 3 August 2012 Received: 4 December 2012

APPLICANT: Wright Holdings Ltd

LOCATION: LAND AT, PENHURST CLOSE, GROVE GREEN, KENT

PARISH: Boxley

PROPOSAL: Erection of single storey building comprising four retail units for uses falling within Use Classes A1, A2, A3, or D1, with associated pedestrian and vehicular access ways, refuse stores, car parking, CCTV cameras with secure recording room, and landscaping as shown on drawing nos. 1842/01 and 1842/02/B received on 3/8/12; and drawing nos. 1842/03/J, 1842/04/G and 1213/12/6/A received on 4/12/12.

AGENDA DATE: 14th March 2013

CASE OFFICER: Geoff Brown

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

- It is contrary to views expressed by Boxley Parish Council and committee consideration has been requested.
- The proposal is a departure from the local plan and has been advertised as such.

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV23, ENV24, R1, R10, R17
South East Plan 2009: CC1, CC4, CC6, BE1, NRM5
Village Design Statement: N/A
Government Policy: NPPF

2. HISTORY

The relevant planning history is considered to be:

- MA/11/1965 - Erection of seven dwellings, comprising three 3 bed dwellings and four 2 bed houses with 11 car parking spaces (including 1 visitor) – APPROVED WITH CONDITIONS

- MA/10/1028 - Erection of 4 no. 3 bedroom houses, 7 no. 2 bedroom flats and 3 no. 1 bedroom flats with associated parking and landscaping – REFUSED (NON DETERMINED), DISMISSED AT APPEAL
- MA/04/0440 - Renewal of planning permission MA/01/0069, being an outline application for the erection of a building to be used for a mixed use for assembly and leisure purposes (D2) and for library facilities (D1) with all matters reserved for future consideration, by variation of condition 1 (outline time condition) – APPROVED WITH CONDITIONS
- MA/01/0069 - Renewal of planning permission MA/97/1370N, being an outline application for the erection of a building to be used for a mixed use for assembly and leisure purposes (use class D2) and for library facilities (use class D1), with all matters reserved for future consideration, by variation of condition 01 (outline time condition) - APPROVED WITH CONDITIONS
- MA/97/1370 - An outline application for the erection of a building to be used for a mixed use for assembly and leisure purposes (use class D2) and for library facilities (use class D1) with all matters reserved for future consideration - APPROVED WITH CONDITIONS

3. CONSULTATIONS

3.1 BOXLEY PARISH COUNCIL states:

“The Parish Council wishes to reiterate its previous reasons, given below, and makes further comments below.

Wish to see refused for the following planning reasons:

- Highway issues. The development would attract additional traffic and potential on-street car parking in Penhurst Close causing a hazard for pedestrians and other road users. The developers are relying on potential customers using the Tesco’s car park however if this becomes unavailable or proves an unattractive option to customers they would use the car parking at the rear of the units which would be inadequate.
- Impact on residents. Any additional traffic on the close, especially frequent traffic movements associated with such development, would have an adverse impact on the residential amenity and quality of life for residents living there.
- Noise pollution. The type of development planned for the site, especially the A3 & A5 use, is inappropriate for a small residential close. The late night traffic (vehicular and pedestrian) associated with such development will have a detrimental impact on Penhurst Close properties and would also impact on the residential properties on Grove Green Lane and Weaving Street.

Machinery associated with A3 & A5 development is often poorly insulated and when in such close proximity to residential properties will have, especially late at night, an unacceptable impact on residents quality of life.

- Air pollution. It is impossible to eradicate food smells from A3 & A5 development and again the close proximity to residential properties would make such development unacceptable.
- Litter and anti-social behaviour. Penhurst Close and the adjacent open space, because of its isolation and its position close to the minor shopping area, has attracted anti-social behaviour in the past and it is likely that this development, especially if A3 & A5 is allowed, would attract anti-social behaviour. Concern was raised about the alleyway between the development and the Dentist.

If the Planning Committee was minded to agree the development then members asked that the following conditions be imposed:

1. Do not allow A3 & A5 development. If allowed there should be a condition requiring owners to undertake regular litter picks of the Close and Open Space.
1. Restrictions on opening hours and delivery times to ensure residents are not subject to disturbance early in the morning, late at night or on Sundays.
2. Noise suppressors and relevant insulation on machinery to mitigate against noise.
3. Installation of proper controls/machinery to stop strong smells etc.
4. Landscaping should reflect and compliment the planting at the adjacent community orchard.
5. A planning-out crime review should be undertaken. Concern was raised over the alleyway being created and the lack of lighting and security.
6. No flashing or illuminated signs as this would disturb residents living in close proximity to the units.

With regards to the new amended details it wishes to make the following additional response.

Whilst acknowledging the removal of A5 (hot food takeaways) classification there is still concern that the A3 (restaurants and cafes) classification would have an adverse and unacceptable impact on the local community. The addition of food outlets at the site will have direct adverse impact on the residential properties of Penhurst Close and possibly Grove Green Lane.

The parish council strongly objects to the proposed opening times of all the units (8am – 10 pm Mon – Sat and 10.00am – 4.00pm Sunday) as it fails to see why they should open until 10.00 pm and mirror the Sunday opening times of Tesco's when most, if not all, of the other retail units at the minor shopping centre do not.

The retention of the shop frontages and entrances directly into Penhurst Close is unacceptable as it will encourage additional traffic into the cul de sac. If the proposed car park is only open to staff and deliveries then why is it considered necessary to have a double frontage? There is also the issue of light disturbance to the residential properties facing the Penhurst Close shop frontages.

Penhurst Close is a small cul de sac not suited to numerous delivery lorries and vehicles. In order to stop the public using the staff car parking gates will have to be installed and this will result in the road and possibly footway being blocked. It is felt that delivery vehicles will have a negative impact on the safety of pedestrians, from Weaving Street and beyond, who use Penhurst Close to access the minor shopping area as there is an insufficient turning circle.

