

# AGENDA

## PLANNING COMMITTEE MEETING



Date: Thursday 4 April 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

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1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 11 April 2013

**Continued Over/:**

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**Issued on 25 March 2013**

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*Alison Broom*

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

6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
10. Minutes of the meeting held on 14 March 2013 1 - 8
11. Presentation of Petitions (if any)
12. Report of the Head of Planning - Deferred Item 9
13. MA 10 2177 GREENGATES LENHAM ROAD HEADCORN  
ASHFORD KENT TN27 9LG 10 - 24
14. MA 12 1167 FIVE OAK STABLES STILEBRIDGE LANE LINTON  
MAIDSTONE KENT ME17 4DE 25 - 32
15. MA 12 2075 PARNHAM HOUSE NORTH STREET HEADCORN  
KENT TN27 9NN 33 - 46
16. MA 12 2100 LAND ADJ HIGHFIELD HOUSE MAIDSTONE ROAD  
MARDEN MAIDSTONE KENT TN12 9AG 47 - 75
17. MA 12 2207 SMITHFIELD HOUSE WEST STREET HUNTON  
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18. MA 13 0131 ROSEACRE VIEW 2 ROSEACRE LANE BEARSTED  
MAIDSTONE KENT ME14 4HY 91 - 96
19. MA 13 0201 REGISTRAR OF BIRTHS DEATHS AND MARRIAGES  
ARCHBISHOP PALACE MILL STREET MAIDSTONE KENT ME15  
6YE 97 - 101
20. Chairman's Announcements

**PLEASE NOTE**

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

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

## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON 14 MARCH 2013**

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

**Also Present:** Councillors Mrs Gooch, B Mortimer,  
Munford and Mrs Stockell

291. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors English and Garland.

292. NOTIFICATION OF SUBSTITUTE MEMBERS

The following substitutions were noted:-

Councillor Black for Councillor Garland  
Councillor Chittenden for Councillor English  
Councillor Moriarty for Councillor Newton.

293. NOTIFICATION OF VISITING MEMBERS

Councillors Mrs Gooch, Mortimer and Mrs Stockell indicated their wish to speak on the report of the Head of Planning relating to application MA/10/1391.

Councillor Munford indicated his wish to speak on the report of the Head of Planning relating to applications MA/12/1989 and MA/12/1994.

294. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

295. 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.

296. 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/12/1426 and intended to speak and vote when it was considered.

Councillor Chittenden stated that since he had pre-determined applications MA/12/1989 and MA/121994 he would speak but not vote when it was discussed.

297. EXEMPT ITEMS

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

298. MINUTES OF THE MEETING HELD ON 21 FEBRUARY 2013

RESOLVED: That the minutes of the meeting held on 21 February 2013 be approved as a correct record and signed.

299. PRESENTATION OF PETITIONS

There were no petitions.

300. 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 this would be coming back to committee in the near future.

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 indicated that this item was on the agenda for consideration.

301. MA/ 13/ 0060 - 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 - APCOA PARKING, KING STREET MULTI STOREY, CHURCH STREET, MAIDSTONE, KENT

The Committee considered the report of the Head of Planning.

Mr Wright, the objector, and Mr Tibbit, for the applicant, addressed the meeting.

RESOLVED; That permission be granted subject to the conditions and informatives set out in the report and the additional informative set out below:-

The applicant is encouraged to maximise the number of dedicated disabled parking bays, but not at the expense of the overall numbers of parking spaces.

Voting: 12 – For 0 – Against 0 - Abstentions

302. MA/ 10/ 1391 - CHANGE OF USE OF LAND FROM AGRICULTURE TO A MIXED USE FOR A CAMP SITE, FISHING AND THE KEEPING OF HORSES - 7 TO 8 ST HELENS COTTAGES, ST HELENS LANE, WEST FARLEIGH, MAIDSTONE, KENT

All members of the committee stated that they had been lobbied.

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

Mr Moon, for the objectors, Councillor Scott of West Farleigh Parish Council, Councillor Charlton of East Farleigh Parish Council, Councillors Mrs Gooch, Mortimer and Mrs Stockell addressed the meeting.

Contrary to the recommendation of the Head of planning, the Committee agreed to refuse permission. In making this decision, Members felt that they supported the reasons for refusal recommended by the Highway Authority and that the application should be refused on highway grounds.

RESOLVED: That permission be refused for the following reason:-

The traffic generated by the development would by reason of the restricted width, location and poor alignment of the site access together with the general alignment and width of St Helens Lane in the vicinity of the access point, result in conditions prejudicial to highway safety on St Helens Lane.

Voting: 12 – For 0 – Against 0 – Abstentions

303. 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, KENT

All Members except Councillors Black and Chittenden stated that they had been lobbied.

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

Mrs Morgan, an objector, and Councillor Butcher of Staplehurst Parish Council addressed the meeting.

RESOLVED: That, 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 permission subject to the conditions and informatives set out in the report with the following additional informative:-

You are encouraged to include the provision of suitably located bat bricks within the development.

Voting: 10 – For 1 – Against 1 – Abstention

304. MA /12 /2090 - ERECTION OF A SINGLE STOREY FRONT EXTENSION, FIRST FLOOR SIDE AND TWO STOREY REAR EXTENSION - 5 BATHURST CLOSE, STAPLEHURST, TONBRIDGE, KENT

Councillor Lusty stated that he had been lobbied.

The Committee considered the report of the Head of Planning.

Councillor Butcher of Staplehurst Parish Council addressed the meeting.

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

Voting: 13 – For 0 – Against 0 – Abstentions

Note: Councillor Hogg arrived in the meeting at the start of this item.

305. MA /12 /2138 - ERECTION OF AN ATTACHED NEW DWELLING - 33 REEVES CLOSE, STAPLEHURST, TONBRIDGE, KENT

Councillor Lusty stated that he had been lobbied.

The Committee considered the report of the Head of Planning.

Mr Atkinson, an objector, Councillor Butcher of Staplehurst Parish Council, and Mr Court, for the applicant, addressed the meeting.

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report with the following additional condition:-

The development hereby permitted shall not commence until details have been submitted to and approved by the local planning authority showing the provision of swift bricks on the building set at a minimum height of 5m above ground level. The development shall thereafter be undertaken in accordance with the subsequently approved details

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

Voting: 13 – For 0 – Against 0 – Abstentions

306. MA/ 12/ 0362 - 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 - ROMNEY COURT, 25 ROMNEY PLACE, MAIDSTONE, KENT

The Committee considered the report of the Head of Planning.

RESOLVED: That, subject to the completion of a Section 106 legal agreement in such terms as the head of Legal Services may advise to secure 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.

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

Voting: 13 – For 0 – Against 0 Abstentions

307. MA/ 13/ 0138 - SINGLE STOREY EXTENSION TO PROVIDE DRAFT LOBBY - ROYAL MAIL MAIDSTONE DELIVERY OFFICE, BIRCHOLT ROAD, MAIDSTONE, KENT

The Committee considered the report of the Head of Planning.

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

Voting: 13 – For 0 – Against 0 Abstentions

308. 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, KENT

The Committee considered the report of the Head of Planning.

RESOLVED: That the details received pursuant to Conditions 11, 14 and 16 of planning permission MA/03/1147/02 be approved subject to the condition set out in the report.

Voting: 11 – For 0 – Against 2 – Abstentions

309. 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 - NEW LINE LEARNING ACADEMY, BOUGHTON LANE, MAIDSTONE, KENT

All Members of the Committee except Councillor Black stated that they had been lobbied.

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

Mr Carter of North Loose Residents Association, an objector, Councillor Munford of Boughton Monchelsea Parish Council and visiting member and Mrs Luscombe, for the applicant, addressed the meeting.

RESOLVED: That subject to the prior completion of a s106 agreement in such terms as the Head of Legal Services may advise to secure a contribution of £29,250 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 set out in the report as amended by the urgent update report with the addition of condition 7 being amended as follows:-

The details of landscaping pursuant to condition 1 above shall include inter-alia,



- 1: Details of a minimum 15m wide buffer between built development on the site and the adjacent semi-natural ancient 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'
- 4: Details showing the removal of the existing car parking spaces/hardstanding areas located in the woodland area adjacent to Boughton Lane immediately to the west of the existing car park and their replacement with woodland tree planting.

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

Voting: 7 – For 3 – Against 2 – Abstentions

(Councillor Chittenden having predetermined this application spoke but did not vote)

310. 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 - NEW LINE LEARNING ACADEMY, BOUGHTON LANE, MAIDSTONE, KENT

All Members of the Committee except Councillor Black stated that they had been lobbied.

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

Mr Carter of North Loose Residents Association, an objector, Councillor Munford of Boughton Monchelsea Parish Council and visiting member and Mrs Luscombe, for the applicant, addressed the meeting.

RESOLVED: That subject to the prior completion of a s106 agreement in such terms as the Head of Legal Services may advise to secure a contribution of £15,750 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 set out in the report as amended by the urgent update report with the addition of condition 7 being amended as follows:-

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'
- 3: Details showing the removal of the existing car parking spaces/hardstanding areas located in the woodland area adjacent to Boughton Lane immediately to the west of the existing car park and their replacement with woodland tree planting.

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

Voting: 7 – For 3 – Against 2 – Abstentions

(Councillor Chittenden having predetermined this application spoke but did not vote)

311. MA/ 12/ 1426 - 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 - LAND AT PENHURST CLOSE, GROVE GREEN, KENT

All members of the Committee stated that they had been lobbied with the exception of Councillors Black, Hogg, Paine and Paterson.

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

Mr Oben, for the objectors, Councillor Hinder of Boxley Parish Council, and Mr Atkinson, for the applicant addressed the meeting.

RESOLVED: That, 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 and the description of the development to refer to drawing 1213/12/6revC received 12/03/2013, the Head of Planning be given delegated powers to grant permission subject to the conditions set out in the report as amended by the urgent update report including additional informatives.

Voting: 11 – For 0 – Against 2 – Abstentions

312. APPEAL DECISIONS

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

RESOLVED: That the report be noted.

313. DURATION OF MEETING

6.00 p.m. to 9.47 p.m.

## **Background**

At the meeting of the Committee on 14 March 2013, Members resolved to grant the Head of Planning delegated powers to grant planning permission for the above application subject to the expiry of the Departure Advertisement and the receipt of no representations raising new issues.

My previous report is appended.

The Departure Advertisement expired on 31 March 2013 and one further letter of representation has been received.

## **Representations**

The letter raises objections on two issues:

1: The loss of allotments. (This issue has previously been addressed).

2: The loss of the 28 garages and a potential resultant impact on parking in a village which has a parking problem and in a locality where a number of properties do not have off-street parking facilities and where on-street parking restrictions are in place. This has meant long-term parking in the Bell Lane Car Park thus reducing space for visitors. (This is an issue not previously raised).

## **Assessment**

In respect of the loss of the garages, at the time the application was submitted, only 7 of the 28 garages were being rented out by the applicants.

Of these 7; inspections revealed that 4 were not being used for the parking of vehicles but most probably for long-term storage, with the remaining 3 appearing to be in current use for their intended purpose.

The site access road also serves one further garage and two vehicular accesses relating to properties outside the application site.

The applicants also undertook a speed and classification survey along the access to the site at the time the application was submitted which included all vehicular movements relating to the 28 garages and the adjoining garage and two vehicular accesses. Over the survey period (7 days), there were a total of 45 car movements equating to just over 6 movements or 3 car journeys in and out of the site per day.

Members will note from the previous reports that Kent Highway Services have not objected to the loss of the garages.

On the basis of the survey information and the situation as exists on the site, I do not consider that the loss of the garages would result in unacceptable increased demand for parking spaces elsewhere outside the site.

## **Conclusion**

I consider that having assessed the impact of the loss of the garages, the scheme remains acceptable. I also remain of the view that the provision of elderly persons' affordable housing accommodation on this site is a balancing factor weighing in support of the proposals.

I would request Members to reaffirm their previous decision to grant planning permission subject to conditions having considered the additional representations as set out and analysed above.

## **Recommendation**

GRANT PLANNING PERMISSION subject to the conditions and informatives previously agreed.

# APPENDIX ONE

**Item no. 15**

**Page no. 45**

**Address**

**Reference no. MA/11/1481**

**Land south of 1 Bell Lane  
Staplehurst**

**Representations**

Further representations have been received from the occupiers of a property in South Bank to the west of the site.

They raise objections to Plot 5, the plans for which show a door and patio area facing their property and express concern about associated activity and also a loss of privacy to their garden but also rear facing first floor bedroom windows.

**Officer comment**

Plot 5 is located 4m from the western site boundary with numbers 1-7 (odd) South Bank. This provides an overall separation distance of 31m between what is the flank wall of Plot 5 and the rear walls (and ground and first floor windows) of the dwellings in South Bank including the objector's property.

The distances involved are thus considerably in excess of the normally accepted 21m 'rule of thumb' guidance for rear wall to rear wall separation. I repeat the view set out in paragraph 6.5.3 of the report that there will be no adverse impact on residential amenity sufficient to warrant or sustain an objection on these grounds.

**Amendments to recommendation**

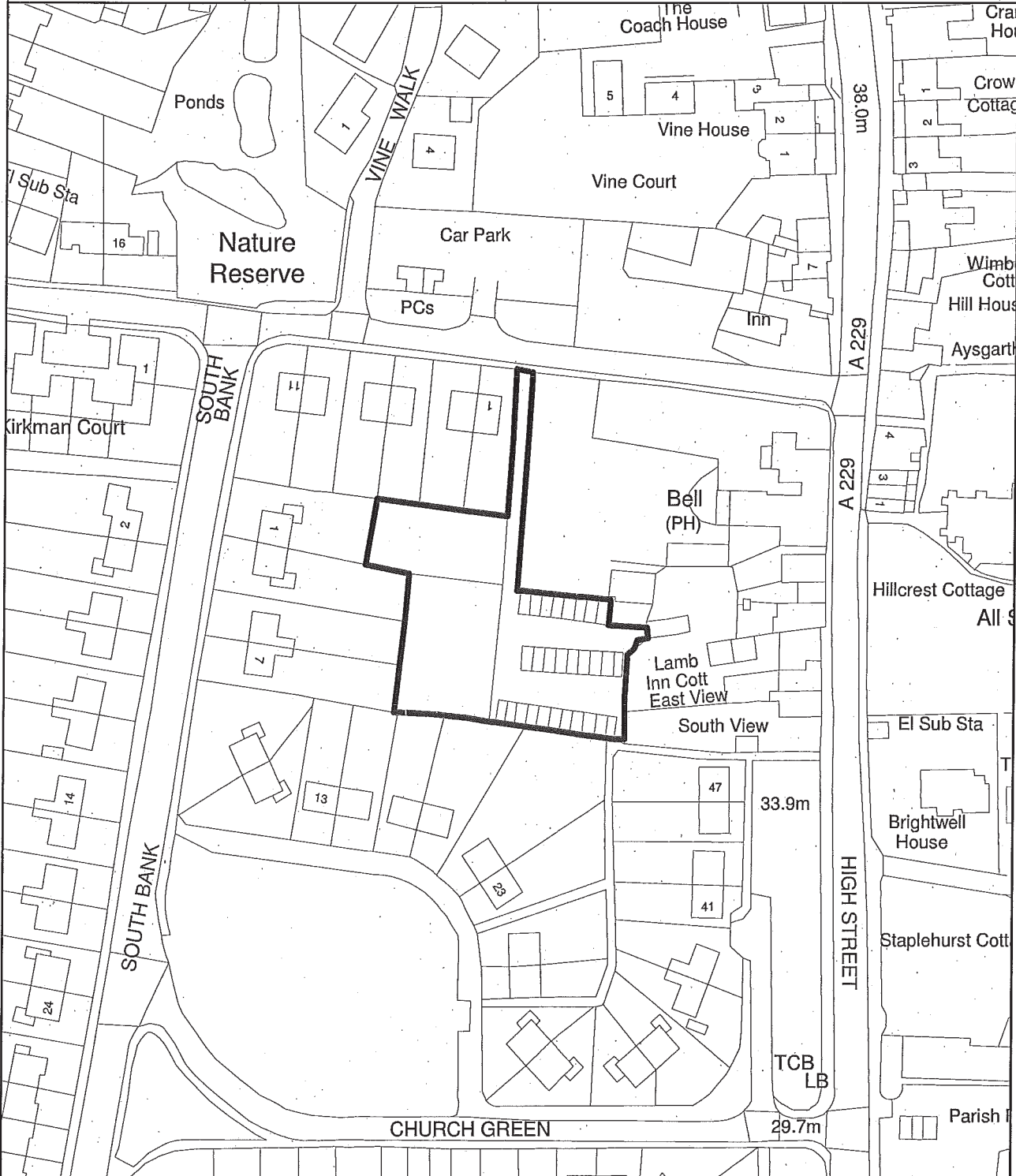
None

# 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: 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-stores 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 turving 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, 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