It is noted that CCTV cameras will be provided on the alleyway but it is not clear why this alleyway is retained if, as the applicant states, most of the foot traffic will come from the Tesco owned car park as a slope already connects the car park to the existing hall and dentists.

It should be noted that Tesco Property Ltd owns the minor shopping area including the adjacent retail units and the car park. It is not clear whether the applicant has been in discussion with Tesco Property Ltd or what would happen if that company considers that the new retail units are in direct conflict with the store and existing retail units and then refuses to allow customers of the Penhurst Close retail units to use its car parking facilities.

If the Planning Committee was minded to agree the development with the amended details then members asked that the following additional conditions be imposed:

7. Restrictions on the size of delivery vehicles entering into Penhurst Close.
8. Restriction on any take away service offered by restaurants and or cafes.
9. Restrictions on the lighting of the car parking and frontages on Penhurst Close.

Prior to any approval the parish council would like to see a noise survey from the proposed units built into the roof and also information on the units being used to eliminate the smells from any A3 units."

3.2 KENT HIGHWAY SERVICES states:

"The site lies adjacent to a Doctors surgery and behind a supermarket. Access is made via Penhurst Close onto Grovewood Drive and this is adequate for this development proposal. Pedestrians are able to access the site from the

supermarket car park or Penshurst Close. 12 parking spaces are proposed and this is below the maximum standard in the Kent & Medway Vehicle Parking Standards which recommends 1 space per 25m² which would equate to 19 spaces for the 468m² of retail use. I note that parking along Penshurst Close already occurs and this shortfall in parking may lead to additional demand for on street parking which would lead to amenity issues. However I do not consider that this will be detrimental to highway safety and therefore I have no objections to the proposals in respect of highway matters subject to the following condition(s) being attached to any permission granted" [conditions are then recommended with regard to measures to prevent the deposit of mud, etc. onto the highway, the safeguarding of parking and turning space, and the safeguarding of cycle spaces.]

- 3.3 THE KCC BIODIVERSITY OFFICER has examined the ecological survey that has been submitted with the application and notes the comments therein that there is limited potential for the site to contain protected species as the site contains regularly managed grassland. She points out that a previous scoping and reptile survey identified areas of scrub and rough grassland that may have had potential for low numbers of reptiles: a precautionary approach to site clearance was recommended. There is now a limited potential for reptiles and no further information is required. Landscape works should be carried out to provide enhanced habitat.
- 3.4 THE MBC LANDSCAPE OFFICER has examined the submitted tree survey and landscape plan and has no objection subject to conditions to secure the landscaping scheme.
- 3.5 THE MBC ENVIRONMENTAL HEALTH OFFICER has no objections subject to conditions to cover the detail of a scheme for the ventilation of fumes and odours and waste disposal.

4. REPRESENTATIONS

- 4.1 COUNCILLOR HINDER states:

"I feel I must object to application for the following reasons;

I do not think there is a need for this sort of business in this area, this area already has a very busy shopping area which attracts customers from a very wide area.

This area around Penhurst Close has been the subject of a lot of anti-social behaviour over many years and I am concerned that to allow Takeaway business's here will encourage and attract even more of it.

The Parish Council has recently planted the land next to site as an orchard and I have fears that this sort of development will create a big litter problem.

I understand that the development will face the houses in Penhurst Close and because the land is higher will mean this houses and flats will be overlooked and suffer from a lack of privacy.

I have been contacted by several very worried and concerned residents who are also concerned that the development is out of keeping with the area and that the design does not fit in well with the surroundings. I believe they were happy enough to accept the previous application for residential use."

These comments were made prior to the removal of the proposed takeaway use from the application.

4.2 Before the scheme was amended to delete the proposed A5 use (hot food takeaways) 55 LETTERS OF OBJECTION WERE RECEIVED FROM LOCAL RESIDENTS. LETTERS OF OBJECTION WERE ALSO RECEIVED FROM THE GROVE GREEN RESIDENTS ASSOCIATION AND THE GROVE GREEN ORTHODONTIC CENTRE. THE FOLLOWING (SUMMARISED) POINTS WERE RAISED:

- a) The publicity for this application has not been adequate.
- b) The scheme would give rise to excessive noise and disturbance to local residents from people arriving and leaving by vehicle or on foot. Deliveries would cause disturbance. There would also be problems from smells from cooking and food. Lights would cause a loss of amenity.
- c) There would be a loss of privacy, a loss of light and a loss of view to residential property.
- d) The scheme would disrupt the area and be out of character with it. The Jubilee Orchard would be adversely affected. The design of the units is not appropriate and there would be light pollution.
- e) Penhurst Close is not suitable to serve the development. There would be parking problems on local roads as the parking provision would be inadequate, particularly if the supermarket car park were unavailable. Pedestrians would not have safe access.
- f) There would be an increase in anti-social behaviour.
- g) There would be an increase in litter.

- h) Amenity problems would be particularly bad with regard to hot food takeaway outlets.
- i) This development would encourage out-of-town retailing at the expense of the town centre.
- j) There is no need for this sort of facility.
- k) A redevelopment for housing would be more appropriate.

ONE LETTER OF SUPPORT FROM A LOCAL RESIDENT WAS RECEIVED.

Amended plans removed the proposal for hot food takeaway uses, outlined CCTV security measures and altered the landscaping scheme. All parties were re-notified. IN RESPONSE 10 LOCAL RESIDENTS CONFIRM THEIR OBJECTIONS AND THE FOLLOWING (SUMMARISED) POINTS ARE RAISED:

- a) Previously expressed objections are reiterated.
- b) CCTV would not deter anti-social behaviour.
- c) The removal of the takeaway element is acknowledged but that use, and other changes, this could be applied for later.