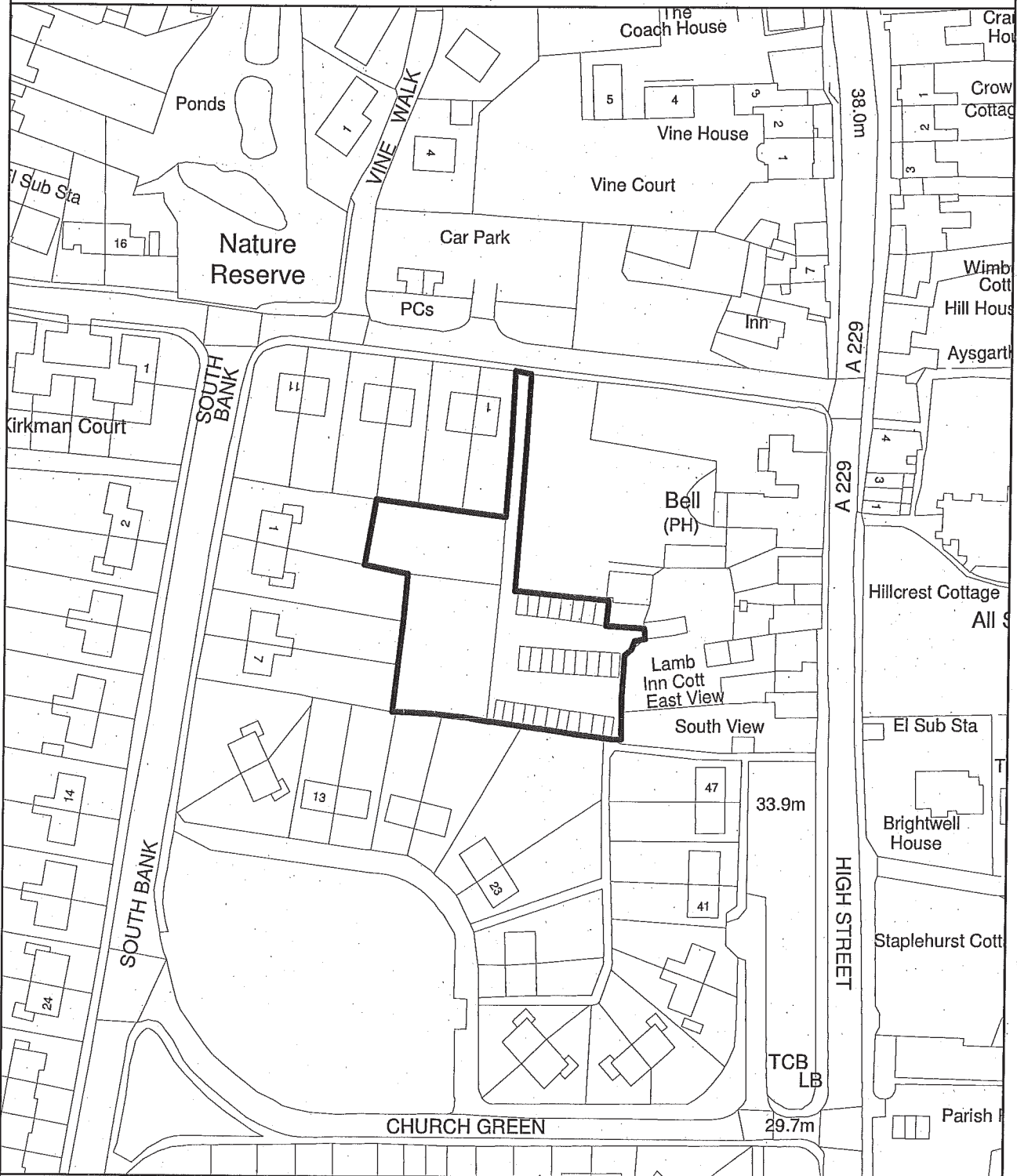


# THE MAIDSTONE BOROUGH COUNCIL

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**

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

APPLICANT: Golding Homes

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

PARISH: Staplehurst

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

AGENDA DATE: 30th August 2012

CASE OFFICER: Steve Clarke

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

- It is contrary to views expressed by Staplehurst Parish Council

## **1. POLICIES**

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

## **2. HISTORY**

2.1 No previous relevant planning history on the site

## **3. CONSULTATIONS**

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

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

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

**3.2 Kent Highway Services:**

**3.2.1** Originally had several concerns:

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

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

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

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

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

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

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

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

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

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

Vision splays from the access are acceptable.

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

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

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

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

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

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

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

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

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

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

3.4 **KCC Biodiversity Team:**

3.4.1 Originally commented as follows

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3.5 **Environment Agency:** No objections

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

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

3.8 **UK Power Networks:** No objections

3.9 **MBC Conservation Officer:** No objections

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

Recommendation

It is, therefore, recommended that:

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

3.10 **MBC Landscape:**

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

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

In conclusion,

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

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

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

## 4. **REPRESENTATIONS**

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

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

## 5. **CONSIDERATIONS**

### 5.1 **Site description**

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



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

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

## **5.2 Proposal**

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

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

### **5.3 Principle of Development**

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

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

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

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

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

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

#### 5.4 Design and layout

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

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

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

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

## **5.5 Residential Amenity**

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

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

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

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

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

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

## **5.6 Highways**

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

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

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

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

## **5.7 Landscaping and ecology**

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

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

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

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

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

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

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

## **6. CONCLUSION**

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

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

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

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

## **7. RECOMMENDATION**

SUBJECT TO:

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

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

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

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

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

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

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

interlocking tiles indicated on the submitted drawings.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

**Informatives set out below**

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

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

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

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

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

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

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

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

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

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



**Officer Comment**

I wish to seek Members approval to a change to the Heads of Terms for the S106 agreement. The change has been discussed with the applicants and they are in agreement with the proposed change.

I wish to vary the Heads of Terms to enable the received sum (£29,250) to be used for bus corridor improvements on the A229 Loose Road rather than as previously agreed solely towards the provision of a 'bus lane between the 'Wheatsheaf junction' and the 'Armstrong Road junction' on the A229 Loose Road.

This is in accordance with policy T2 of the Maidstone Borough-wide Local Plan 2000, which seeks to secure a wider range of bus preference measures than just 'bus lanes.

The contribution and its proposed use remains necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development as required by Regulation 122 of the CIL Regulations 2010 and para 2054 of the NPPF 2012.

**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 of £29,250 towards bus corridor improvements on the A229 Loose Road.

The Head of Planning be given Delegated Powers to GRANT PLANNING PERMISSION subject to the conditions previously agreed by Members at the meeting on 14 March 2013.

**Officer Comment**

I wish to seek Members approval to a change to the Heads of Terms for the S106 agreement. The change has been discussed with the applicants and they are in agreement with the proposed change.

I wish to vary the Heads of Terms to enable the received sum (£15,750) to be used for bus corridor improvements on the A229 Loose Road rather than as previously agreed solely towards the provision of a 'bus lane between the 'Wheatsheaf junction' and the 'Armstrong Road junction' on the A229 Loose Road.

This is in accordance with policy T2 of the Maidstone Borough-wide Local Plan 2000, which seeks to secure a wider range of bus preference measures than just 'bus lanes.

The contribution and its proposed use remains necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development as required by Regulation 122 of the CIL Regulations 2010 and para 2054 of the NPPF 2012.

**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 of £15,750 towards bus corridor improvements on the A229 Loose Road.

The Head of Planning be given Delegated Powers to GRANT PLANNING PERMISSION subject to the conditions previously agreed by Members at the meeting on 14 March 2013.

## MAIDSTONE BOROUGH COUNCIL

### PLANNING COMMITTEE

4 APRIL 2013

#### REPORT OF THE HEAD OF PLANNING

##### 1. DEFERRED ITEM

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

1.2. Description of Application Date Deferred

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

# Agenda Item 13

## THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/10/2177

GRID REF: TQ8545

GREENGATES, LENHAM ROAD,  
HEADCORN.



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



APPLICATION: MA/10/2177 Date: 21 December 2010 Received: 30 December 2010

APPLICANT: Mr W Smith

LOCATION: GREENGATES, LENHAM ROAD, HEADCORN, ASHFORD, KENT, TN27 9LG

PARISH: Headcorn

PROPOSAL: Application for planning permission for the change of use of land for the stationing of 4no static caravans for residential occupation by extended Gypsy family and associated development (stationing of 3no touring caravans, extended hardstanding and cess pool) as shown on site location plan and A4 site layout plan received on 30th December 2010.

AGENDA DATE: 4th April 2013

CASE OFFICER: Richard Timms

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

- It is contrary to views expressed by Headcorn Parish Council and they have requested the application be reported to Planning Committee.

**1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34
- Government Policy: NPPF (2012), Planning Policy for traveller sites (2012)

**2. HISTORY**

MA/09/1131 Retrospective application for removal or variation of condition 1 of planning permission MA/05/0518 (Retrospective application for the change of use of land from agriculture to the stationing of 1 no mobile home and 1 no touring caravan) to allow the site to be occupied by a different gypsy family – WITHDRAWN

MA/05/0518 Retrospective application for the change of use of land from agriculture to the stationing of 1 no mobile home and 1 no touring caravan – REFUSED (ALLOWED AT APPEAL)

MA/01/1320 Change of use of land to residential and stationing of 1 no. mobile home – REFUSED (ALLOWED AT APPEAL)

MA/95/0418 Change of use of land from agricultural to land for the stationing of a caravan creation of a hardstanding and siting of hut – REFUSED (DISMISSED AT APPEAL)

### **3. CONSULTATIONS**

#### **3.1 Headcorn Parish Council:** *"Please be advised that my council would wish to see the application refused and reported to the planning committee on the following grounds*

- 1. The plans are incorrect as they fail to show the other gypsy sites in the close vicinity.*
- 2. It is an overdevelopment of the site which is a rural area away from the major settlement and is completely out of character with the area. It is recommended by the British Horse Society that each horse alone have a minimum of 1hectare for grazing, the paddock is too small to accommodate 17 horses as stipulated in the proposal document. The area for grazing will become poor quality and become weed invested and muddy. Such deterioration will have an adverse affect on the animals welfare as well as on the character and appearance of the countryside. This site is clearly visible from a well used public footpath KH331B.*
- 3. The stationing of the mobile homes, outbuildings and hardstanding with associated domestic paraphernalia would result in the loss of openness to the site harming the character and appearance of the open countryside and the quality of the Low Weald*
- 4. The combined use of this site together with other gypsy sites in the near vicinity would result in harm to the character and appearance of the open countryside and would dominate the settled community. There are already 15 gypsy/traveller pitches along this section of the Lenham Road. This further development will overwhelm the permanent residents along this road. There appears to be no family ties to the Kent area as they have all relocated from the Midlands/North England.*
- 5. The use of the site for residential occupation would lead to an unsustainable form of development that due to the distance of Headcorn which provides the local services would have a heavy reliance on the use of the motor car as there are no public transport links."*

#### **3.2 Kent Highways:** No objections.

#### **3.3 Environmental Health:** No objections subject to specific details of foul drainage.

## **4. REPRESENTATIONS**

### **4.1 Local Residents:**

Three representations received raising the following (summarised) points:

- Harm to the countryside.
- Site is being occupied illegally.
- Noise and light pollution.
- Dogs stray onto the road.
- Impact upon residents.
- Large number of sites in Lenham Road.

**4.2 CPRE:** Opposed to the application and the present situation is not comparable to the previous appeal situation.

**4.3 Weald of Kent Protection Society:** *"This is an important application, and we recognise the full range of arguments, for and against it, which the Borough Council will have to consider. As a Society principally concerned with countryside protection, we would only comment that the proportionate increase of dwellings and people proposed on the site is a very high one, representing a quite significant development addition at what is a sensitive site. Appeals inspectors at previous cases in the vicinity appear to have rejected similar applications."*

## **5. CONSIDERATIONS**

### **5.1 Site Description**

5.1.1 The site is within the open countryside and the designated Low Weald Special Landscape Area. It is located on the south side of Lenham Road in Headcorn Parish. The site has a frontage width to Lenham Road of 40m and depth of approximately 60m. Access is in the northwest corner, which is shared with a gypsy site granted temporary permission further to the east and known as 'Long Lane'. The site is divided down the middle by a close boarded fence. Vehicular access to the northern half is off the main access then via a gravel track which runs across the front of the site. There is a hedge between this track and Lenham Road and a close boarded fence on the inside. Currently at the site is one mobile home (left by the previous owners) in the south half where the applicant and his wife live with their touring caravan on the north side. There is also a small timber shed and stable building in the northern half. The stables have been at the site for at least 5 years, and were installed before the current applicants occupation. The site is mainly laid to hard surfacing apart from a

grassed area in the southeast corner. Outside the application site immediately to the southeast is a pole barn and field where the applicant's horses are sometimes kept.

- 5.1.2 There is another gypsy site immediately to the north known as 'Acers Place' (temporary and personal permission until 2017) and immediately beyond this 'Oak Tree Farm' where application MA/10/1522 is pending. To the south of the site is open agricultural land, which has a belt of deciduous trees which front Lenham Road. To the north, and on the opposite side of the road are other gypsy sites including a large site known as 'The Meadows' for which temporary permission was granted at appeal in 2011 for 10 mobile homes and 19 tourers.

## **5.2 Planning History**

- 5.2.1 Following an inquiry held in 2002, temporary and personal permission was granted for the stationing of 1 mobile home on the site for 3 years. (This was for a different family to the current applicants). That family then applied for permanent permission under MA/05/0518, which the Council refused. At the appeal (2006), the Inspector considered that there would be harm to the character and appearance of the Special Landscape Area but, "*this would be at the very local level in an area where there have been authorised gypsy caravan sites for many years.*" She gave substantial weight to the appellant's personal circumstances (mainly health issues) and the lack of alternative accommodation or a needs assessment at the time of the appeal. On this basis, a permanent but personal permission was granted.

## **5.3 Proposal**

- 5.3.1 Retrospective permission is sought to use of the site as a residential caravan site for a different gypsy family but with proposed additional development. The proposal is for 4 mobile homes (3 more than on site) and 3 tourers (2 more than on site). Two new mobiles would be sited on the north half of the site, and an additional mobile would be sited at the rear on the south half, which would involve extension of hard surfacing over the grassed area here. One tourer would be positioned on the north half and two on the south half.
- 5.3.2 The family includes Mr & Mrs Smith (who live on site), and their three daughters and their families who would live in the other 3 mobile homes (total of 8 adults and 6 children). The daughters and their families currently travel and visit the site in their touring caravans, but wish to move onto the site to provide a settled base for their children to attend school.

## 5.4 Principle of Development & Policy Background

5.4.1 There are no saved Local Plan Policies that relate directly to this type of development. Policy ENV28 of the Local Plan relates to development in the countryside stating that:

*"Planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers"*

ENV28 then outlines the types of development that can be permitted. This does not include gypsy development as this was previously covered under housing Policy H36 but this is not a 'saved' policy.

5.4.2 A key consideration in the determination of this application is central Government guidance contained with 'Planning Policy for Traveller Sites' (PPTS) published in March 2012. This places a firm emphasis on the need to provide more gypsy sites, supporting self-provision and acknowledging that sites are likely to be found in rural areas.

5.4.3 Work on the Local Development Framework is progressing; however there is, as yet, no adopted Core Strategy. Local authorities have the responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans. To this end Maidstone Borough Council, in partnership with Sevenoaks District Council procured Salford University Housing Unit to carry out a revised Gypsy and Traveller Accommodation Assessment (GTAA). The GTAA concluded the following need for pitches over the remaining Core Strategy period:-

Oct 2011-March 2016	105 pitches
April 2016- March 2021	25 pitches
April 2021- March 2026	27 pitches
Total Oct 2011 – March 2026	157 pitches

These figures were agreed by Cabinet on the 14<sup>th</sup> March 2012 as the pitch target to be included in the next consultation version of the Core Strategy. However, an amended target was agreed by Cabinet on 13<sup>th</sup> March of **187 pitches** (30 additional pitches) to reflect the extension of the new Local Plan period to 2031.

5.4.4 Draft Policy CS12 of the Regulation 25 version of the Core Strategy outlines that the Borough need for gypsy and traveller pitches will be addressed through the granting of planning permissions and through the Development Delivery DPD.

5.4.5 Since this, the Local Development Scheme approved by Cabinet on 13<sup>th</sup> March 2013 approved the amalgamation of the Core Strategy Local Plan and the

Development Delivery Local Plan, to be called the Maidstone Borough Local Plan. The single local plan would contain policies together with the balance of all land allocations (including gypsy and traveller sites). The timetable for adoption is July 2015.

- 5.4.6 Issues of need are dealt with below but, in terms of broad principles Central Government Guidance clearly allow for gypsy sites to be located in the countryside as an exception to the general theme of restraint.
- 5.4.7 In the case of this specific site, use as a gypsy site has been accepted previously, albeit for personal use only. The view of the Inspector being that the harm was outweighed by personal circumstances but was still sufficient not to justify an unrestricted permission.