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 The proposal site comprises an irregularly shaped parcel of land with an area of approximately 0.14ha designated as public open space in the Maidstone Borough-Wide Local Plan 2000 in the Grove Green area of Maidstone. The site comprises an undeveloped plot of land enclosed by fencing which at the time of the site visit was rough ground laid to grass, fenced and fringed by hedging and generally small trees. The site is roughly level, however the adjacent land levels fall towards the south.
- 5.1.2 The site is located within the defined urban area of Maidstone in the parish of Boxley, and comprises the northern part of a larger parcel of land which is allocated in the Local Plan for public open space under Policy ENV24. The land to the south of the site is included in this designation, and has been landscaped to provide a children's play area and pedestrian access from Penhurst Close to Weaving Street.

- 5.1.3 The site is located on the western side of the head of Penhurst Close, an unclassified highway extending southwards from Grovewood Drive. The site is approximately 60m to the south of the junction of the two highways.
- 5.1.4 Penhurst Close is characterised by residential development along its eastern side comprising two storey blocks of flats arranged around a parking area accessed from Penhurst Close. To the west of Penhurst Close, immediately north of the proposal site, is a single storey detached building used as an orthodontic surgery. To the north of this building, on the junction with Grovewood Drive, is a larger detached building which serves as a community hall. Both these buildings are set back from the highway by approximately 12m from the public highway, with off road parking provided to the front of both establishments. Immediately adjacent to the rear (west) of the site is a large supermarket and associated infrastructure including car parking and a petrol station, which is designated in the Local Plan as being a local retail centre under the provisions of Policy R10, and two detached dwellings granted planning permission in the late 1980s which face the site.

5.2 Proposal

- 5.2.1 This application proposes the erection of a rectangular, single storey building to form four retail units. These units would be used for uses within use classes A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes) or D1 (non residential institutions): the application seeks flexibility between uses and the precise use of each unit is not stipulated at this stage. A5 use (hot food takeaways) was previously proposed but has now been deleted from the application.
- 5.2.2 The building would be located close to the western boundary of the site (ie the boundary with the Tesco's car park). It would fill much of the width of the site and would have a 'footprint' of approx. 30m by 16m. The structure would have a pitched roof but with a 'cut-out' section along the ridge line to accommodate plant and machinery: the building would be approx. 3.5m to eaves and 6.8m to the highest part of the roof.
- 5.2.3 The building would face the supermarket car park with large display windows and the customer entrance. Access would be achieved from the car park by new pedestrian pathways and an access ramp, with pathways extending around the north and east elevations (but with no path along the southern flank). The side elevations would have no openings. On the rear (east facing) elevation, again there would be display windows and access doors and this has been devised to provide design detail to what would otherwise have been a bland rear elevation to the building. The units would be constructed of a red stock brick with red

brick of a different make to provide decorative feature banding and piers. The roof would be of 'Eternit' fibre cement slates.

- 5.2.4 Externally, a parking area for 12 cars is proposed to the rear (east) of the building with vehicular access onto the existing turning head at the end of Penhurst Close. Two bin enclosures are proposed close to the building, with bike racks in the same vicinity. Security features are proposed with CCTV monitoring and security bollards at the boundary of the car park with the footway along the rear elevation of the building.
- 5.2.5 A detailed landscaping scheme is put forward based on a tree survey. This is discussed in more detail below but generally proposes the retention of the existing trees around the boundaries of the site. New planting is proposed in the eastern part of the land in the form of a line of crab apple trees along the Penhurst Close frontage, with low level planting behind that.

5.3 Principle of Development

- 5.3.1 The site is located in an urban area where a range of uses may be acceptable. The site is allocated as public open space under the provisions of Policy ENV24 and this application has therefore been advertised as a departure from the provisions of the development plan. However, at the appeal into MA/ 10/1028 (a redevelopment for housing) the Inspector concluded that there would be limited harm from conflict with ENV24 and acknowledged that the site is not required for open space purposes or community facilities. Since then the Council has granted permission for residential development under MA/11/0965 and therefore the open space allocation is no longer an obstruction to redevelopment.
- 5.3.2 Policy R10 designates Grovewood Drive, Grove Green as a local retail centre with the intention of maintaining existing retail uses and also to look favourably upon further class A1 retail development in, or immediately adjacent to, the existing local centre, subject to detail. This site is adjacent to the local retail centre allocation. I note that R10 is silent on A2, A3 and D1 uses but it seems to me that these uses constitute community uses appropriate to a local centre. In terms of general principles, the NPPF places a firm emphasis on the encouragement of sustainable economic development. I conclude that the principle of the development is acceptable.

5.4 Visual Impact

- 5.4.1 The development proposed here has been the subject of pre-application discussions and I consider that the scheme constitutes good quality design. This is an area of mixed uses and a variety of different buildings in terms of scale, design and materials. There is housing here but also the larger scale structures

of the community hall, the surgery and (further afield) the supermarket buildings. I consider the proposed to be of modest scale (an overall height of approx. 6.8m is certainly not excessive) and the design importantly acknowledges the need for the structure to provide an 'active' frontage to both front and rear through the use of appropriately designed display windows and entrance features. Materials are good quality and appropriate to the locality.

5.5 Landscaping

- 5.5.1 The application is accompanied by a tree survey and detailed landscaping proposals. All of the trees are located just off site: individually, none are regarded as being of significant amenity value although there is some group value. No trees would be removed as a result of the development and trees would be protected during construction, including by hand excavation on parts of the western boundary to protect the line of trees between the site and the local centre car park.
- 5.5.2 New planting is proposed to complement the existing vegetation. The principle element of this involves landscaping work in the eastern part of the site to help soften the impact of the car park and rear elevation, bin stores, etc. This involves the establishment of a line of crab apple trees along the Penhurst Close frontage and walnut trees on either side of the access point. Inside this, on the northern side of the car park, a grassed area would be formed with low level shrubs and lines of hedging. This is deliberately low level in order to provide clear views for the various cctv cameras that would be put in place at the request of the Crime Prevention Design Advisor. I agree with the Landscape Officer that the landscaping scheme is appropriate: in my view it would adequately soften the appearance of the scheme and provide some ecological enhancement.