## **5.5 Gypsy Status**

- 5.5.1 Annex 1 of the PPTS defines gypsies and travellers as:-

*"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such."*

- 5.5.2 It is stated that the family have travelled widely. Mr Smith was born in Ireland but has lived most of his life in England. His wife is from the Welsh gypsy family (Price). They have frequently travelled through Kent for work doing mostly scrap metal dealing and landscaping in Ashford, Folkestone, Maidstone and Dartford areas. They usually managed to stop on farm land including land in Charing. For some 20 years they have owned and over-wintered on a gypsy site in Leicestershire. They sold the site in 2007/08 and returned to living on the road travelling mainly around the south coast and the Cotswolds stopping on waste ground, farm land and laybys. Mr Smith is a horse dealer and has kept horses all his life. He goes to all the main horse fairs and horse dealing is his main source of income. The family have never lived in housing. Reference is also made to other family members whose gypsy status has been accepted elsewhere in the country. A letter has also been provided from a person who used to run an adult learning project for Leicestershire County Council which states she has known Mr Smith and his family for 20 years and that they are from a Romany Gypsy family. He states that the family frequently left the area for reasons of finding work, travelling to fairs and joining up with family. This would sometimes be for weeks or months at a time. In terms of the daughter's husbands, it is stated that they are from gypsy families, have travelled in the past and continue to travel for work.

5.5.3 From the evidence provided, I consider that Mr & Mrs Smith and their family comply with the definition of a gypsy as outlined in Government guidance in Planning Policy for traveller sites.

## 5.6 Need for Gypsy Sites

5.6.1 The PPTS gives guidance on how gypsy accommodation should be achieved, including the requirement to assess need.

5.6.2 The latest GTAA (2011-2026) provides the projection of accommodation requirements as follows –

Oct 2011-March 2016	105 pitches
April 2016- March 2021	25 pitches
April 2021- March 2026	27 pitches
Total Oct 2011 – March 2026	157 pitches

However, an amended target was agreed by Cabinet on 13<sup>th</sup> March of **187 pitches** (30 additional pitches) to reflect the extension of the new local plan period to 2031.

5.6.3 Taking into account this time period, since 1<sup>st</sup> October 2011 the following permissions for pitches have been granted (net):

30 Permanent non-personal permissions

6 Permanent personal permissions

0 Temporary non-personal permissions

7 Temporary personal permissions

Therefore a net total of 36 permanent pitches have been granted since 1<sup>st</sup> October 2011.

5.6.4 It must be noted that the requirement for 105 pitches in the initial 5 year period includes need such as temporary consents that are yet to expire (but will before the end of March 2016) and household formation. Therefore although the pitch target is high for the first five years, the immediate need is not, in my view, overriding. However, the latest GTAA clearly reveals an ongoing need for pitches.

## **5.7 Visual Impact**

- 5.7.1 The latest guidance in the PPTS states that Local Planning Authorities should strictly limit new traveller development in open countryside (paragraph 23) but goes on to state that where sites are in rural areas, considerations are that sites do not dominate the nearest settled community and do not place undue pressure on local infrastructure. No specific reference to landscape impact is outlined, however, this is addressed in the NPPF and clearly under Local Plan policy ENV28.
- 5.7.2 The development, including the existing mobile home, hard surfacing and fencing is visible from Lenham Road when approaching the site from the south, but the presence of 15m deep belt of trees on adjoining land means that views are broken. When nearer to the entrance to the site the development is much more intrusive where the hard surfacing, fencing and caravans are highly visible and this would be increased with the proposed additional mobiles. The large expanse of hard surfacing, particularly the track which runs along the front of the site is harmful and the roadside hedge is sparse so does not serve to screen this.
- 5.7.3 When approaching the site from the north from around 100m away, existing and proposed caravans would be visible to the rear of the site, although they are seen in the context of the two sites in front. Getting nearer to the site from this direction, the native hedging along the front of the neighbouring sites does serve to partly screen the site.
- 5.7.4 I note there are also relatively clear views of the site from public footpath KH331B on higher ground around 260m south of the site, where the whole site is in view and detracts from the landscape.
- 5.7.5 I agree with the previous Inspector that the development is harmful to the area but this is localised with no significant medium to long range landscape impact. However, the proposal is for significant additional development at the site in the form of 4 mobile homes and 3 caravans and the attendant paraphernalia that comes with four families. My view is that the site would cause unacceptable harm to the countryside and Special Landscape Area. I therefore do not consider a permanent permission is appropriate for this site.

## **5.8 Personal Circumstances**

- 5.8.1 No specific personal reasons to live at this site have been put forward apart from stating that Mr and Mrs Smith are seeking somewhere to live on account of their age, and that some of the children have and will attend the local school.



## **5.9 Residential Amenity**

5.9.1 There are neighbouring residential gypsy sites to the north but there is boundary fencing between so sufficient privacy is provided. The nearest houses are over 180m away and at this distance, I do not consider there would be any harm to amenity.

## **5.10 Highways**

5.10.1 Visibility distance to the north was an issue discussed at the appeal in 2006. The Inspector considered that as the site had been used for residential purposes for over 4 years, and for agricultural purposes for considerably longer, and because there have been no recorded personal injury accidents during that time, the access was not so sub-standard such as to be a danger to users of Lenham Road. Kent Highways have been consulted on the current application and raise no objections also confirming that there have been no injury crashes in the last 3 years.

## **5.11 Other Matters**

5.11.1 In terms of impact on ecology, the site has been in existence since 2001 and so any implications for ecology occurred at that time, and I note this has not been raised as an issue by the Council or Inspectors under applications and appeals.

5.11.2 The number of sites on Lenham Road has been raised by the Parish Council and objectors and the PPTS states that sites should not dominate the nearest settled community. This was an issue discussed in the Public Inquiry appeal decision into 'The Meadows' site opposite for 10 mobile homes and 19 tourers (56 people) in 2011. Here the Inspector considered that the communities of Headcorn and Ulcombe were too large and too distant from the appeal sites for them to be dominated by the proposed developments. In terms of Lenham Road, he considered that the site would not be so large or so close as to harmfully dominate the settled community which, he stated, includes a significant number of Gypsies and Travellers. For this reason, I do not consider the 4 mobile homes and 14 people proposed to live at the application site could be said to dominate the nearest settled community.

5.11.3 The issue of the number of horses kept of the applicant's field to the rear has been raised, however this is not part of the application. Notwithstanding this, horses are not currently kept in the field and there are no immediate plans to do so. I understand Mr Smith main work was as a horse dealer but due to his age does not carry out this work regularly anymore.

5.11.4 Drainage is currently provided by a single cess pit and it is proposed to provide another to serve all 4 mobile homes. Environmental Health have recommended that these details are submitted by condition.

## **6. CONCLUSION**

- 6.1 I consider that there would be visual harm to the countryside but I agree with the previous Inspectors that this is localised. This must be balanced against the ongoing need to provide gypsy accommodation. Whilst the Council is working towards providing policy in relation to gypsy and traveller development, providing land allocations and a new public site, at present there are no adopted policies in place, no sites are available (public sites are full) and no land is allocated. The level of local provision, need for sites, and availability of alternative accommodation are key issues to consider under the PPTS.
- 6.2 In the past Inspectors have found that there is a substantial unmet need for sites and there are no alternative suitable sites that are available. In these circumstances they have allowed temporary permissions because the planning circumstances are expected to change (through the Council providing sites). Circular 11/95 *The Use of Conditions in Planning Permission* advises that a temporary permission may be justified where it is expected that the planning circumstances will change in a particular way at the end of the period of the temporary permission.
- 6.3 I also note that in two appeal decisions from May 2012 and March 2013 near Laddingford (under the PPTS and latest GTAA), Inspectors have considered there to be a high and pressing need for sites in Maidstone. In the case of one site, of similar size to this application, the Inspector considered the site to be harmful to the countryside but because of the lack of alternatives and the impacts vacating the site would have on the family, a temporary permission was appropriate.
- 6.4 In this case, I consider localised harm to the countryside would be caused. In balancing the general need to provide sites, the current policy position and the lack of alternative sites against the level of harm caused, in this case, I consider that a temporary permission is appropriate. The Local Plan which would include gypsy and traveller site allocations is timetabled for adoption in July 2015. As such, the planning circumstances will change at this time.
- 6.5 I am conscious that the Council granted temporary permission until 2017 at 'Acers Place' immediately to the north giving a 5 year permission. The committee report recommended 3 years and it is unclear why a 5 year period was approved as this was not tied into to any timetable for land allocations. I consider that any temporary period should be tied to the allocations timetable (July 2015) in line with Circular 11/95, which is 2 years and 3 months away. However, due to the

permission immediately adjacent and to allow reasonable time to find an alternative site, I consider it would be reasonable to allow a 3 year permission until April 2016.

- 6.6 Whilst there are no strong medical, educational or other needs identified for the applicant's family to occupy this site, there is a personal need for them to have a settled base. The site will meet this personal need and on this basis I recommend a personal and temporary permission.
- 6.7 I have discussed potential landscaping measures to reduce the impact of the site with the applicant. He explained that he wishes to retain the gravel track along the front of the site, which is particularly harmful, but could provide additional planting to strengthen the front hedge and also on the outside of the close-boarded fencing behind. Whilst this would not make the site acceptable, it would potentially improve its appearance and as the applicant is agreeable to this, I consider it could be attached as a condition.
- 6.8 I am recommending conditions restricting this to a personal and temporary permission, restoration of the site, restricting the number of caravans, restricting any business use, landscaping, details of foul drainage, details of lighting, and removal of permitted development rights for boundary treatments in the interests of visual amenity.

## **7. RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

1. The occupation of the site hereby permitted shall be carried on only by the applicant Mr Walter Smith, his wife Beryl Smith, and their daughters Charlene O'Riley, Crystal Smith, Beryl Smith, and their husbands/partners and resident dependents, and shall be for a limited period of three years, or the period during which the site is occupied by them, whichever is the shorter.

Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted and an exception has been made to reflect the personal need of the applicant and her family and to enable the situation to be reviewed when work is complete on the Development Delivery Local Plan. This is in accordance with Maidstone Borough-Wide Local Plan 2000 policy ENV28, the NPPF 2012 and the Planning Policy for Traveller Sites 2012.

2. When the land ceases to be occupied by those named in condition 1 or at the end of three years, whichever shall first occur, the use hereby permitted shall cease, all development, materials and equipment brought onto the land in connection with the residential use of the site, shall be removed and the land

restored to its former condition;

Reason: To appropriately restore the site in the interests protecting the character and appearance of the countryside and Special Landscape Area in accordance with policies ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan 2000, the NPPF 2012 and the Planning Policy for Traveller Sites 2012.

3. No more than 7 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 4 shall be a static caravan or mobile home) shall be stationed on the site at any time;

Reason: To safeguard the character and appearance of the countryside in accordance with policies ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan, the NPPF 2012 and the Planning Policy for Traveller Sites 2012.

4. No commercial or business activities shall take place on the land;

Reason: To prevent inappropriate development and safeguard the amenity, character and appearance of the countryside and nearby properties in accordance with policy ENV28 of the Maidstone Borough-Wide Local Plan 2000, the NPPF 2012 and the Planning Policy for Traveller Sites 2012.

5. Within 3 months of the date of this decision, specific details of the proposed means of foul and surface water disposal shall be submitted to the Local Planning Authority for approval in writing. The development shall thereafter be undertaken in accordance with the approved details;

Reason: In the interests of proper drainage and prevention of pollution in accordance with the NPPF 2012.

6. Within 3 months of the date of this decision details of existing and any proposed external lighting within the site shall be submitted to the Local Planning Authority for approval in writing. No further external lighting shall be installed at the site beyond that approved under this condition;

Reason: To safeguard the character and appearance of the countryside in accordance with Policies ENV28 and ENV34 of The Maidstone Borough-Wide Local Plan 2000, the NPPF 2012 and the Planning Policy for Traveller Sites 2012.

7. Notwithstanding the provisions of Schedule 2, Part 2, Class A 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 fences, gate or walls shall be erected at the site;

Reason: To ensure an appropriate setting to the site in the interests of visual amenity in accordance with Policies ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan 2000, the NPPF 2012 and the Planning Policy for Traveller Sites 2012.

8. Within 3 months of the date of this decision 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 include retention and strengthening of the roadside hedge and planting to soften existing fencing within the site and shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted and to ensure a satisfactory setting and external appearance to the development in accordance with policies ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan 2000, the NPPF 2012 and the Planning Policy for Traveller Sites 2012.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out either before, or in the next planting and seeding season following approval (October 2013 to March 2014). Any trees or plants which die, are removed or become seriously damaged or diseased for the period that the residential use is permitted at the site, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure an appropriate setting to the site in the interests of visual amenity in accordance with Policies ENV6, ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan 2000, the NPPF 2012 and the Planning Policy for Traveller Sites 2012.

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

Site location plan and A4 site layout plan received on 30th December 2010.

Reason: To safeguard the character and appearance of the countryside in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan (2000), the NPPF 2012 and the Planning Policy for Traveller Sites 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 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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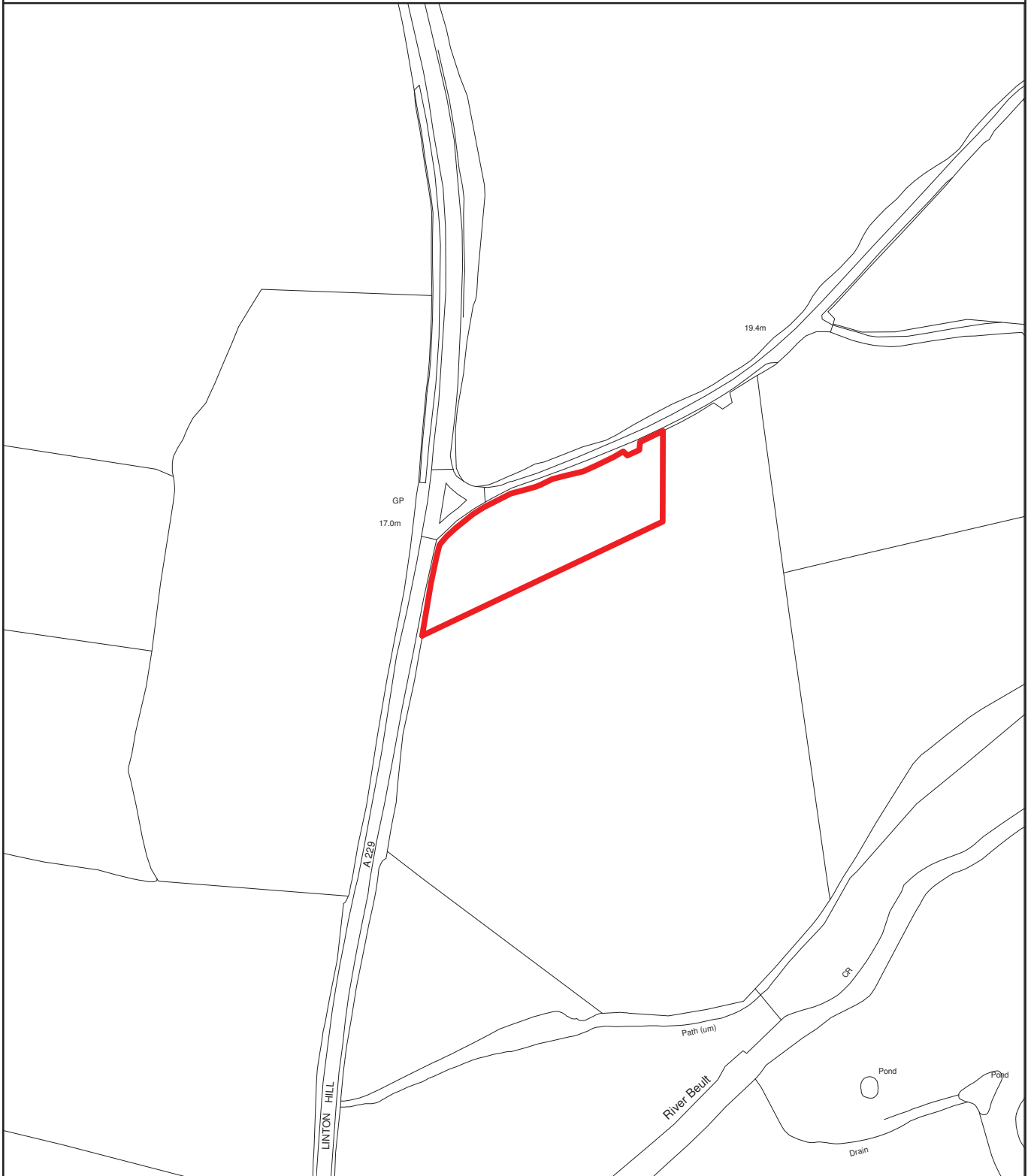
# Agenda Item 14

## THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/12/1167

GRID REF: TQ7648

FIVE OAK STABLES, STILEBRIDGE LANE,  
LINTON.