5.6 Ecology

- 5.6.1 An ecological survey has been submitted with the application. That report concludes:

"Overall, habitats within and adjacent to the site were considered to be of very low wildlife value and it is considered unlikely that the site supports any significant population of any protected species."

The report recommends that a precautionary approach is taken to site works to avoid the bird nesting season and to carefully investigate fox earths. No other measures or mitigation works are considered necessary. As reported above the KCC Biodiversity Officer has no objection and there is no justifiable reason to object to this application on ecology grounds.

5.7 Residential amenity

- 5.7.1 The proposed location and design of the building is such that there would be no significant loss of light, outlook or privacy here. Impact of noise and disturbance is a more balanced issue given the blocks of flats in Penhurst Close that face the site and the dwellings to the west of the site that are accessed from a short spur road that leads north from Grove Green Lane. The uses proposed raise the potential for noise and disturbance from 'comings and goings' from vehicles and pedestrians (rather than the uses in themselves being inherently noisy).
- 5.7.2 The previously proposed A5 hot food takeaway use has now been removed from the application in response to public concern. Other uses have the potential for some disturbance but, to my mind, the dwellings around the site must already experience some loss of amenity from the operation of the supermarket car park (which has 24 hour operation) and, to the east, activities associated with the community hall and surgery. In addition it would be the front elevations and gardens of properties that would be affected by the development rather than any private areas to the rear of the houses. Provided that the hours of use of the units proposed are restricted, I do not consider that the uses would have such a significant impact on amenity as to warrant a refusal here from either noise and disturbance or light pollution. Conditions can be imposed to control hours of use and the design of kitchen ventilation equipment. The hours of use of the units is intended to be 0800-2200 Monday to Saturday and 1000 to 1600 on Sundays and I consider that acceptable. I conclude that there would be no significant loss of residential amenity here.

5.8 Highways

- 5.8.1 I agree with the Highways Officer that the development would be adequately served by Penhurst Close which has footways on both sides and an existing turning head that could be adapted to provide access to the site. This is a sustainable location for new development and the public could access the site by a number of options including on foot, cycle, or by public transport. There would also be the propensity for linked shopping trips with the existing facilities at the local centre. The 12 space car park is intended primarily for staff and deliveries with customer parking taking place within the local centre car park as happens at present for the surgery and community centre. With all of these factors in mind I consider the parking provision to be adequate.

5.9 Other Issues

- 5.9.1 Litter and anti-social behaviour are essentially matters for the police although I propose to impose a condition requiring details of litter bins to be submitted for

approval, whilst the developers have amended their scheme to address anti-social behaviour following liaison with the Crime Prevention Design Advisor. Illuminated advertisements would require the benefit of separate advertisement consent.

- 5.9.2 Whether or not the facilities proposed here are needed by the community or whether there is a demand for such units are matters beyond the scope of planning control. I am satisfied that small units of this nature would have no significant impact on the vitality and viability of existing facilities in this locality or in the town centre.
- 5.9.3 The publicity for this application has been carried out in accordance with the Council's usual procedures and I consider it properly carried out.

6. CONCLUSION

- 6.1 The Council has accepted that development of this site can go ahead without the need to safeguard the land as public open space. The Local Plan allows for enhanced facilities in or adjacent to the local retail centre and I consider the principle of this development to be acceptable. Details are appropriate and the residential amenities of local residents can be safeguarded through the appropriate conditions. I recommend that planning permission be granted. The publicity period with regard to advertisement as a departure from the development plan has not yet expired and therefore I phrase my recommendation to request delegated powers to permit.

7. RECOMMENDATION

SUBJECT TO:

The receipt of no representations raising new planning issues as a result of the publicity of this application as a departure from the provisions of the Development Plan

I BE DELEGATED POWER TO GRANT PERMISSION SUBJECT TO THE FOLLOWING CONDITIONS:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
drawing nos. 1842/01 and 1842/02/B received on 3/8/12; and drawing nos. 1842/03/J, 1842/04/G and 1213/12/6/A received on 4/12/12;

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

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

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

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

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

5. The units hereby approved shall only be open for business between the hours of 0800-2200 Monday to Saturday and 1000 to 1600 on Sunday. The units shall not be open for business outside of those times;

Reason: In the interests of residential amenity. This in accordance with Policies CC1 and CC6 of The South East Plan 2009.

6. No development shall commence on site until detailed plans and specifications of the appearance and location of and the equipment comprising a ventilation system have been submitted to and approved by the LPA. Such details should include the required measures to suppress and disperse fumes and odours, noise and vibration due to cooking on the premises. Equipment shall be installed and in full working order to the satisfaction of the LPA prior to the commencement of

use and shall be maintained in accordance with the manufacturers instructions for as long as the approved use continues.

Reason: In the interests of visual amenity. This in accordance with Policies CC1 and CC6 of The South East Plan 2009.

7. Before development commences details of the provision of a litter bin on the exterior of the units shall be submitted to and approved by the Local Planning Authority. The approved bin shall be provided before the first use of the units hereby approved and maintained thereafter;

Reason: In the interests of the amenity of the area. This in accordance with Policies CC1 and CC6 of The South East Plan 2009.

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. This in accordance with Policies CC1 and CC6 of The South East Plan 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 applicant/agent was advised of minor changes required to the application and these were agreed.

The applicant/agent was provided with formal pre-application advice.

This proposal is considered to be contrary to the provisions of the Development Plan. Planning permission has been granted in this case, as an exception to the provisions of the Development Plan, in recognition of there being an extant permission for a residential development of the site; whilst it has been demonstrated that there is no longer a need for the site to be allocated as public open space.