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



APPLICATION: MA/12/1167 Date: 18 June 2012 Received: 21 June 2012

APPLICANT: Mr William Lee

LOCATION: FIVE OAK STABLES, STILEBRIDGE LANE, LINTON, MAIDSTONE, KENT, ME17 4DE

PARISH: Linton

PROPOSAL: Erection of day room; laying of hard standing; and erection of 1 No. external lights as shown on the site location plan, block plan (rev A) and 2No. un-numbered drawings, supported by a design and access statement, all received 21st June 2012, and a covering letter received 24th September 2012.

AGENDA DATE: 4th April 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 **Linton Parish Council**.

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV46, ENV49
- Other: Residential Extensions Development Plan Document.
- Government Policy: National Planning Policy Framework 2012, Planning Policy for Traveller Sites 2012.

## **2. HISTORY**

MA/12/0407 - An application for discharge of conditions relating to MA/11/0729 (Erection of 5 no. stables, hay store, mess room and tack room, and associated hard surfacing) being details of condition 1 (disposal of run off) and condition 5 (storage and method of disposal of faecal, bedding or other waste) – APPROVED.

MA/12/0406 - Application for a non material amendment to MA/11/0729 (erection of 5 no. stables, hay store, mess room and tack room, and associated hard surfacing) being the insertion of 1no. frosted glass window and door to the tack room; the insertion of 1no. frosted glass window to the mess room; and the insertion of 11no. clear corrugated roof sheets to stables – APPROVED.

MA/11/0867 - An application to discharge conditions relating to MA/10/1833 - (Change of use of land to residential caravan site for one gypsy family with two caravans, including laying of hardstanding and construction of access road) - being details of condition 3, landscaping and condition 4, drainage – APPROVED.

MA/11/0729 - Erection of 5 no. stables, hay store, mess room and tack room, and associated hard surfacing - APPROVED WITH CONDITIONS.

MA/10/1833 - Change of use of land to residential caravan site for one gypsy family with two caravans, including laying of hardstanding and construction of access road - APPROVED WITH CONDITIONS.

MA/10/1253 - Erection of 5 no. stables, hay barn and stores for private use only – REFUSED.

MA/98/1330 - Use of land for charitable fund-raising purposes only on no more than 12 occasions in any one calendar year, for 'Open Days' and/or seasonal events – APPROVED WITH CONDITIONS.

MA/76/1240 - Erection of greenhouses – APPROVED.

### **3. CONSULTATIONS**

3.1 **Linton Parish Council** wish to see the application refused on the following grounds:

3.2 *"We feel that planning control is in place to enable local authorities to prevent inappropriate development; Linton Parish Council wishes to see this totally inappropriate application refused as we feel that it is an application to build a fixed dwelling which is contrary to the ethics of the travelling community."*

3.2 The **Maidstone Borough Council Environmental Health Officer** raises no objection to the proposal.

### **4. REPRESENTATIONS**

4.1 Two representations were received from a single household. These raised concern in respect of the scale of the development and its visual impact.

## **5. CONSIDERATIONS**

### **5.1 Site Description**

- 5.1.1 The proposal site is located in open countryside within the parish of Linton to the south east of the junction of Stilebridge Lane, an unclassified single track highway, with Linton Hill, the A229. The site has no specific environmental designations.
- 5.1.2 The site is level, and has a lawful use for the stationing of caravans for residential purposes by persons of Gypsy status under the scope of planning permission MA/10/1833. Built development on the site comprises areas of hard surfacing and fencing and a cess pool in the west of the site which facilitate the residential occupation of the land, as well as a stable building and associated hard surfacing to the east of the area on which the caravans are sited.
- 5.1.3 The site is located at the foot of the Greensand Ridge, and is approximately level. The site is screened from the adjoining public highways by mature native hedges, behind which is close boarded fencing. The land to the south and east of the site, which is in the ownership of the applicant, is used for the grazing of horses. The land to the north of Stilebridge Lane and to the west of Linton Hill is agricultural land.

### **5.2 Proposal**

- 5.2.1 The proposed development is the erection of a detached single storey building to provide an amenity block, the extension of the hard surfacing within the site, and the introduction of a lighting column to the site entrance. The application originally sought consent for three lighting columns however the scale of this element of the development has been reduced through negotiation with the applicant.
- 5.2.2 The proposed amenity block would have a rectangular footprint measuring 11m by 6.2m, giving an overall footprint of 68.2m<sup>2</sup>. The building would have a simple pitched roof form, with a ridge height of 4.2m and eaves heights of 2.2m. The amenity block would provide a kitchen/dining area, a bathroom and laundry, and would be sited in the west of the site, adjacent to the position of the mobile and the tourer. The building would be 2m from the existing frontage hedge at its closest point and would be sited on an existing hard surface.
- 5.2.3 The extension of the hard surfacing comprises additional areas to the south and east of the stable building, and a small increase in the area in the west of the site to accommodate the introduction of the amenity block in addition to the

mobile home and tourer which already benefit from planning permission and two off road parking spaces.

5.2.4 The light to the entrance is mounted on a 3m pole in the proximity of the site access from Stilebridge Lane, which is located 85m to the west of Linton Hill. The light is movement activated.

5.2.5 Planning permission for the hard surfacing and the light is sought retrospectively, whilst the application is prospective in respect of the amenity block.

### **5.3 Principle of Development**

5.3.1 The key Local Plan policy by which applications of this type should be judged is ENV28, which restricts development in the open countryside to a few clearly defined exceptions, in order to protect its character and appearance. However, the proposal site benefits from planning permission for the residential occupation of the land by persons of Gypsy status, and the land is currently occupied in accordance with the existing consent; the development for which planning permission is sought would serve the existing lawful use, which has previously been fully accessed and found to be acceptable.

5.3.2 Maidstone Borough Council has no adopted policies in respect of Gypsy and Traveller sites, however national planning policy relating to such development is set out in Planning Policy for Traveller Sites 2012. The document does not make specific reference to associated structures associated with such uses, however as Members will be aware, appeal decisions and case law have established that a certain amount of ancillary development, including amenity blocks, is to be expected in order to support the use of the land for residential purposes.

5.3.3 The principle of the development for which planning permission is sought, is therefore considered to be acceptable.

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

5.4.1 The scale and design of the proposed amenity building is considered to be appropriate and visually acceptable within the context of the site. Whilst I note that concern has been raised by a local resident in respect of the visual impact of the development, to my mind the proposed amenity block and hard surfacing would be adequately screened by the existing landscaping and boundary treatments. Although the roof of the building may be visible from the public highway, it is modest in scale, and comparable in size to other similar structures serving other Gypsy sites, and to my mind it would not be visually dominant or out of keeping in the context of the residential use of the land.

- 5.4.2 I note that concern has also been raised in respect of the retention of the existing light, the use of a single movement activated, and therefore intermittent, light is not considered to be excessively out of keeping with the residential use or to result in significant visual harm, and such features are not uncommon at residential sites, even in rural locations. As such it is not considered reasonable to refuse this element of the application, although a condition should be attached to any permission requiring the other two lights originally included within the scope of the application to be removed from the site within 1 month of the date of the decision.
- 5.4.3 It is considered that the proposed development would have a limited visual impact upon the open countryside, and would be subject to limited public views as a result of its scale and spatial relationship to the existing dwelling against which the development would be seen, together with the existing landscape screening to the site. For this reason it is considered that the proposal would have a restricted visual impact upon the character and appearance of the open countryside, the North Downs Area of Outstanding Natural Beauty and the Kent Downs Special Landscape Area and would not result in harm to the scenic beauty of the surroundings.
- 5.4.4 For these reasons, there is therefore no objection to the proposal on the grounds of design or visual impact.

## **5.5 Other Matters**

- 5.5.1 There are no neighbouring dwellings which would be impacted in any way by the development. The proposal would not result in any changes to the existing access arrangement or provision of on site parking provision.
- 5.5.2 Whilst concern has been raised by the Parish Council in respect of the use of the amenity block as a residential dwelling, the purpose of the building is to provide additional facilities ancillary to the use of the land as a residential caravan site, which has a permanent non-personal condition. There is therefore not considered to be any objection on the grounds that the application seeks planning permission for permanent development. Planning permission is not sought for the residential occupation of the building as a dwellinghouse, and the application cannot be assessed on this basis.
- 5.5.3 The proposal would not have any impact upon the surrounding trees and hedging in excess of what may have resulted from the introduction of the existing hard surfacing, and as the building would not provide habitable accommodation, there is unlikely to be any future pressure for removal of hedging.

## **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 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. Within 1 month of the date of this decision the 2 existing external lights on the lighting column in the south west of the site identified on the un-numbered block plan received on 21st June 2012 shall be removed;

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 ENV49 of the Maidstone Borough-Wide Local Plan 2000 and central government planning policy as set out in the National Planning Policy Framework 2012.

2. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the building 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 high quality appearance of the development and safeguard the character and appearance of the open countryside in accordance with policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and central planning policy as set out in the National Planning Policy Framework 2012.

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

2No. un-numbered drawings, supported by a design and access statement, all received 21st June 2012, and a covering letter received 24th September 2012;

Reason: To ensure the quality of the development is maintained and to secure the character and appearance of the open countryside in accordance with policies ENV6 and ENV28 of the Maidstone Borough-Wide Local Plan 2000 and

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

**Informatives set out below**

For the avoidance of doubt, this consent grants planning permission for one external light to the site access, and for no other external lights within the site.

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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13. 2. 2013



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13. 2. 2013

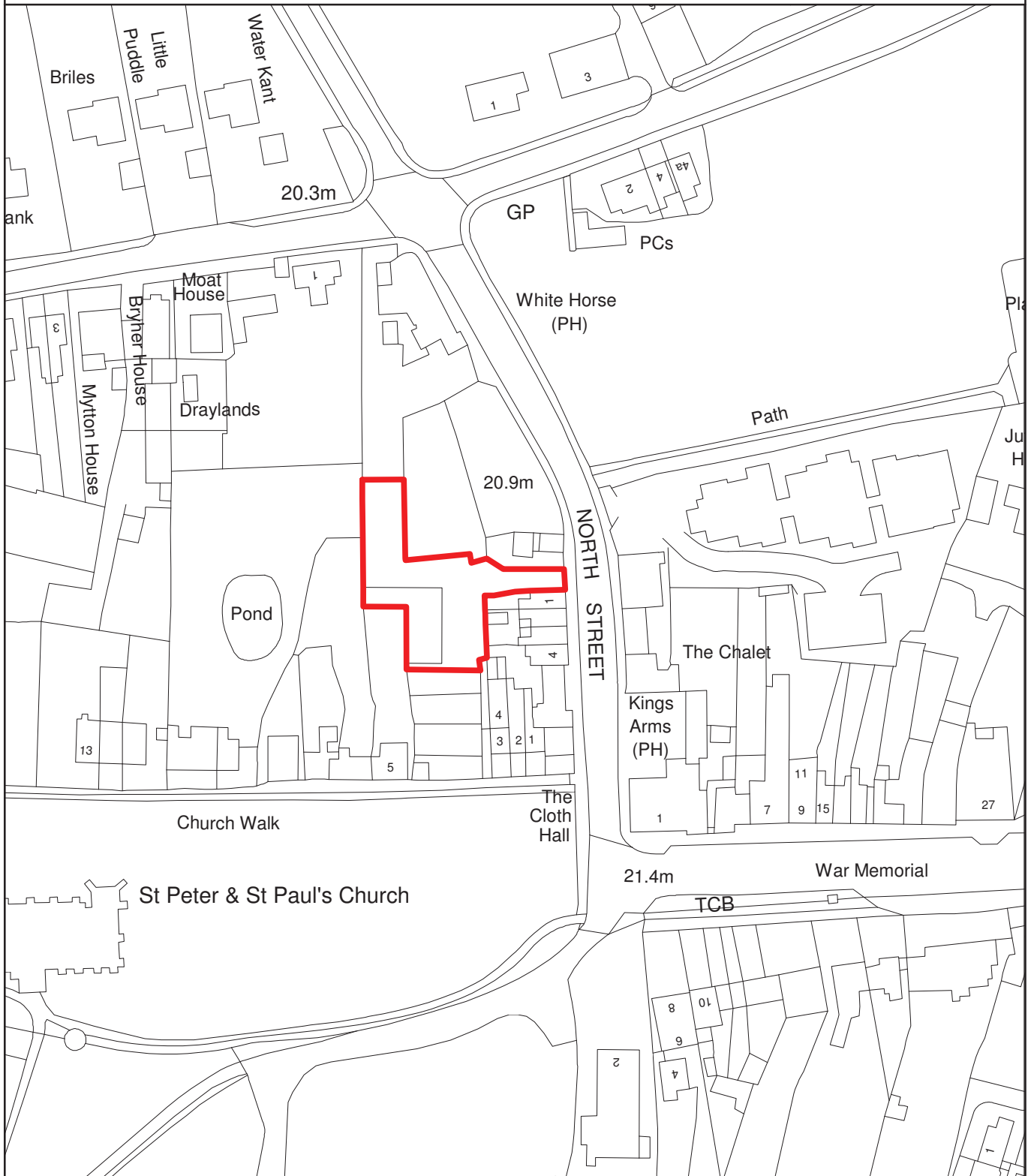
# Agenda Item 15

## THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/12/2075

GRID REF: TQ8344

PARNHAM HOUSE, NORTH STREET,  
HEADCORN.



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**Rob Jarman**  
Head of Planning

APPLICATION: MA/12/2075 Date: 11 December 2012 Received: 1 March 2013

APPLICANT: Mr Anthony Hayes

LOCATION: PARNHAM HOUSE, NORTH STREET, HEADCORN, KENT, TN27 9NN

PARISH: Headcorn

PROPOSAL: Change of use of building to gymnasium with parking including single storey extension, alterations to fenestration and associated works and installation of outside bike store/shelter as shown on Statement in Support of Application, proposed block plan and existing elevations and floor plans received 20/11/12, letter from agent and proposed elevations and floor plans received 30/01/13 and site location plan received 19/02/13.

AGENDA DATE: 4th April 2013

CASE OFFICER: Kathryn Altieri

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

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

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: CF14, ENV34
- Government Policy: National Planning Policy Framework

## **2. HISTORY**

- MA/89/1750 – Extension – approved
- MA/79/1041 - Extension to building to include sale of heating and plumbing equipment from existing building – approved/granted with conditions
- MA/78/0119 – Conservation area consent for the demolition of a timber building – approved/granted with conditions

## **3. CONSULTATIONS**

3.1.1 **Headcorn Parish Council:** Wish to see this application refused and reported to planning committee. Objections have been raised on the grounds of;

3.1.2 *Insufficient parking provision, highway safety, sewerage issues, general noise and disturbance to local residents, loss of light and overshadowing, and access to rights of way affected. The parish Council also suggested alternative sites would be more suited and suggested amendments to the existing design.*

3.2 **Conservation Officer:** Raises no objections with recommendation of samples of materials condition;

3.2.1 *"This is a modern building erected in the 1980s which makes a neutral contribution to the character of the conservation area. The proposed additions and alterations will have little impact on this character or on the settings of nearby listed buildings. The new use will add vitality to the conservation area."*

3.3 **Environmental Health Officer:** Raises no objections with informatives;

3.3.1 *"This site has been used as a builders yard and as such may have some historic contamination associated with it, but because of the fact that it is a change of use rather than being a demolition for residential use, I conclude that there will not be the necessity to carry out a contaminated land assessment. However, the change of use to a gymnasium may introduce an unwelcome noise, perhaps from amplified music, to nearby residents, despite the busy traffic noise from the A274. What is required is a common sense approach and good housekeeping by the new gymnasium owners to minimise unnecessary noise by keeping all windows and doors shut and by introducing a noise policy to users of the facility to minimise unnecessary noise whilst leaving the facility and in the car park. These are often the biggest source of noise complaints from similar facilities.*

Further comments received on 13<sup>th</sup> March 2013;

3.3.2 *"I have now been sent information concerning the acoustic output of the proposed units. The values are not, in my opinion, excessive compared with the anticipated noise environment, i.e. the adjacent A274 and the numbers of vehicles that use this route. The position of the external unit also helps to have the output screened from the nearest properties. In addition, these units will also not be left on while the premises are not in use. I therefore conclude that the noise impact of these units on nearby properties will not be significant. Following the receipt of this information I now longer have any noise objections."*

3.4 **KCC Highways Officer:** Raises no objections;

3.4.1 *"The site is located in the centre of Headcorn in an accessible location to the village. Parking is provided for 8 cars, 2 motorcycles and 4 cycles within the site. SPG4 recommends a maximum of 1 car parking space per 22m<sup>2</sup> which would equate to a maximum of 9 spaces being provided. Parking is also available on North Street opposite the site access for a limited period of 2 hours between 8am and 6.30pm. Car parking is therefore considered to be adequate for the proposed use, although provision should be made for a disabled parking space. Cycle parking is also considered to be adequate.*

3.4.2 *The existing access to the site also gives access to a private car park and hairdressers. North Street, at this location, is subject to a 30mph speed limit. Visibility from the site access is restricted by the buildings each side of the access therefore any significant increase in traffic from this application may give cause for concern. This being the case I have analysed the TRICs database to give an indication of the levels of traffic likely to be generated by the proposal. This indicated that traffic levels generated by a private fitness club in a suburban location, (no surveys were available for village centre locations) are likely to be in the order of 4 between 0800 – 0900 comprising of 2 arrivals and 2 departures and 11 between 1700 -1800 comprising of 7 arrivals and 4 departures. Given that this traffic generation should be offset by those which could be generated by the existing use of the site, the number of new trips using the access is not high.*

3.4.3 *Additionally, there have been no recorded injury crashes on the A274 North Street in the vicinity of this access within the latest 3 year period."*

Further comments received on 12<sup>th</sup> March 2013;

3.4.4 *"In view of the fact that the proposed use of the site is not likely to generate any significant increase in traffic movements over and above that which could be generated by the existing land use on the site I would not wish to raise objection subject to the following conditions:-*

- *Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.*
- *Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing."*

3.5 **English Heritage:** Does not wish to comment;

3.5.1 *"This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice."*

#### **4. REPRESENTATIONS**

4.1 14 representations have been received by 9 neighbours, raising concerns over;

- Highway safety
- Parking provision & wrongful use of existing parking facilities for residents
- General noise and disturbance
- Loss of privacy/overlooking
- Loss of light/over shadowing
- Loss of a view
- Visual impact/impact on setting of nearby listed buildings/conservation area
- Alternative sites have been suggested
- Impact on rights of way
- Loss of house value

## **5. CONSIDERATIONS**

### **5.1 Background information**

5.1.1 The applicant did receive pre-application advice from the Council back in August 2012. It was stated at this time that the principle of the proposed change of use would likely be acceptable, subject to the detail of any formal submission. The proposed scheme has also been amended during the life of the application, with the roof design of the extension being changed from a barn-hip to a full hipped roof.