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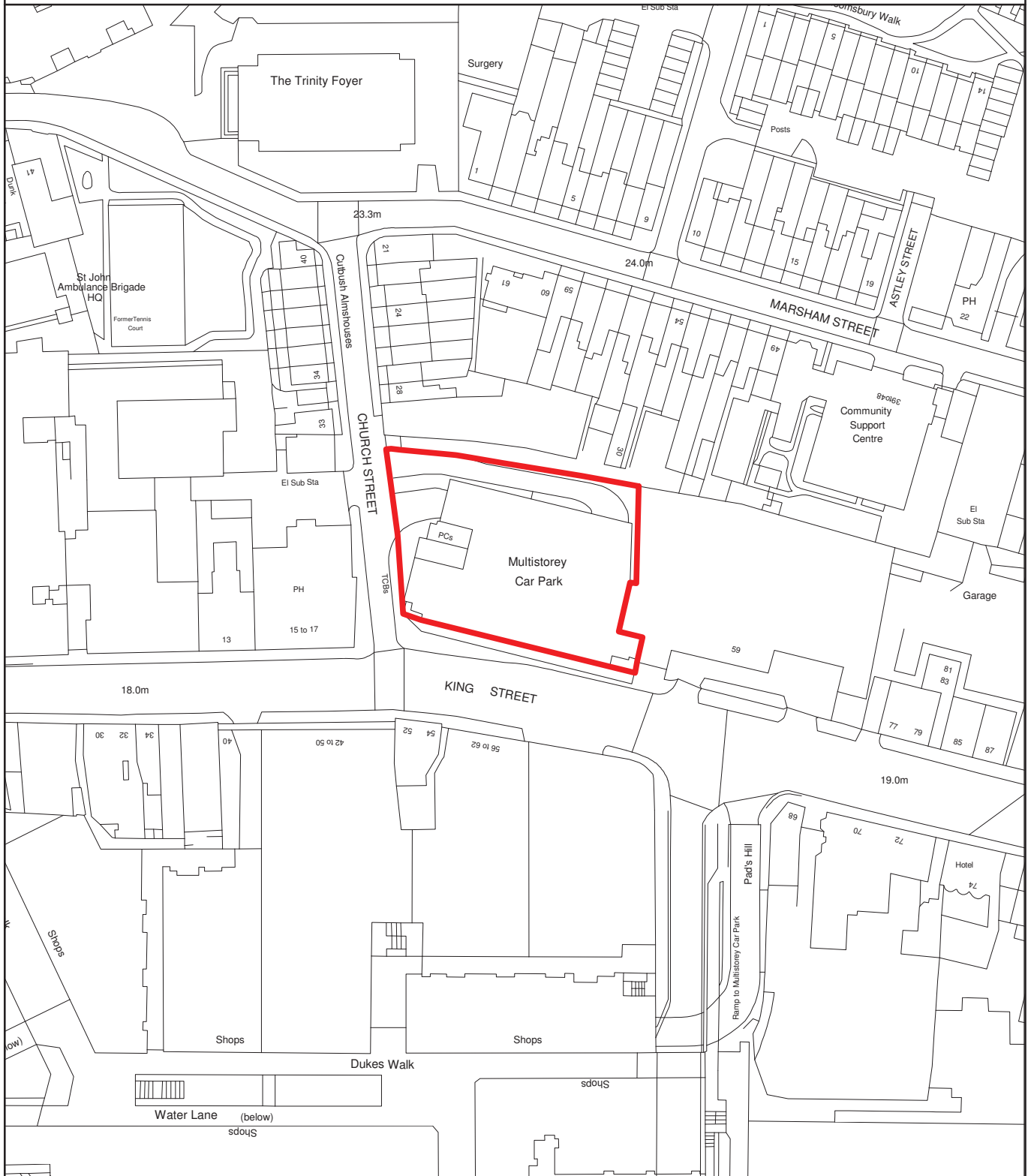
Agenda Item 22

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/0060

GRID REF: TQ7655

APCOA PARKING KING STREET MULTI STOREY,
CHURCH STREET, MAIDSTONE.



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Rob Jarman
Head of Planning

APPLICATION: MA/13/0060 Date: 27 December 2012 Received: 22 January 2013

APPLICANT: Mr David Tibbit

LOCATION: APCOA PARKING KING STREET MULTI STOREY, CHURCH STREET, MAIDSTONE, MAIDSTONE, KENT, ME14 1EN

PARISH: Maidstone

PROPOSAL: Demolition of existing multi storey car park, ground floor shop unit and public toilets and provision of surface level car park with 64 spaces, spaces for bikes and additional landscaping as shown on drawing numbers 12388/S1, KSCP 0007/001, KSCP 0007/002B, KSCP 0007/003B and KSCP 0007/004B received on 22/1/13.

AGENDA DATE: 14th March 2013

CASE OFFICER: Peter Hockney

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: R8
- South East Plan 2009: BE1, BE6
- Government Policy: NPPF 2012

2. HISTORY

- 2.1 There is no relevant planning history for this site. Some planning applications have been submitted in relation to advertisement consents but these have no direct bearing on this application.

3. CONSULTATIONS

- 3.1 **MBC Conservation Officer** raises no objections to the application on heritage grounds subject to a condition requiring the implementation of the submitted landscaping scheme prior to the first use of the car park.
- 3.2 **Kent Highway Services** raise no objections to the application on highway safety grounds stating:-

"The application proposes the closure of the existing access/egress onto Church Street and the creation of a new access onto King Street. A ghosted right turn lane is proposed and the existing disabled parking bays/taxi parking and bus stop are to be relocated. Additionally the adjacent footways are to be resurfaced with new dropped kerb crossings provided. These works within the highway will be subject to a S278 Agreement and subject to the submission and approval of detailed drawings I do not wish to raise objection."

4. REPRESENTATIONS

- 4.1 **One letter of objection** has been received on the grounds that the reduction in the number of visitor spaces available in the car park would further restrict on street car parking spaces for residents.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The application site relates to an existing multi-storey pay and display car park with a retail unit on the ground floor at the junction of Church Street and King Street. The car park has a vehicular access from Church Street. The site is within the town centre area of Maidstone and near to the shopping and other town centre facilities and falls within the secondary shopping area as designated by policy R8 of the Maidstone Borough-Wide Local Plan (2000).

5.1.2 The site is bounded to the north of the site by the Holy Trinity Church Conservation Area. There are a number of listed buildings in the vicinity including 52 and 54 King Street (on the opposite side of King Street) and 56-60 Marsham Street (located to the north of the site).

5.1.3 The multi-storey car park covers the majority of the site and provides 239 car parking spaces, including 16 disabled spaces, over 6 floors (including the rooftop). The retail unit at ground floor is currently vacant and was last occupied by the foodstore 'Somerfield'.

5.2 Proposal

5.2.1 The application seeks full planning permission for the demolition of the existing car park and the creation of a new surface level car park. The proposed car park would have a significant level of landscaping and a new two way vehicular access onto King Street.

5.2.2 The proposed car park would include 68 car parking spaces, including 4 disabled spaces. There would be retaining walls around the boundaries of the parking area with new landscaping included within these areas.

5.3 Principle of Development

5.3.1 The proposal would involve the loss of the existing multi-storey car park and the retail unit at ground floor. The site is within the secondary shopping area as designated by policy R8 of the Maidstone Borough-Wide Local Plan (2000). Within this area the policy states that the Council will permit a range of A1 (retail), A2 (financial and professional services) and A3 (food and drink) uses or any other uses appropriate in a shopping street. The policy does not explicitly prevent the loss of such uses but the spirit is clearly to retain the vitality and viability of the town. The loss of the A1 retail unit and its replacement with a surface level car park would remove a vacant unit and replace it with a landscaped car park which is an appropriate alternative town centre use that would add to the vitality of the town centre and therefore to my mind would not be contrary to this policy.

5.3.2 The proposal would result in the reduction of the overall number of spaces available at the site but this would not be contrary to any national or local policies. The main use of the site would remain as a public car park as such is acceptable in principle.

5.4 Visual Impact

5.4.1 The existing multi storey car park is a large and monolithic building of unpleasant design which severely adversely affects the setting of the adjacent Holy Trinity Conservation Area and the listed building on the opposite side of King Street. The demolition of this building would negate this adverse impact and would open up views into the Conservation Area. This would be a visual improvement on the current situation. The Conservation Officer welcomes the demolition of the existing building and states that "whilst the best option for the townscape would be to redevelop the site with a suitably scaled and designed building, the use of the site for a surface car park along the lines proposed would be acceptable. The important part of the proposal is the strong boundary planting to the street edges which is necessary to maintain visual enclosure of the street frontages as well as to screen the parked cars."

5.4.2 The proposed surface level car park would include a significant level of landscaping which would add considerable greenery to this part of the town centre that is severely lacking in vegetation. This landscaping including the hardwood clad planters along the boundary with King Street, which is integral to

the layout of the car park, would result in a considerable visual improvement to the site and the character and appearance of the surrounding area.

- 5.4.3 Overall, the loss of the existing unattractive building and its replacement with a well landscaped surface level car park would have a positive visual impact on the character and appearance of the surrounding area and would improve the setting of the Conservation Area and nearby listed buildings.

5.5 Residential Amenity

- 5.5.1 There are residential properties in the vicinity to the north of the application site. The demolition of the building would remove a large and dominant building from south of many of these properties. It would undoubtedly improve the outlook from many of these properties.
- 5.5.2 The proposed use would not result in a significant adverse impact on the residential amenity level of nearby occupiers and would be acceptable on these grounds.

5.6 Highways

- 5.6.1 The proposal would alter the access arrangements from an access in and out of the multi-storey car park from Church Street to an access point to the surface level car park from King Street. This change to the arrangement has been examined by Kent Highway Services, who are happy with the access arrangements with regard to highway safety considerations.
- 5.6.2 A letter of objection has been received from a nearby resident on the grounds that the proposed car park would provide a significantly lower number of spaces than the existing car park and as a result this would impact on the availability of on street car parking for nearby residents. The loss of the existing car park would remove some off street car parking capacity. However, I do not consider that this would be significant given that there is currently a charge for overnight car parking at the multi-storey whereas overnight parking (7pm to 7am) at the Sainsbury car park on the opposite side of King Street is free. Even if there is some displacement of car parking from the multi-storey car park to surrounding streets then this may cause inconvenience but would not in itself result in an adverse impact on highway safety.
- 5.6.3 The proposal would have no significant impact on highway safety.

5.7 Landscaping

5.7.1 The proposed scheme includes a significant amount of landscaping that would soften the appearance of the car park and screen the cars from views from King Street. The landscaping proposals would add considerably to the improvement of the area and it would be essential to ensure the proposals are planted prior to the commencement of the use of the car park. The species proposed include beech hedging and dogwood and full details including numbers of plants and their size at planting would be submitted as part of a condition.

6. CONCLUSION

6.1 The proposal would result in the demolition of the existing multi-storey car park and therefore the loss of the large, monolithic building that has a significant adverse impact on the character and appearance of the area. The loss of the building would also improve the historic character of the Conservation Area and the setting of the nearby listed buildings. The Conservation Officer raises no objections to the proposals.

6.2 The proposed surface level car park with a significant level of landscaping would improve character and appearance of the area and the view from King Street. There would be no significant impact on residential amenity and the demolition of the existing car park would improve the outlook from many residential properties.