### **5.2 Site description**

5.2.1 'Parnham House' is a modern detached building set back and accessed from North Street. It is brick built with a plain tiled barn-hip roof, there is already a single storey (flat roofed) extension projecting from the western elevation; and at the time of my site visit was vacant but last used as a builder's merchant. There is an area of hardstanding to the front (east) and side (north) of the site; and the site is enclosed by a small dwarf wall to the north, a five-bar entrance gate, and 1.8m high close boarded fencing to the south and east. A parking area is found beyond, to the north of the site (believed to serve local residents); and the closest residential properties are to the east and south of the site, fronting onto North Street and Church Walk.

5.2.2 The vehicle access from North Street (A274), which is also used by local residents, is flanked by residential properties to the south and a small commercial unit to the north; the western side of North Street along this stretch does have double yellow lines; there is on street parking available on the eastern side; and the speed limit here is 30mph.

5.2.3 The application site is in the defined village envelope and Conservation Area (article 4) of Headcorn; and is in the Low Weald Special Landscape Area (policy ENV34) as shown by the Maidstone Borough-Wide Local Plan 2000 (MBWLP).

### **5.3 Proposal**

5.3.1 The proposal is for the change of use of the two storey building to a gymnasium (D2 use) and would include the erection of a single storey extension projecting from the front (eastern) elevation.

5.3.2 Projecting some 8m from the eastern elevation of the existing building, the extension shown would measure some 7.7m wide, covering a floor area of some 61.5m<sup>2</sup>; and with its hipped roof would stand some 6m in height, the same as

the existing building. The proposed extension would be set in 1m from the site's southern boundary and approximately 1.8m from the eastern boundary.

- 5.3.3 Fenestration alterations would include the removal of the rooflights in the eastern roof slope; the replacement of the door on the eastern elevation with a window; and the replacement of the door to the northern elevation of the existing (flat roofed) single storey extension with a window.
- 5.3.4 The proposal would have use of 8 car parking spaces, 2 motorcycle spaces and a newly installed small bicycle shelter (to hold 4 bicycles).
- 5.3.5 The applicant has confirmed the opening hours to be 09:30-19:00 Monday-Saturday and 09:00-17:00 on Sundays and Bank Holidays.

#### **5.4 Relevant policy and guidance**

- 5.4.1 The application site is not allocated employment land, and general advice in the National Planning Policy Framework (NPPF) states that there should be a presumption in favour of sustainable development whilst protecting existing communities. In addition, one of the core planning principles of the NPPF is to...."*proactively drive and support sustainable economic development...and respond positively to wider opportunities for growth*". The application site is in a sustainable area and the proposal would maintain the building for employment use, generating employment opportunities, albeit on a small scale.
- 5.4.2 The National Planning Policy Framework (NPPF) seeks to support the rural economy, "*...in order to create jobs and prosperity by taking a positive approach to sustainable new development.*" The NPPF goes on to state that to promote a strong rural economy, support should be given to "*...the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.*"
- 5.4.3 The NPPF also seeks to promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship. Whilst not specifically relating to gyms, I consider the sentiment of the NPPF to be of relevance in terms of this proposed change of use.
- 5.4.4 In terms of the historic environment, the NPPF also states that...."*Not all elements of a conservation area will necessarily contribute to its significance.*"
- 5.4.5 The most relevant saved Local Plan policy relating to development of this type is saved policy CF14 of the MBWLP. This policy permits proposals for D2 (assembly & leisure) uses outside the core shopping area provided that the criterion set out in this policy is met. Gymnasiums are classified as a D2 use.

5.4.6 In summary, policy CF14 will permit D2 uses in areas outside the core shopping area provided that;

- It does not under mind the vitality and viability of the existing village;
- It improves the attractiveness and functioning of the village, both socially and economically;
- It does not have a significant detrimental impact on neighbour amenity;
- It does not result in any significant highway safety issues;
- It is in a sustainable location with adequate parking provision;

5.4.7 The site is in a sustainable location, within walking distance of Headcorn village centre, local bus routes and Headcorn train Station; and I am of the view that the principle for a D2 use in this location is considered acceptable. I will therefore now consider the detail of the proposal against the criteria set out in these policies and guidance.

## **5.5 Impact on vitality and viability of Headcorn village centre**

5.5.1 The application site is in walking distance of Headcorn village centre, being only some 60m from the High Street; and I am not aware of an over provision of this type of use in Headcorn village. Indeed, the applicant has pointed out that there are no other gyms similar to what is proposed here within seven miles of the site.

5.5.2 I am therefore satisfied that this proposal would not undermine the vitality and viability of the village, but more improve the quality, attractiveness and functioning of the village centre and its role in the economic and social life of the community.

5.5.3 This application is not considered to be a major proposal and so the applicant does not have to demonstrate that they have followed a sequential approach to the proposed location.

## **5.6 Design, siting and appearance**

5.6.1 There would be views of the proposed extension from public vantage points. However, these views would not appear over dominant or incongruous, given that 'Parnham House' is set back more than 25m from North Street to the east of the site and from Church Walk to the south of the site; and the site is largely screened from public view by way of the existing surrounding built development.



- 5.6.2 I am also of the view that the proposed extension would be well proportioned and appropriately designed; and to further ensure a satisfactory appearance to the development I will request samples of the external materials to be used by way of condition. The external air conditioning unit would also not be significantly visible from any public vantage point.
- 5.6.3 This modern building makes a neutral contribution to the character of the conservation area, and I am of the view that the proposed development, given its scale, design, siting and set back from any public vantage point, would not have a significant adverse impact on the setting and character of Headcorn Conservation Area, the near-by listed buildings or the wider surrounding area. The Council's Conservation Officer raises no objections.

## **5.7 Residential amenity**

- 5.7.1 The proposed single storey extension would be set back approximately 1.8m from the western (rearmost boundaries) of the terrace of houses that front onto North Street; and some 9m away from the rear elevations of these properties. The proposal would also be set in 1m from the southern boundary of the site; and on the angle, set approximately 2m away from 4 Church Walk with this neighbour's garden area to the south of the proposal. I am satisfied that the proposed extension's positioning and orientation in relation to the surrounding properties, together with its scale, low eaves height and hipped roof design further reducing its bulk, would not cause significant overshadowing or a significant loss of light or outlook to any neighbouring occupant. In addition, no new openings would directly face onto any dwelling and acceptable levels of privacy at ground floor level would be maintained by way of the existing 1.8m high close boarded fencing for boundary treatment.
- 5.7.2 There is the potential for this change of use to generate levels of noise from inside the building that could have an adverse impact on the living conditions of local residents. To mitigate against this, I consider it reasonable to condition all openings to be shut during hours of operation. The applicant will also be reminded by way of informatives to have due consideration for local residents and as far as is practicable reduce the transmission of amplified sound. The proposed air conditioning units should maintain a comfortable environment for the gym users.
- 5.7.3 The Environmental Health Officer has raised no objections to the submitted details regarding the external and internal air conditioning units, in terms of their impact on neighbouring properties. Indeed, the acoustic output of the proposed units is not considered to be excessive compared with the adjacent A274 and the number of vehicles that use this route; and the position of the external unit (on the building's western elevation) also helps to have the output

screened from the nearest properties. I am therefore satisfied that the air conditioning units would not have a significant noise impact on the occupants of nearby residential properties.

- 5.7.4 Given the proposed use of the site and the proposed car park's separation distance from any residential property; and the fact that there is already a car park in use adjacent to the site (using the same access), I am of the view that the vehicle movements to and from the site would not be any more significantly disturbing to neighbours when compared to existing uses around the site and what the site was previously in use as.
- 5.7.5 The applicant has proposed the opening hours to be 09:30-19:00 Monday-Saturday and 09:00-17:00 on Sundays and Bank Holidays. I consider these times to be acceptable and have no objections in this respect in terms of the impact on surrounding neighbours. I am of the view that the recommended conditions would ensure that the proposed change of use would not cause significant residential amenity issues and therefore do not consider it reasonable to restrict the opening hours by way of condition.

## **5.8 Highway implications**

- 5.8.1 The site is in a sustainable location, in walking distance of Headcorn village centre, which is served by a bus route and train station; and the proposal would provide eight parking spaces for cars, two motorcycle spaces and four bicycle spaces. In addition to this, there is parking provision on North Street, close to the application site, for a limited period of two hours between 8am and 6:30pm. After consultation with the KCC Highways Officer, I am therefore satisfied that the parking provision provided would be adequate for the proposed change of use in this location.
- 5.8.2 Visibility from the site access is restricted by the buildings each side. However, the application site would use the existing vehicle access onto North Street, which is also used to access a private residents car park, and previously used as access for a builder's yard and the traffic it would generate; and this stretch of North Street does have a 30mph speed limit. Moreover, the TRICs database was looked at by the Highways Officer to give an indication of the levels of traffic likely to be generated by the proposal. TRICs showed that traffic levels generated by a private fitness club in a suburban location (no surveys were available for a village centre location) are likely to be in the order of four movements between 08:00hrs-09:00hrs, comprising of two arrivals and two departures; and eleven movements between 17:00hrs-1800hrs comprising of seven arrivals and four departures. I am in agreement with the Highways Officer, in that given this traffic generation should be offset by those which could be generated by the existing use of the site, the number of new trips using the

access is not excessively high. In addition, there have been no recorded injury crashes on the A274 North Street in the vicinity of this access within the latest three year period. I am of the view that the proposal would not result in an over intensification of the site, and that existing access and the A274 would cope with the vehicle movements generated by this proposal. I therefore conclude that the proposed change of use would not result in any significant highway safety issues.

## **5.9 Other Matters**

- 5.9.1 The application site largely consists of a modern built building and concrete surfacing; and there is little habitat connectivity by way of boundary planting. As a consequence, I do not consider there to be any significant issues with regards to a possible impact upon protected species. I therefore take the view it is unjustified to request any further details with regards to ecology or biodiversity.
- 5.9.2 The site is not within a Flood Zone, as designated by the Environment Agency; it is not within close proximity of any noticeable watercourse; and the proposed extension would be sited on an area of existing hardstanding. I therefore take the view that this development would not be any more prejudicial to flood flow, storage capacity and drainage within the area compared to what exists already.
- 5.9.3 The building is existing and connected to the main sewers; and the Environmental Health Officer has not raised any concerns in terms of the foul and surface water drainage arrangements. I do not therefore consider it reasonable to request any further details in this respect and raise no objections to the proposal on these grounds.
- 5.9.4 As there is not a concentration of other similar D2 uses in the locality of the application site, there are no further significant issues to consider in terms of the cumulative impact of this development together with other existing D2 uses.

## **6. CONCLUSION**

- 6.1 The main issues raised by Headcorn Parish Council and the neighbour representations have been dealt with in the main body of this report. However, I would like to add that the issue of the development affecting any private right of way is not a material planning consideration in the determination of this application, but a civil matter that needs to be dealt with privately by the interested parties. Moreover, potential loss of house values and loss of a view are not material planning considerations; and I cannot justify refusal of this application on the basis that gym users may use the existing residents parking area adjacent to the application site. Several representations have also

suggested alternative sites for a gym in Headcorn and Headcorn Parish Council have suggested an amended design, but I can only take a view on what has been proposed under this application.

- 6.2 For the reasons outlined above, I consider the development would not cause any demonstrable harm to the character of the area and it would not significantly harm the amenities of existing residents. It is therefore considered overall that the proposal is acceptable for the reasons given and so I recommend conditional approval of the application.

## **7. RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

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

Reason: To ensure a satisfactory appearance to the development. This is in accordance with policy CF14 of the Maidstone Borough-Wide Local Plan 2000 and the National Planning Policy Framework.

3. All windows and doors (except for the main entrance door) are to remain shut during hours of operation;

Reason: In the interest of residential amenity. This is in accordance with policy CF14 of the Maidstone Borough-Wide Local Plan 2000 and the National Planning Policy Framework.

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 provision is likely to lead to parking inconvenient to other road users and in the interests of road safety. This is in accordance with the National Planning Policy Framework.

5. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways;

Reason: To prevent pollution of the water environment. This is in accordance with the National Planning Policy Framework.

6. The development hereby permitted shall be carried out in accordance with the following approved plans:  
proposed block plan received 20/11/12 and proposed elevations and floor plans received 30/01/13;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers. This is in accordance with policy CF14 of the Maidstone Borough-Wide Local Plan 2000 and the National Planning Policy Framework.

### **Informatives set out below**

The applicant is advised to have due consideration for local residents and as far as is practicable reduce the transmission of amplified sound.

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.

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.

Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 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.

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.

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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3. 1. 2013





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3. 1. 2013

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3. 1. 2013

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3. 1. 2013

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3. 1. 2013

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3. 1. 2013





111

Oak Cottage

3. 1. 2013

**Reference number: MA/12/2075**

**My reason for approval should be amended to;**

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

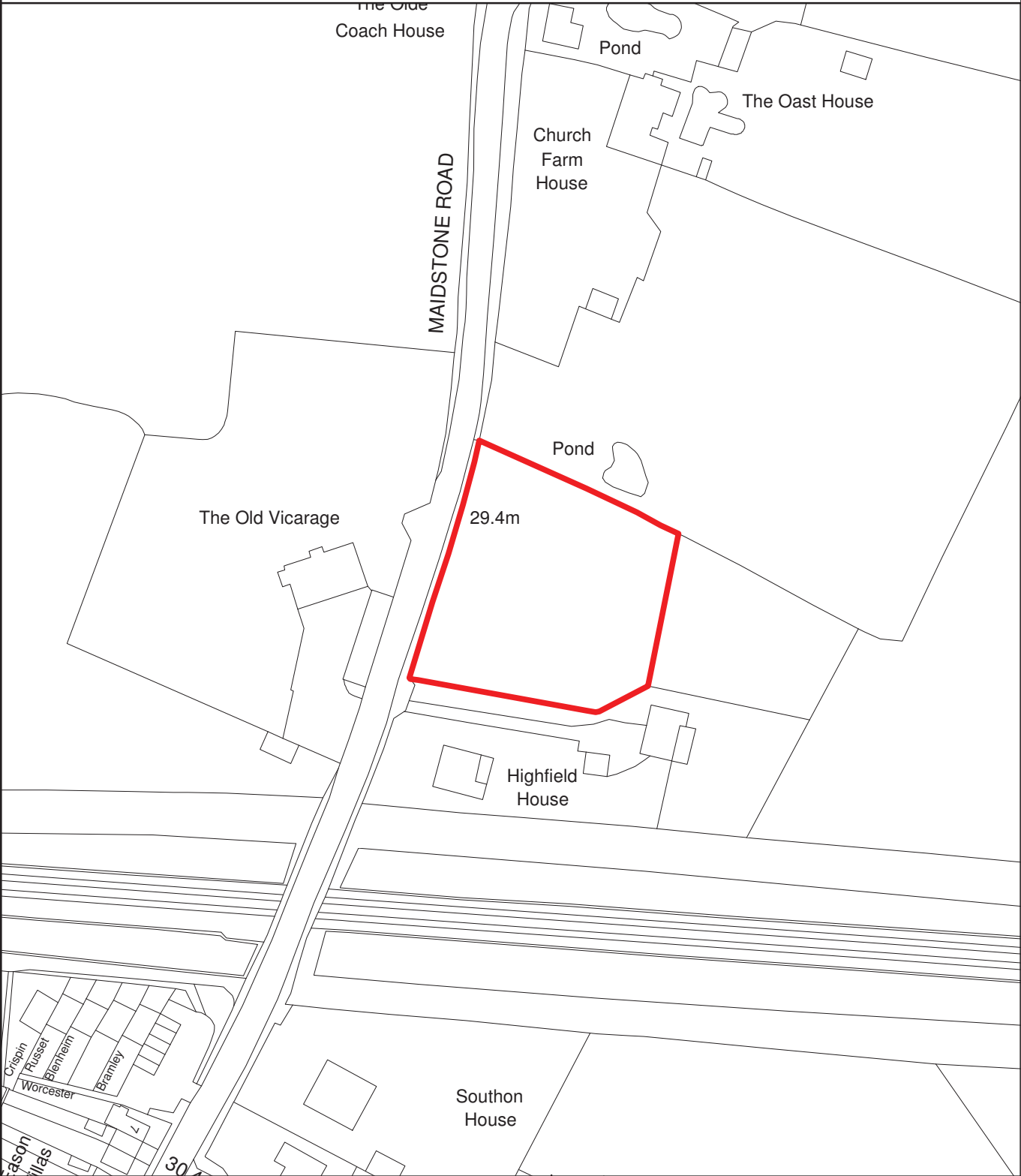
**My recommendation is unchanged.**

# THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/12/2100

GRID REF: TQ7444

LAND ADJ. HIGHFIELD HOUSE,  
MAIDSTONE ROAD, MARDEN.



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**Rob Jarman**  
Head of Planning

APPLICATION: MA/12/2100 Date: 20 November 2012 Received: 16 January 2013

APPLICANT: Golding Homes

LOCATION: LAND ADJ HIGHFIELD HOUSE, MAIDSTONE ROAD, MARDEN,  
MAIDSTONE, KENT, TN12 9AG

PARISH: Marden

PROPOSAL: Erection of 8No. new build affordable houses with associated access, parking and amenity space as shown on drawing numbers 130 rev B, 131 and 150, supported by a design and access statement, planning statement, Quaife Woodlands Arboricultural Survey and Planning Integration Report ref. AR/2758/ci), Grant Acoustics Noise Assessment (ref. CA-2012-0058-R1), KB Ecology Preliminary Ecological Appraisal (ref. 2011/11/08), KB Ecology Reptile Survey Report (ref. 2012/02/07), KB Ecology Greater Crested Newt Survey Report (ref. 2012/02/07), Site Selection Process document and Action with Communities in Rural Kent Marden Housing Needs Survey, all received 21st October 2012, and drawing numbers 100 rev A received 16th January 2013 and 113 rev D received 17th January 2013.

AGENDA DATE: 4th April 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 **Marden Parish Council**.

#### **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, T13, T21
- Other: Maidstone Borough Council Affordable Housing Development Plan Document (2006)
- Government Policy: National Planning Policy Framework 2012, PPS5 Planning and the Historic Environment – Practice Guide

## 2. HISTORY

MA/05/1746 - Outline application for the erection of 1 number detached house with means of access to be considered at this stage and all other matters reserved for future consideration – REFUSED, DISMISSED AT APPEAL

MA/00/1881 - Erection of 2No. detached dwelling with associated garaging and new access – REFUSED

MA/85/1842 - Formation of new vehicular access – APPROVED SUBJECT TO CONDITIONS

- 2.1 Planning permission has been previously refused for residential development on the site on two occasions, the second of which was also dismissed at appeal. The Inspector found that, whilst the site was considered to be relatively sustainable in its relationship to the village of Marden, the introduction of a single dwellinghouse on the land would be detrimental to the character of the area and consolidate the existing pattern of development. A copy of the appeal decision is attached as Appendix 1.

## 3. CONSULTATIONS

- 3.1 A press advertisement was published on 23<sup>rd</sup> December 2012; this expired on 6<sup>th</sup> January 2013. A site notice was also displayed at the site.
- 3.2 **Marden Parish Council** wish to see the application approved, and made the following detailed comments:
- 3.2.1 "Marden Parish Council supports the need to find suitable sites to meet the actual demand shown by the Marden local needs housing survey. It is recommending approval purely on the basis that this is an exception site for affordable housing to address local needs only. All permitted development rights should be removed. Housing must be for local needs in perpetuity as per paragraph 6.3.8 in the Planning Statement submitted with the application. Councillors are concerned about any possible parking on the B2079 and strongly recommend that the applicant and the planning authority talk to the highway authority about means to prevent this."
- 3.2.2 Concerns have been raised in respect of the deliberations of the Parish Council and changes to their recommendation, however the procedures of the body are something not relevant to the determination of the current application, and the Parish Council have been consistent in supporting the application.
- 3.3 The **Kent County Council Highway Services Engineer** raises objection to the proposal on the grounds of inadequate provision of on site parking provision

would be likely to give rise to conditions detrimental to highway safety by way of obstruction of the public highway, and makes the following detailed comments:

- 3.3.1 *"The Interim Guidance Note 3 recommends a minimum of 2 spaces per 3 bedroom house and 1.5 spaces for each 2 bedroom house in a village location. This would equate to a minimum of 15 spaces being required plus visitor parking at 0.2 spaces per dwelling. The limited parking provision may lead to parking within the access road and on the highway. The access road is 4.1m in width between its junction with the B2079 and the first turning area which is insufficient for an HGV or refuse vehicle to pass a parked car. The access width past the first turning area is reduced to 2.8m.*

*I consider that the shortfall in parking provision within the site and the tight layout would lead to problems of obstruction to the detriment of highway safety and therefore I recommend that this application be refused."*

- 3.3.2 The **Kent County Council Biodiversity Officer** raises no objection to the proposal subject to conditions securing the submission, approval and implementation of a detailed reptile mitigation strategy and details of enhancements; the development being undertaken in accordance with the recommendations of the KB Ecology Preliminary Ecological Appraisal (ref. 2011/11/08), KB Ecology Reptile Survey Report (ref. 2012/02/07) and KB Ecology Greater Crested Newt Survey Report (ref. 2012/02/07); works ceasing in the event of Great Crested Newts being identified; and vegetation being removed outside of the bird breeding season, and an informative drawing attention to the recommendations of the Bat Conservation Trust. The officer makes the following detailed comments:

- 3.3.3 *"We have reviewed the ecological information which has been submitted in support of this planning application in conjunction with the desk top information which we have available to us (including aerial photos and biological records).*

- 3.3.4 *We are satisfied sufficient information has been submitted to determine the planning application and we require no additional information to be submitted prior to determination.*

### **Reptiles**

- 3.3.5 *Reptiles have been recorded within the site. The submitted report has provided some recommendations for the recommendations however sufficient information has not be provided. If planning permission is granted a detailed mitigation strategy must be submitted as a condition of planning permission.*

- 3.3.6 *The mitigation strategy must provide details of the proposed location of the receptor site and details of how the area will be enhanced and managed to*

*ensure it remains suitable for reptiles. We note from the proposed site plan there is an area of the site within the orchard which is not being developed in to housing or gardens. It is recommended that reptiles are retained on site rather than using an off site receptor site – considerations should be given to creating this area as the proposed receptor site.*

### **Great Crested Newts**

3.3.7 *Although no great crested newts were recorded during the survey there is still some limited potential for them to be present. If planning permission is granted, all works must cease if Great Crested Newts are identified during the works. The creation of the on site receptor site for reptiles will ensure that there is suitable habitat present for GCN once the development has been completed.*

### **Breeding Birds**

3.3.8 *There is suitable vegetation present on site for breeding birds. To avoid impacts on breeding birds the vegetation must be removed outside of the bird breeding season if that is not possible a survey must be carried out prior to works taking place. If any breeding birds are identified all work must cease in that area until all the young have fledged.*

### **Bats**

3.3.9 *No suitable features were recorded on site for roosting bats. However there is the potential for bats to use the site for foraging for commuting. 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.*

### **Enhancements**

3.3.10 *One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged".*

3.3.11 *The ecological scoping survey has made recommendations of enhancements which can be incorporated in to the proposed development site. As a condition of planning permission details of the enhancements which will be incorporated in to the site must be submitted for comment."*

3.4 The **Maidstone Borough Council Housing Officer** confirms the need for affordable homes in Marden, and the robustness of the Local Needs Housing Survey submitted in support of the application, and supports the application,

although concerns were raised in respect of the absence of one bedroom units in the proposed development and further analysis of the affordability of the development for local residents sought. The officer makes the following detailed comments:

- 3.4.1 *"The proposal seeks permission for a 8 unit scheme comprising 3 two bedroom houses and 1 three bedroom house for affordable rent and 3 two bedroom houses and 1 three bedroom house for shared ownership, complete with landscaping, parking and access. The application is submitted on behalf of Golding Homes. The application is in response to the local housing need survey which was undertaken by Action with Communities in Rural Kent (ACRK), with the support of MBC Housing and Marden Parish Council to ascertain if there are shortfalls in affordable housing provision within the parish.*
- 3.4.2 *I can confirm that a survey was distributed to every household within the parish of Marden in July 2011. Following analysis of the responses, a need for up to 23 affordable homes was identified, for people with a local connection to Marden. The local people who are in need of affordable housing were identified as 6 single people, 7 couples, and 10 families. Fifteen of the households need housing now and eight in the next 3 years. A need for 1, 2 and 3 bedroom properties can be identified from the findings.*
- 3.4.3 *The 23 respondents who are in need of affordable housing indicated strong local connections to Marden. A total of 21 currently live in the parish and 2 live outside and wish to return. The use of the properties would be restricted in perpetuity to local needs affordable housing, to qualifying persons who meet the local connection criteria.*
- 3.4.4 *Housing therefore support the principle and need for this development as a result of the survey analysis and findings. The proposed development of 8 dwellings is substantially below the total need identified within the survey, and will help to provide housing for those local people who are priced out of the open market, and wish to remain living and contributing to their local community.*

#### **Evidence Base (Local Housing Need Survey)**

- 3.4.5 *The intention of this survey was to update the findings of a previous survey undertaken back in 2005, to help support the case for any development proposals for local needs affordable housing. The Local Housing Need Survey form followed the standard template used by ACRK across Kent and the final survey form was agreed following consultation with Housing, Marden Parish Council and Golding Homes. The final report by ACRK was produced following the normal standard methodology and provides overall information as well as analysis of housing need. ACRK circulated the draft report for comment to the*



*Parish Council and MBC Housing before the final report was published. Housing are therefore satisfied with the robustness and accuracy of the survey process and final report that has been published.*

### **Other Comments**

- 3.4.6 *As a need for 1, 2 and 3 bedroom properties can be identified from the survey findings, it is disappointing that the proposals do not include any 1-bed provision for the 6 single people identified. However, the proposed development sits comfortably on the site and is in reasonable close proximity to the village centre. The property mix proposed does also reflect bedroom need within the survey, so Housing are generally supportive of the proposed dwelling mix.*
- 3.4.7 *The 8 properties on this site are proposed to be delivered for affordable rent, and Housing have recently received the proposed affordable rent levels from Golding Homes, of which are within Local Housing Allowance (LHA) levels.*
- 3.4.8 *In terms of desired tenure, the survey identified that there were 5 households who may be able to afford a share of a shared ownership property. It was recommended that more detailed analysis of their income and actual cost of the shared ownership property would be required to confirm affordability.*
- 3.4.9 *I am advised that at the consultation exercise held in the village in September, Golding Homes circulated and asked Parish Residents to complete a registration of interest form, to ascertain what interest there was for shared ownership and more importantly whether they could afford the product. This information has therefore fed into the tenure mix proposals. Housing have recently received a copy of the completed registration of interest forms to check and keep on record a copy of the completed responses. Housing are therefore satisfied that this process has been followed.*
- 3.4.10 *Given the aspirations of some local people for home ownership, and being priced out of open market housing in the locality, it is important that a mix of tenure and shared ownership is provided for current and future local people. It is therefore pleasing to see that this development does include provision for shared ownership.*
- 3.4.11 *The development has been designed to comply with Secured by Design principles. One of the objectives of the development is also to provide new dwellings which comply with Lifetime Homes standards.*
- 3.4.12 *In summary, Housing are therefore supportive of the principle and need for this development, of which will help to address the local housing needs as identified by the Housing Needs Survey."*

- 3.5 The **Maidstone Borough Council Environmental Health Manager** raises no objection to the proposal subject to the imposition of a condition requiring the development to be undertaken in accordance with the recommendations of the Grant Acoustics Noise Assessment (ref. CA-2012-0058-R1) and informatives relating to best practice in construction, asbestos and waste, and makes the following detailed comments:
- 3.5.1 *"This site is close to the main London – Ashford railway and is also situated on Maidstone Road, another significant noise source. Conveniently, a noise assessment has been included with the paperwork in support of the application. It is a competent and concise report which has predicted noise levels measured on site and extrapolated them as internal noise levels in accordance with the values described in BS 8233. The readings predict that with windows open, the preferred internal noise levels for night time occupation (45 dB) will not be achieved. It is not sufficient to rely on compliance with just windows closed, so the report then describes the type of mitigation that is required to provide compliance with the recommended levels with windows closed. It is then predicted that using a combination of double glazing and appropriate trickle acoustic venting, the required values for living rooms will be achieved, for both day-time and night-time occupation. I accept this methodology and the predicted readings obtained. Because of the layout of the site, the problem is not the same for all units; the above methodology is best applied to the worst case scenario, i.e. the unit closest to both Maidstone Road and the railway.*
- 3.5.2 *The site is outside the Maidstone Town Air Quality Management Area and I do not consider the scale of this development and/or its site position warrant an air quality assessment. Any demolition or construction activities will definitely have an impact on local residents and so the usual informatives should apply in this respect. The building to be demolished should be checked for the presence of asbestos and any found must only be removed by a licensed contractor.*
- 3.5.3 *There is no indication of land contamination based on information from the Maidstone Borough Council's contaminated land database and historic maps databases, and no indication from the latest British Geological Survey maps that there is a significant chance of high radon concentrations.*
- 3.5.4 *The Clean Neighbourhoods and Environment Act 2005 requires the developer to produce a site waste management plan for any development which is over £300,000. The plan must be held on site and be freely available for view by the Local Authority at any time."*
- 3.6 The **Maidstone Borough Council Conservation Officer**, who has had an opportunity to view the Heritage Impact Assessment undertaken by James Weir

Historic Buildings Consultant submitted by an objector, raises no objection to the proposal on heritage grounds, and makes the following comments:

- 3.6.1 *"The development proposed is of modest scale and in a vernacular style. It will have only a minor and acceptable impact on the setting of the listed building opposite."*
- 3.7 The **Maidstone Borough Council Landscape Officer** raises no objection to the proposal on arboricultural grounds subject to the imposition of a conditions requiring the development to be undertaken in accordance with the recommendations of the Quaife Woodlands Arboricultural Survey and Planning Integration Report ref. AR/2758/ci) and the submission, approval and implementation of a maintenance and long term management plan, and makes the following comments:
- 3.7.1 *"The arboricultural survey and planning integration report produced by Quaife Woodlands is acceptable and therefore there are no arboricultural objections I can raise to this proposal. If you are minded to grant consent I would, however, wish to see a condition requiring compliance with the said report together with a landscape condition including a requirement for a maintenance and long term management plan."*
- 3.8 **Southern Water** raise no objection to the proposal subject to the imposition of a condition requiring the submission and approval of details of proposed means of foul sewerage disposal and an informative notifying the applicant of the need for a consent for connection to the public foul sewer to be sought from Southern Water.
- 3.9 **UK Power Networks** raise no objection to the proposed development.

#### **4. REPRESENTATIONS**

- 4.1 Councillor Rodd Nelson-Gracie requested that the application be reported to Planning Committee in the event of a recommendation for approval, and made the following detailed comments:

*"This application is for housing north of the London to Ashford railway line. The village plans and design statements thus far have been to restrict building of residential property to south of the railway line, reserving the area in the north west of Marden (Pattenden Lane) for employment floorspace and the north east to remain rural with scattered housing and agricultural uses. This is backed up by appeal decisions.*

*There are a number of Heritage Assets including Listed Buildings in the immediate vicinity of the application site. Such development would seriously impact their setting and status.*

*Planning applications for this site have previously been restricted to use for agricultural purposes or ancillary uses for Highfield House. Specifically (2 & 1) dwellings.*

*There will be light and noise impacts on this rural area if dwellings are erected here. Traffic pollution will also be increased.*

*The erection of 8 houses will create an additional road safety hazard, not only for traffic accessing and leaving the site but for passing traffic which typically is not usually following the 30mph speed limit. In addition, overflow parking from the site is likely to be situated on the B2079, creating further hazard and create an unsightly view on the village entry point.*

*There will be adverse impacts on wildlife in the application site. Grass snakes, bats and owls are known to frequent the area.*

*It is felt that this type of application should be considered as part of the Local Development plan and such applications should not be dealt with on an ad hoc basis. A Neighbourhood Development Plan is being developed in Marden, and outcomes from this should be taken into account."*

- 4.2 Neighbours: 12 representations were received from 10 households; of these 1 included a Heritage Impact Assessment undertaken by James Weir Historic Buildings Consultant and an objection undertaken by Broadlands Planning. The following detailed concerns were raised:
- The development is located outside the village boundary and north of a distinct boundary (the railway line) and would set a precedent for such development.
  - Poor design and over development of the site.
  - Erosion of the openness of the countryside.
  - Harm to residential amenity by way of overlooking/loss of privacy and loss of outlook.
  - Impact on the rural character of the location through consolidation of the built environment and by way of light, air pollution, noise and increased vehicle movements.
  - Issues of highway safety as a result of the introduction/consolidation of the proposed access, increased traffic movements and on street parking.
  - Harm to the setting of listed buildings.
  - Removal of vegetation including mature trees and hedges.
  - Harm to ecology including snakes, bats and owls using and nesting on the site.
  - Misleading presentation of information in the application documentation.