6.3 The changes to the access arrangements have resulted in no objections being raised by Kent Highway Services and the proposals would have no significant impact on highway safety. I do not consider that there would be a significant displacement of parking to the surrounding streets and even if there was the additional on street car parking pressures this would not result in a significant impact on highway safety.

6.4 The proposals are acceptable and would result in a significant improvement to the character and appearance of the site and its contribution to the surrounding area.

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 car park surfaces and retaining walls 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 policy BE6 of the South East Plan (2009).

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 in accordance with policies ENV6 of the Maidstone Borough-Wide Local Plan (2000) and BE6 of the South East Plan (2009).

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

Reason: To ensure a satisfactory setting and external appearance to the development in accordance with policies ENV6 of the Maidstone Borough-Wide Local Plan (2000) and BE6 of the South East Plan (2009).

5. No development shall commence until full details of any lighting including measures to prevent light spillage from the site 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 safeguard the enjoyment of their properties by adjoining residential occupiers and the visual amenity of the surrounding area in accordance with

policy BE6 of the South East Plan (2009) and guidance in the National Planning Policy Framework 2012.

6. The development hereby permitted shall be carried out in accordance with the following approved plans:
KSCP 0007/002B, KSCP 0007/003B and KSCP 0007/004B;

Reason: To ensure the quality of the development is maintained in accordance with policies ENV6 of the Maidstone Borough-Wide Local Plan (2000) and BE6 of the South East Plan (2009).

Informatives set out below

There shall be provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.

There shall be provision of measures to prevent the discharge of surface water onto the highway.

There shall be provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.

Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 08458 247800) in order to obtain the necessary Application Pack.

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 applicant/agent was provided with formal pre-application advice.

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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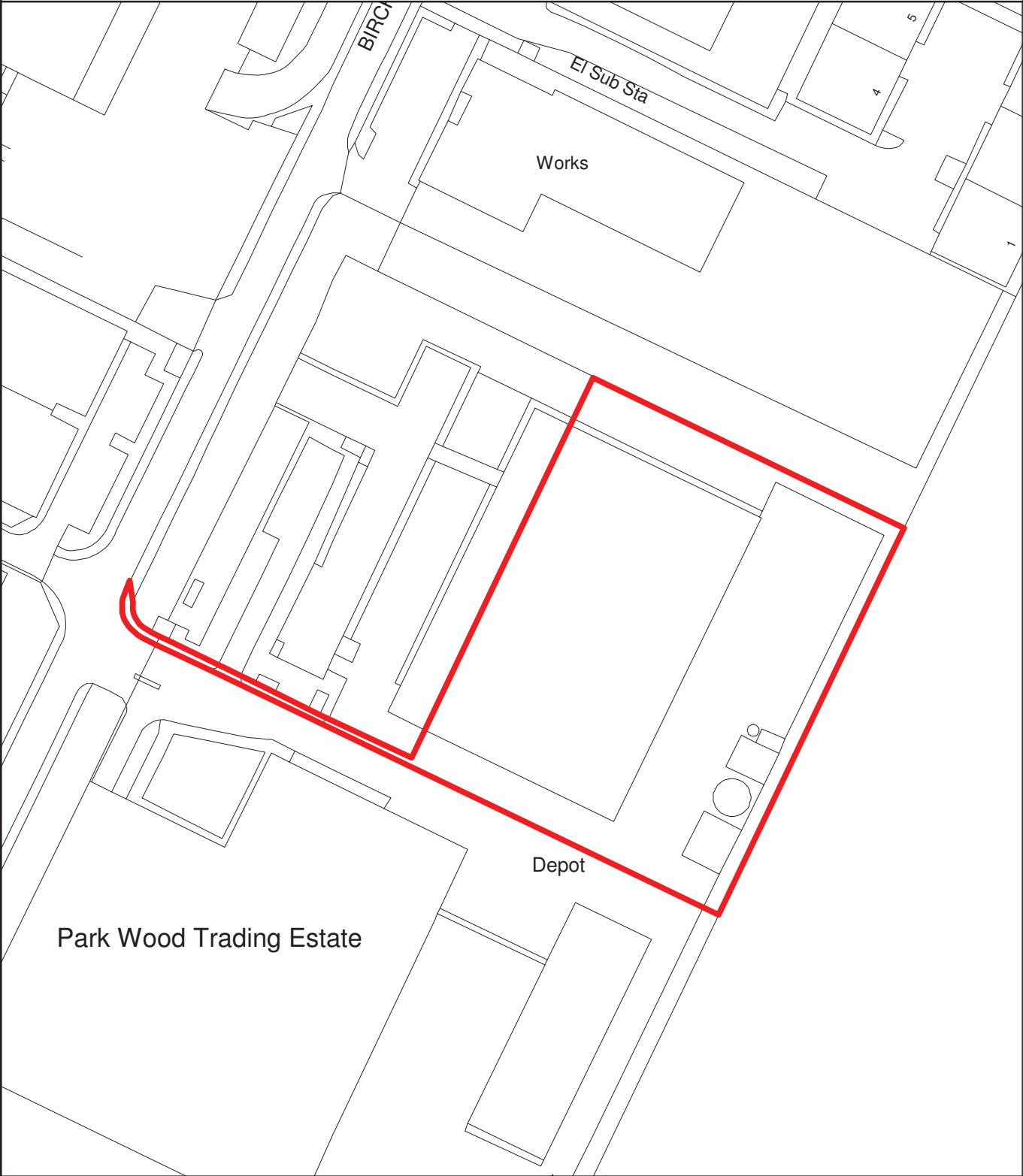
7. 3. 2013

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/0138

GRID REF: TQ7951

**ROYAL MAIL MAIDSTONE DELIVERY OFFICE,
BIRCHOLT ROAD, MAIDSTONE.**



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**Rob Jarman
Head of Planning**

APPLICATION: MA/13/0138 Date: 25 January 2013 Received: 29 January 2013

APPLICANT: Royal Mail Group Ltd

LOCATION: ROYAL MAIL MAIDSTONE DELIVERY OFFICE, BIRCHOLT ROAD,
MAIDSTONE, KENT, ME15 9EE

PARISH: Boughton Monchelsea

PROPOSAL: Single storey extension to provide draft lobby as shown on drawing nos. MDO-EX01, MDO-EX02, MDO-EX03 and MDO-EX04 received on 25th January 2013.