- The need for a strategic approach to the provision of affordable housing, rather than a “separate, speculative approach”.
- Reference made to various applications to develop land to the north of the railway land, all refused, including the appeal referred to above under the site history.
- Concern over the absence of any relevant Development Plan policies.
- Need for additional affordable housing in the context of the overall identified housing need.
- Site has not previously been identified either in the SHLAA or as an allocated housing site.
- Concern over the timing of the submission of the application, in respect of allowing full public consultation on the application.
- Concern over the deliberations of the Parish Council.

4.3 The Marden History Group and Marden Heritage Centre objects to the proposal on the following grounds:

- Building northwards of the railway line which represents the northern boundary of the village.
- Development in, and harm to, the open countryside and “last unspoilt” entry into Marden.
- Prematurity in the context of expected planned provision of additional homes within the village as part of the Core Strategy.
- Impact on heritage assets.

## **5. CONSIDERATIONS**

### **5.1 Site Description**

5.1.1 The proposal site is located in a rural location in open countryside with no specific environmental designations in the Maidstone Borough-Wide Local Plan 2000.

5.1.2 The site comprises a level overgrown field with an area of approximately 0.235Ha likely to represent a former orchard, as evidenced by the fruit trees located in the north west corner of the site, and is considered to have a current lawful use as agricultural land. The site has an existing agricultural access

central to the frontage onto Maidstone Road, the B2079, and its boundaries are marked by mature native hedges of variable quality.

- 5.1.3 As stated above, the application site is located in open countryside, the boundary of the village of Marden being marked approximately 50m to the south of the site by the railway line which runs east to west in a cutting. Notwithstanding this, the site is surrounded by residential development, the closest residential properties being Highfield House located 13m to the south of the site; The Old Vicarage located 15m to the west of the site on the opposite of Maidstone Road; and Church Farm House and The Oast House, located 71m to the north of the site. The land to the rear (east) of the site appears to be in use as garden land associated with Highfield House. Further residential development is located to the north of Church Farm House, which comprises rural dwellings and converted agricultural buildings including barns and oasthouses. The immediate neighbouring properties are substantial detached dwellings, however in the wider vicinity of the site are detached and semi-detached conversions and pairs of semi-detached cottages. These dwellings vary in scale and appearance, but are predominantly of a traditional Kentish vernacular.
- 5.1.4 A number of these buildings are Grade II listed, including The Old Vicarage, Church House Farm and The Oast House. Highfield House, whilst not itself listed, is an impressive Victorian property, and this and some of the other unlisted dwellings may be considered to constitute undesignated heritage assets. There are a number of ponds in close proximity to the site, and mature trees both within and on land adjacent to the proposal site.

## **5.2 Proposal**

- 5.2.1 The proposed development is the erection of eight dwellings arranged in two terraces of four units, together with associated on site parking and landscaping, and works to improve the existing vehicular access. The drawings refer to the southern most block as block 1 and the northern most block as block 2, however in this report I refer to them as north and south for purposes of clarity.
- 5.2.2 Each of the terraces would provide three identically sized units, along with a slightly larger unit at the southern end of each block. Each block would provide three 2 bed units and 1 3 bed unit, resulting in the net provision of six 2 bed dwellings and two 3 bed dwellings.
- 5.2.3 Both terraces would have a width of 19.5m and a maximum depth of 10.5m, the smaller units having a depth of 9.2m. The detailed designs of the blocks differ in that the larger units would have a slightly different detailed relationship to the other three properties in each block, that of the north block being set forward of the main elevation of the terrace by 1.2m and that of the southern block by

0.5m. In both cases the form of the terrace would incorporate a main ridge with a height of 10m running along the main axis of the building, truncated in the south by the ridge of the larger end unit which would run at 90° with a height of 8m, incorporating front and rear gable projections. The north ends of the terraces would be barn hipped. The eaves of the terraces would have heights of 5m.

- 5.2.4 The design of the terraces would be in a simple Kentish vernacular, incorporating such design elements as gables, barn hips, storm porches and chimney stacks, and utilising typical local materials such as red brick, hanging tiles, weatherboarding and plain roof tiles.
- 5.2.5 The terraces would be oriented within the site as being offset from the frontage with the highway and the neighbouring properties, however both blocks would be arranged along a similar north north east – south south west axis. The front elevation of the southern block would be set back in relation to the highway by between 8m and 11m. The main frontage of the northern most of the two blocks would be set back by 12m in relation to that of the southern block, and would be set back from the highway by between 23 and 28m. This arrangement would allow on site parking areas providing 13 parking spaces to be provided to the front of the northern block and the rear of the southern block, including a three bay car barn in the rear (east) of the site. Each property would have a rear garden to the rear (east) of the dwelling, and in addition open shared landscaped areas would be retained to the north and west of the southern terrace and the northern parking area. Vehicular access to the site would be via a centrally located access which would extend rearwards into the centre of the site.
- 5.2.6 The proposed housing would provide local needs housing in its entirety.

### **5.3 Principle of Development**

- 5.3.1 The application is located in open countryside outside the defined settlement boundary of Marden, and as such is subject to the normal constraints of development in such locations under policy ENV28 (Development in the Countryside) of the Maidstone Borough-Wide Local Plan 2000, which seeks to protect the character and appearance of the open countryside, and restricts new development in the open countryside to certain defined exceptions as set out in the Local Plan. New residential development does not fall within the exceptions set out in the policy, or elsewhere in the Development Plan.
- 5.3.2 Notwithstanding this presumption against new development, including residential development, on sites in the open countryside such as this, the National Planning Policy Framework 2012 provides qualified support for development of

rural exceptions sites where housing development would address local needs, as set out in paragraph 54 as follows:

*"In rural areas (...) local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate."*

- 5.3.3 This accords with the Maidstone Borough Council Affordable Housing Development Plan Document, which put forward the principle of "allocating releasing sites solely for affordable housing, including using a rural exceptions site policy", albeit that such a policy has not to date been adopted.
- 5.3.4 The application has been submitted by a Registered Social Housing Landlord, Golding Homes, who has proposed that 100% of the development would provide local needs housing, and evidence has been provided in the form of a Marden Housing Needs Survey to the effect that there is a demonstrable need for affordable housing for local people. Whilst the survey is dated August 2011, its contents are supported by both the Maidstone Borough Council Housing department and Marden Parish Council, and I have no reason to doubt that the need for local needs housing still exists. To my mind, therefore, the site should be considered as a rural exception site.
- 5.3.5 The National Planning Policy Framework sets out a clear presumption in favour of sustainable development which is defined as having three dimensions, the economic, the social, and the environmental (paragraph 7) Although the National Planning Policy Framework 2012 identifies the provision of new housing by way of various means of delivery as a priority, as evidenced by paragraph 54, it also makes clear that this is not to take place at the expense of either the built or natural environment, and should be balanced against the need for new development to be sustainable. The National Planning Policy Framework 2012 goes on to set out core planning principles, including high quality design which should take account of the different characters of different areas whilst recognising the intrinsic character and beauty of countryside and contribute to conserving and enhancing the natural environment This is supported by section 7 of the document, which underlines the importance of good design, and its intrinsic role in sustainable development. As well as setting out the need for development proposals to be high quality, the document requires development to add to the overall character of areas, and to respond to local character and reflect the local surroundings in respect of overall scale, massing, height and layout (paragraphs 58 and 59). Paragraph 64 states that "permission should be refused for development of poor design", which, as set out above, can be in respect of a failure to properly relate and respond to the local area.



- 5.3.6 Whilst the site is on Greenfield land located in the open countryside, and therefore would not normally be considered acceptable for new residential development, the application has been put forward as a proposal to provide local needs housing by a recognised Registered Social Landlord, and as such it falls to be considered as a local needs exception site. In respect of the location of the site, whilst it is located in the open countryside to the north of a clear boundary of the village, namely the railway line, which has been historically supported through development management decisions by both the Borough Council and the Planning Inspectorate, it is considered, as set out in the appeal decision relating to MA/05/1746, that by virtue of the proximity of the site to the village of Marden, it is in a sustainable location in respect of services and facilities.
- 5.3.7 For these reasons, I therefore consider that whilst located in the open countryside, the proposed development represents a rural exception site for the purpose of providing local needs housing, and furthermore that its location is such that it represents a sustainable location for such a site, in accordance with the key National Planning Policy Framework 2012 objective of achieving sustainable development. The principle of the proposed development, as set out in the application documentation, in this location is therefore considered, in the circumstances of this case, to be acceptable.
- 5.3.8 I note concerns that the provision of affordable housing should be dealt with in a strategic manner, and that in the absence of any relevant Development Plan policies should be refused, however in the absence of any such policies or land allocations, the National Planning Policy Framework 2012 is clear that decisions should be made in accordance with national policy, and that Local Plan policies will only be taken into consideration insofar as they are consistent with national policy. Whilst weight may be given to emerging plan policies, the primitive stage of the Core Strategy in respect of housing policies and allocations is such that only limited weight may be given to the emerging local strategic framework. In this context, the site and the proposed development are considered to be acceptable in the circumstances of this case, and it is not considered to be in appropriate to refuse, or refuse to determine, the application on these grounds.
- 5.3.9 Notwithstanding this, the proposal remains to be considered in the context of all other material considerations, including those of design (including layout and scale) and impact on the open countryside and streetscene; highway safety; impact on heritage assets; impact in respect of ecology and biodiversity; and residential amenity.

#### **5.4 Design and Visual Impact and Impact on the Open Countryside and Streetscene**

- 5.4.1 As set out above, the proposed development would take the form of two terraces of four properties, which would set back from the highway and front onto landscaping and car parking areas within the site.
- 5.4.2 It is considered that the design approach taken in respect of the buildings themselves, which reflects the local vernacular, is valid, and whilst not particularly innovative or groundbreaking, is acceptable.
- 5.4.3 The layout, however, is considered to be inappropriate in this rural location. Whilst the immediate locale is characterised by substantial detached dwellings set in generous gardens, and a more consolidated group of residential and converted agricultural buildings further to the north, to my mind modest pairs or terraces of cottages are not out of keeping with the character of rural areas of Marden, and it is not the case that development of this kind for local needs housing, would be unacceptable. However, the layout of the scheme, does not relate well to the public highway, or provide a strong frontage to Maidstone Road, as would be expected in such developments. The offset and staggered siting of the buildings within the site is more characteristic of urban developments in circumstances where the site is surrounded by high density development; this is not the case here. Furthermore, whilst it is recognised that the applicant has sought to soften the frontage of the site through the retention of shared landscaping bands in the western part of the site, it is considered that it would be more appropriate for the frontage of the site to be comprised of the front gardens of the properties, which would allow the development to present a more traditional public aspect which would be more in keeping with Kentish rural areas. The inclusion of large shared parking areas are also considered to be inappropriate, and out of keeping with the local character; in the case of the parking area in the north of the site this would be additionally harmful by way of its dominance in views of the site from Maidstone Road, most notably from the south on the exit of the main village. The design of the layout would thereby be detrimental to the character of Marden, by way of establishing an essentially urban feature of development on what is rightly described as an "unspoilt" route into and out of the village.
- 5.4.4 I note concerns that the proposal would result in erosion of the openness of the countryside, however it is the case that residential development on sites such as this which are Greenfield sites in rural settings will inevitably have some effect on openness and the character of the area. The key consideration is whether that impact. The Government has, however, as set out above, determined that such exception sites are acceptable for the provision of local needs housing, and it is therefore considered that some loss of openness is to be expected. However, in the circumstances of this case, it is considered that the scale of the development proposed would result in a loss of openness in excess of what might reasonably be considered acceptable, the extent of built development

within the site being such that it would effectively extend the full width of the site when viewed from the public highway, and notwithstanding the fact that the dwellings would be set back from the highway (albeit in part by a substantial shared parking area), this would not overcome the negative impact of the development on the openness of the countryside. As stated above, the principle of the development of the site for local needs housing is considered to be acceptable in the context of the National Planning Policy Framework 2012, however the density of the development and its overall visual impact upon the character and appearance of this rural area is considered to be unacceptable.

- 5.4.5 For these reasons, notwithstanding the fact that no objection is raised to the detailed design of the proposed dwellings, the layout, in particular the relationship of the dwellinghouses to the highway and its failure to respect either the established pattern of development in the local vicinity or the wider rural built environment, the scale and extent of the built development proposed, and the excessive amounts of hard surfacing within the site, are such that the proposal is unacceptable on the grounds of its overall design, relationship to the surrounding pattern of built development, and impact upon the character and appearance of the open countryside in this location.
- 5.4.6 I note that objection is raised in respect of the impact on the open countryside of increased noise, light and disturbance as a result of the proposed development, however the nature of rural exceptions sites is such that they will inevitably give rise to some level of additional disturbance. In the context of this site, being located in close proximity to a busy classified highway and railway line, and on a publicly lit section of road, in close proximity to the village boundary of Marden, I do not consider that the additional impact of by way of disturbance is such that it would warrant refusal of the application on this ground.

## **5.5 Highway Safety**

- 5.5.1 The proposal includes the improvement of the existing access to Maidstone Road, including the provision of visibility splays, and the Kent County Council Highway Services Engineer has raised no objection to the proposal on these grounds.
- 5.5.2 As set out above, the proposed development includes the provision of 13 on site parking spaces. The Kent County Council Engineer has raised concern over this level of provision, and surmises that the development would inevitably result in on street parking. The proposed level of provision of on site parking accords with the number of spaces recommended in the Kent County Council Interim Parking Guidance for the residential development, but does not account for visitor parking at 0.2 spaces per unit (1.6 spaces). Given the limited degree of discrepancy

between the on site parking provision and the Kent County Council Interim Parking Guidance (which is not adopted by Maidstone Borough Council for development management purposes), I do not consider the level of parking provision, in respect of matters of highway safety, to represent a reasonable grounds for refusal of the application.

## **5.6 Impact on Heritage Assets**

- 5.6.1 As set out above, the proposal site is located in close proximity to a number of Grade II listed buildings, including The Old Vicarage, which is located directly opposite the site, and Church Farm House, which is located to the north. In addition, Highfield House, the neighbouring property to the south, whilst not listed, is considered to be a well preserved example of Victorian domestic architecture, and as such represents an undesignated heritage asset, although not formally recognised.
- 5.6.2 Whilst it is noted that objection has been raised in respect of the impact of the proposed development on the setting of the neighbouring heritage assets, supported by a Heritage Impact Assessment undertaken by James Weir Historic Buildings Consultant and an objection undertaken by Broadlands Planning, the Council's Conservation Officer raises no objection to the proposal for the reasons set out in the comments above, and I concur in this assessment. The Old Vicarage is severed from the proposal site by Maidstone Road, and its main building is screened from the site by a curtilage listed outbuilding, which turns its back to the public highway and proposal site. Church Farm House, the other neighbouring listed building, is located 125m to the north, and this separation distance is considered to be adequate to ensure that the setting of this building is not significantly harmed.
- 5.6.3 Whilst the proposed development would be located in close proximity to the neighbouring property to the south, Highfield House, and would inevitably have an impact upon its setting, this property is not listed, and as such the level of protection afforded to the setting of the building is limited.
- 5.6.4 For the reasons set out above in the circumstances of this case it is considered that there is no objection to the proposal on heritage grounds.

## **5.7 Ecology**

- 5.7.1 It is noted that objection has been raised on the grounds of impact upon ecology and landscape.
- 5.7.2 A Preliminary Ecological Appraisal, Reptile Survey Report and Greater Crested Newt Survey Report have been submitted in support of the application, which

conclude that there is a slow worm, grass snake and smooth newt presence on the site, and that there is potential for Great Crested Newts on the land. The surveys excluded bat roosts and raised the potential of badgers and hedgehogs on the site, as well as nesting birds. The reports made appropriate recommendations for mitigation and enhancement, although the submitted drawings do not show any material enhancements to be incorporated in to the fabric of the buildings.