AGENDA DATE: 14th March 2013

CASE OFFICER: Richard Timms

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

- The Council has an interest in the application being the owner of the land.

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: ED2, R18
South East Plan 2009: CC1, CC6, RE1, RE3
Government Policy: NPPF 2012

2. HISTORY

(Most Relevant)

MA/12/1267 Application for non material amendments to MA/11/1540 – APPROVED

MA/11/1540 Demolition of existing buildings and construction of a new Royal Mail Delivery Office (Class B8 use) together with the construction of a new footpath along part of the existing access road from Bircholt Road – APPROVED WITH CONDITIONS

3. CONSULTATIONS

3.1 **Boughton Monchelsea Parish Council:** No objections.

4. CONSIDERATIONS

4.1 Site Description

- 4.1.1 The application relates to the new Royal Mail delivery office which is on the east side of Bircholt Road within the Parkwood Industrial Estate. The site is not yet fully operational and has a large two storey building (delivery office) in the northwest corner, which mainly houses the mail sorting hall with ancillary space and office areas on a mezzanine. To the front, east is an operational yard for deliveries and there is a staff and visitor car park to the south. There are two entrances on the south side from an access road which leads off Bircholt Road to the west. The site is set back from Bircholt Road behind a vacant warehouse with the Council's depot immediately to the east. Further business units are to the south and parking for a van hire company to the north.
- 4.1.2 The estate is designated for B1 (offices and light industry) and B2 (general industry) uses under policy ED2 of the Local Plan, whilst policy ED9 allows for suitable B8 (storage and distribution) uses, and policy R18 allows for car sales and showrooms. The site is within the defined urban settlement boundary of Maidstone and the Parish of Boughton Monchelsea.

4.2 Proposal

- 4.2.1 Permission is sought for a single storey front 'draft lobby' extension to the delivery office building. The extension would be beneath an existing canopy at the front and within the centre of the building. It would be rectangular in footprint with a lean to roof, measuring 8.1m x 2.4m with a height of 2.9m. Materials would be grey blockwork to the front and sides with grey aluminium sheeting to the roof. There would be two sets of rubber 'crash' doors to the front.
- 4.2.2 The draft lobby's main function is to provide a buffer/barrier to minimise heat loss from the building, to prevent drafts to persons working near to the doors and to maintain a comfortable working environment. There is currently a small internal lobby but the proposal is needed due to some internal layout changes required.

4.3 Assessment

- 4.3.1 The principle of development related to existing uses in the industrial estate is acceptable under Local Plan policy and so the main considerations for this extension are the visual impact upon the area and any other outward impacts.

4.3.2 The extension is a modest addition to the front of a large building and would be largely hidden beneath a canopy. For this reason, it would not have any significant visual impact upon the wider area. Being modest in size and of similar materials, it would also have no harmful impact upon the existing building.

4.3.3 The extension would provide a practical function for the operation of the building and would not result in any increase in activity at the site. As such, there would be no highway, noise, or amenity implications.

5. CONCLUSION

5.1.1 There would be no visual harm to the area or negative outward impacts from the development. I therefore recommend that permission is granted for the extension subject to conditions.

6. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

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

Drawing nos. MDO-EX01, MDO-EX02, MDO-EX03 and MDO-EX04 received on 25th January 2013.

Reason: To ensure a satisfactory appearance to the development in accordance with policy CC6 of the South East Plan 2009 and the NPPF 2012.

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.

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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27. 2. 2013

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27. 2. 2013

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27. 2. 2013

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – (14 March 2013)**

APPEAL DECISIONS:

- 1. –MA/09/1883 -** Demolition of existing bungalow and erection of 2 (no) new dwellings in accordance with plans numbered 014.1179.23E; 014.1179.27C; 014.1179.31B; 014.1179.25C; 014.1179.28C; 014.1179.26C; 014.1179.29B.

APPEAL: DISMISSED

**Chareda, Pickering Street Loose Maidstone
ME15 9RH**

PLANNING COMMITTEE

- 2. MA/12/0656 -** Widen access to provide improved sightlines, widen bellmouth; and improve pedestrian access as shown on drawing numbers TSP/BRO/P2241/01B, TSP/BRO/P2241/02 and TSP/BRO/P2241/03, supported by a Design and Access Statement and Arboricultural Survey and Planning Integration Report, all received 12th April 2012.

APPEAL: DISMISSED

44 Sittingbourne Road Maidstone Kent ME14 5LP

DELEGATED POWERS

- 3. MA/12/0922 -** Outline application for the redevelopment of the existing garage and petrol station to provide eight dwellings, with means of access to be determined and all other matters reserved for subsequent approval in accordance with drawing no. CSa/1935/107, Landscape and Visual Assessment, Planning Design and Access Statement, Noise Assessment by Rontec Ltd received on 18 May 2012.

APPEAL: ALLOWED WITH CONDITIONS

**Iden Park Service Station Cranbrook Road
Staplehurst**

DELEGATED POWERS

4. MA/12/1427 -

Change of use from restaurant (Class A3) to vehicle sales (sui generis), installation of roller shutter door in north east elevation, formation of landscape mound and erection of 2m high palisade fencing and gates as shown on plan numbers 224/01, 224/02, 224/03, 224/04, 224/05, 224/06 and application form received 3rd August 2012.

APPEAL: Allowed with Conditions

**Former Lily Spice Restaurant Stockbury Valley
Stockbury Sittingbourne Maidstone ME9 7QN**

DELEGATED POWERS