5.7.3 The Kent County Council Biodiversity Officer raises no objection to the proposal subject to the imposition of relevant conditions, and I concur with this view.

5.7.4 There is therefore considered to be no objection to the proposal on these grounds.

## **5.8 Landscaping**

5.8.1 The proposal would result in the loss of trees on the land, and an Arboricultural Survey and Planning Integration Report has been submitted in support of the application which concludes that the specimens to be lost are category C, and therefore of limited value, and that significant trees on the site are capable of being retained. Whilst it is noted that the layout of the scheme shown on the Arboricultural Survey and Planning Integration Report differs from that in the application documentation, the scheme as proposed would not bring built development significantly closer to the trees to be retained, and the impact of the amended car park layout could be satisfactorily mitigated through the use of appropriate construction techniques.

5.8.2 There is therefore considered to be no objection to the proposal on arboricultural grounds.

## **5.9 Residential Amenity**

5.9.1 The only residential property which would potentially be significantly affected by the development is Highfield House, the other neighbouring properties being located at such a distance as for there to be no impact, or in the case of The Old Vicarage, severed from the site by the B2079 and screened in part by an existing outbuilding and mature vegetation within the property's curtilage.

5.9.2 In respect of overlooking, the only windows proposed to the side elevation of the southern block would serve non-habitable rooms, and as such no habitual overlooking would be expected to result from the openings, the only one above ground floor serving the stairway. Although first floor windows are proposed to the front and rear elevations of both the north and south blocks, these would be

oriented obliquely in respect of the adjacent properties and would not afford direct views of private areas of the neighbouring dwellings.

- 5.9.3 With regard to loss of light, Highfield House has facing windows at ground floor and first floor level, however these are secondary openings to rooms which also have large windows to the front or rear elevations, and as such, notwithstanding the proximity of the south block to Highfield House, it is not considered that the proposal would result in significant loss of light to the property.
- 5.9.4 Although objection has been raised on the grounds of harm to residential amenity by way of noise, it is not considered reasonable to surmise that new residential development would conflict in this respect with existing residential use.

### **Other Matters**

- 5.5.1 The application has been submitted as a rural exception site for the purposes of providing local needs housing to meet a recognised need, and on this basis the principle, if not the detail, of the application has been considered to be acceptable in the context of the National Planning Policy Framework 2012 in a location which would be considered unacceptable for market housing.
- 5.5.2 No legal undertaking has been submitted in support of the application. Whilst in the case of a recommendation for approval this absence may be dealt with by way of an appropriate legal mechanism prior to the approval of the application, in cases where the recommendation is for refusal the absence of an appropriate legal mechanism to secure the proposed dwellings for local needs housing in perpetuity and an appropriate mix of tenure represents an additional reason for refusal of the application. This interpretation is in accordance with appeal decisions elsewhere, including at South Street Road in Stockbury (appeal decision attached as Appendix 2), where the Inspector concluded that although in the context of provision of affordable housing for local needs the proposal was reasonably sustainable, that in the absence of an appropriate legal mechanism to control elements of the proposal, the development was unacceptable.
- 5.5.3 It is noted that there is an application currently under consideration for a residential development to the south of Marden at the MAP Depot site under the scope of MA/13/0115, which would provide 112 dwellings, of which 40% would be secured for affordable housing in accordance with the adopted Maidstone Borough Council Affordable Housing Development Plan Document (2006), and that it follows that approval of the MAP Depot scheme could remove the need for the development currently under consideration, and therefore the justification for the development of rural exception sites which are otherwise unacceptable, however MA/13/0115 is as yet undetermined and there is therefore uncertainty

as to whether this development or the affordable housing that it could potentially provide will ever materialise. In any case, the social housing to be provided by the two schemes differs in character; that which would result from the MAP Depot scheme would be “affordable”, and therefore available for any person of need in the borough of Maidstone, and would be secured for such use for one cycle of tenure only, whilst that proposed under the current application would be for “local needs” housing, i.e. for persons (and their dependents) who can demonstrate a strong connection to the parish of Marden, and would be required to be secured in perpetuity for that use. For these reasons, whilst I am mindful of the potential implications on the matter of need for the current application of MA/13/0115, I do not consider that the existence of the MAP Depot scheme application warrants refusal of the current application.

- 5.5.4 It is noted that the current application has been submitted following ongoing discussions between the developers and the Local Planning Authority, however the applicants were advised by officers prior to submission of the application that the scheme currently before Members would be likely to be considered unfavourably for the reasons set out above.
- 5.5.5 The applicants propose the dwellings to achieve Level 3 of the Code for Sustainable Homes; as a rural exception site it is disappointing that Level 4 is not the objective, however this does not represent a reason for refusal of the application.
- 5.5.6 The site is not located on land recorded by the Environment Agency as being prone to flood. Although the site is located in close proximity to the B2079 and the railway, the application is supported by a detailed Noise Assessment, and the Co9uncil’s Environmental Health Manager has raised no objection to the proposal on the grounds of noise. The scale of the proposed development is such that it falls below the threshold for contributions to health, education and community facilities.
- 5.5.7 Concerns have been raised in respect of the clarity and accuracy of the documentation submitted in support of the application and the robustness of the consultation process undertaken by the Council, as well as the deliberations of the Parish Council. The documentation is considered to be sufficiently clear and accurate to allow assessment of the proposed development, and the application has been the subject of full consultation in accordance with the provisions of the Town and Country (Development Management Procedure) (England) Order 2010. Concerns over the consideration of the application by the Parish Council should be directed to that body.

## **6. CONCLUSION**

- 6.1 For the reasons set out above, the proposal is considered to represent development which is poorly related to the surrounding pattern of development and to fail to achieve the high quality of design sought by the National Planning Policy Framework 2012, in so far as it would be discordant with the established pattern of development and result in extensive areas of hard surfacing, thereby causing harm to the character and appearance of the open countryside and this rural approach to the village of Marden.

## **7. RECOMMENDATION**

REFUSE PLANNING PERMISSION for the following reasons:

1. The proposed development, by way of its design and layout, would fail to respect, respond and relate to the established pattern of built development in the immediate surroundings and the wider context of rural Marden, and would result in significant harm to the character and appearance of the open countryside and natural environment. For this reason the proposed development would be contrary to national planning policy which seeks to secure a satisfactorily high quality of design, and be contrary to central government planning policy, as set out in the National Planning Policy Framework 2012.
2. In the absence of an appropriate legal mechanism to secure the development in perpetuity for the provision of local needs housing as a rural exceptions site, the proposed development represents an unjustified residential development in an inappropriate location for which there is no policy support, and is therefore contrary to planning policies ENV28 of the Maidstone Borough-Wide Local Plan 2000, SP3, CC1, CC6, H2 and C4 of the South East Plan 2009, and central government planning policy 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 application was not considered to comply with the provisions of the Development Plan and NPPF as submitted, and would have required substantial changes such that a new application would be required.

The applicant/agent was informed of any issues arising during consideration of the application.

The applicant is advised to seek pre-application advice on any resubmission.



# Appeal Decision

Site visit made on 23 June 2006

by **L Rodgers** BEng CEng MICE MBA

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

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Date: 7 August 2006

**Appeal Ref: APP/U2235/A/06/2011982**

**Land adjacent to Highfield House, Maidstone Road, Marden, Kent TN12 9AG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr B J Blundell against the decision of Maidstone Borough Council.
- The application Ref MA/05/1746, dated 30 August 2005, was refused by notice dated 26 October 2005.
- The development proposed is a detached house.

## Decision

1. I dismiss the appeal.

## Procedural matter

2. The application was submitted in outline with only means of access to be determined at this stage. The design, landscaping, siting and external appearance of the proposed development have been reserved for later determination and I have dealt with the appeal on that basis.

## Reasons

3. The appeal site is part of the former curtilage of Highfield House, a large Victorian property located just to the north of the railway line on the eastern side of Maidstone Road. "The Old Vicarage" occupies a substantial plot on the opposite side of the road whilst, continuing north, Maidstone Road runs through mainly open countryside interspersed with scattered dwellings and farm buildings. To the south, across the railway line, the development exhibits a much more concentrated pattern leading into the village centre of Marden.
4. The proposed development, a single detached house, would occupy a plot of approximately 0.23ha which, from what I saw on my site visit, is mostly overgrown and includes a number of small trees. There is an existing, gated, access onto the pavement but no dropped kerb.
5. The Council state that the village settlement boundary lies to the south of the appeal site, on the opposite side of the railway line, and I note that the appellant agrees. To my mind, the railway line provides a definitive break between the more concentrated village development to the south and the scattered development to the north. Although the appellant argues that, from the north, there is a sense of arriving in the village well before the appeal site, I disagree. Despite the appeal site lying within the 30mph speed restriction zone, there is a distinct change of character at the railway bridge with trees, hedgerows and occasional,

often partially hidden, dwellings giving way to a much 'harder', more dense, built environment. I therefore conclude that the proposed development lies in the countryside and shall consider it against the policies appropriate to that designation.

6. Firstly, I concur with the appellant that, due to its proximity to the main village of Marden, with its shops and transport links, the proposed development would be in a sustainable location in the context of Kent's rural settlements. I also concur with the Council that, due to the straightness of the road and the positioning of the 30mph speed restriction, the proposed access would be acceptable in terms of highway safety.
7. However, although the appellant maintains that a well designed house would not look out of place and would not harm the character or appearance of the area, in my view, the proposed development would alter the loose relationship between the well spaced houses to the north of the railway line producing a more built-up feel. Not only would this be detrimental to the character of the area but it would also give a more contiguous appearance to the currently scattered dwellings and their relationship with the denser built environment across the bridge.
8. I have not been made aware of any overriding need for the proposed development and I therefore find it would be in conflict with Policies ENV1 and RS5 of the Kent Structure Plan 1996 and Policies ENV28 and H29 of the Maidstone Borough Wide Local Plan 2000 which seek to protect the countryside for its own sake, restrict development to that which is necessary and prevent the extension of rural settlements into the countryside.
9. I note that there are differing views between the Council and the appellant as to whether the proposed site could be classified as previously developed land as defined in *Planning Policy Guidance Note 3: Housing* (PPG3). Although, as noted by the appellant, the site is now overgrown with a number of small trees, and on my site visit I saw no evidence of any previous structure or activity, I am not in any case persuaded that the benefits of using previously developed land in this location would outweigh the harm I have identified. The Council's argument about density seems less relevant in a location where residential development is not acceptable in principle.
10. Despite my favourable conclusions on access to the proposed site and its sustainability, my adverse findings in terms of the effect on the countryside and the character and appearance of the area lead me to conclude that this appeal should be dismissed. In coming to this view I have taken account of all other matters before me, including the Council's position on the known availability of previously developed sites within existing, defined, settlements in the Borough, and other national, local and emerging policies which have been brought to my attention, but I find nothing to alter my conclusion.

*Lloyd Rodgers*

Inspector



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## Appeal Decision

Site visit made on 7 June 2011

by **Terry G Phillimore MA MCD MRTPI**

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

Decision date: 30 June 2011

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**Appeal Ref: APP/U2235/A/11/2144396**

**Land at South Street Road, Stockbury, Kent ME9 7UH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by English Rural Housing Association against the decision of Maidstone Borough Council.
  - The application Ref MA/10/0612, dated 13 April 2010, was refused by notice dated 22 July 2010.
  - The development proposed is erection of 8 local needs affordable housing units, with associated access and car parking.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The appellant has submitted a unilateral undertaking dated 17 March 2011 containing a planning obligation pursuant to section 106 of the Act.

### Main Issues

3. The main issues are, having regard to the proposed provision of local needs affordable housing:
  - a) whether the location is an acceptable one for such housing in terms of sustainable development;
  - b) the effect the proposal would have on the character and appearance of the countryside;
  - c) whether satisfactory controls are in place to restrict future occupancy.

### Reasons

#### *Sustainability*

4. The site is located outside the defined village envelope of Stockbury as set out in the Maidstone Borough-wide Local Plan 2000, and therefore falls in open countryside. It is also within the Kent Downs Area of Outstanding Natural Beauty and North Downs Special Landscape Area. Policy constraints under these designations require that new housing development should not normally be permitted here.

5. Policy H3 of the South East Plan 2009 identifies a need for a substantial increase in affordable housing to be delivered. Means to achieve this include working with local communities in rural areas to secure small scale affordable housing sites within or well related to settlements, possibly including land which would not otherwise be released for development.
6. This is consistent with national policy. PPS3 indicates that, where viable and practical, Local Planning Authorities should consider allocating and releasing sites solely for affordable housing, including using a Rural Exception Site Policy. This is to enable small sites to be used specifically for affordable housing in small rural communities that would not normally be used for housing because, for example, they are subject to policies of restraint. While such a policy in the Local Plan has not been saved, the South East Plan provides a basis for allowing such developments in the District.
7. A need for affordable housing in the Parish was identified through an independent needs survey and subsequently updated information. The application was supported by the Council's Housing Department. The Council accepts in this case that there is a demonstrated need which the proposed development would help meet. While there are objectors who question this, I accept the position taken by the Council on the evidence, notwithstanding affordable housing opportunities that might exist in the neighbouring District. The specific allocation of any units would be subject to eligibility procedures.
8. National policy expects that rural affordable housing should contribute to the creation and maintenance of sustainable rural communities. The Council's objection in this case is its view that Stockbury is not suitable for such a development on the basis of the availability and distance from local services and facilities, and that the proposal would encourage private car use.
9. Stockbury has no doctor's surgery, pre-school or primary school education services. It is 2.5km from Hartlip (which has a primary school), and 4km from Medway, 8km from Sittingbourne and 10km from Maidstone where the main shops, health, education and employment facilities are located. There is not a public bus service within easy walking distance.
10. However, the settlement has a village hall, church and public house. Directly opposite the site is a farm shop (Parsonage Farm). Although limited by condition on a planning permission, this sells convenience goods and also has a post office counter. There is a school bus to secondary schools, and a private community bus operates to other services. Nearby there is a small group of businesses providing some local employment.
11. PPS7 promotes more sustainable patterns of development by focusing most additional housing in rural areas on existing towns and identified service centres, but recognises that it will also be necessary to provide for some new housing to meet identified local need in other villages. The proposal could provide some limited additional support for local facilities, and the evidence of previous affordable housing development in the village does not suggest otherwise. Within the particular context, there would be reasonable opportunities to limit reliance on use of the private car.
12. I conclude that the location is in principle an acceptable one in terms of sustainable development, according with policy H3 of the South East Plan.

### ***Character and appearance***

13. The site comprises part of a field. The development would introduce buildings and hard surfacing. It would be relatively prominent in the approach to the village from the south along South Street Road.
14. However, the site abuts the existing edge of the village. There is already development on the west side of the road opposite. Although the effect of the new housing would be to extend the village envelope, it would be seen within the context of the existing developed edge. The design of the proposed buildings would be in keeping with the existing range of styles in the vicinity. New landscaping as proposed would assist in softening the impact of the new built form. More distant views from Church Lane would be largely screened by existing features.
15. The AONB is distinguished by a large-scale landscape of chalk downland. The proposal would have only a limited impact on the wider setting of the site within this landscape.
16. The extension of development into this area of countryside does not accord with the restraint objectives of policies ENV28, ENV33 and ENV34 of the Local Plan. However, the provision of affordable housing in this case and the limited landscape impact of the proposed development justify an exception to the restrictive policy framework.

### ***Affordable housing controls***

17. The submitted unilateral undertaking contains restrictions on the use of the site for affordable housing and local connection criteria. The Council has expressed broad satisfaction with the format of the undertaking, but has requested a trilateral agreement including a Deed of Nomination Rights in order that the developer can secure grant funding from the Homes and Communities Agency so that the affordability of the scheme is maintained. It has also requested a number of changes to wording of the undertaking to ensure that it properly provides affordable housing that addresses the needs of the local community.
18. On the first point, nomination rights appear to be adequately dealt with in the undertaking, and I accept the appellant's view that grant funding would not be precluded by its wording. However, the Council's suggested detailed changes to wording appear to be necessary to ensure that the obligation is sufficiently precise and restrictive in defining the type of housing to be provided on the site and setting out eligibility criteria.
19. The appellant has expressed an unwillingness to depart from the submitted undertaking. Without the amendments the obligation would not be sufficiently robust in ensuring that the proposal would provide local needs affordable housing of the type proposed in perpetuity. The restrictions are necessary, reasonable and directly related to the development. Due to the complexity and need for precision a condition could not adequately deal with these.

### ***Other Matters***

20. The Council has referred to appeal decision APP/K2230/A/09/2116096 for a similar proposal at Meopham. The Inspector identified a range of services and facilities in the vicinity, but considered that the particular site was not well related to these, and found that there would be serious harm to the openness

of the Green Belt and its visual amenities. The decision therefore turned on the precise balance of factors in that case, and does not constrain an assessment of the current proposal based on the individual circumstances. The arguments that there are preferable sites for an affordable housing development in Stockbury are noted, but the appellant has explained the site selection process that led to the current proposal. Based on the information available only limited weight can be given to the possibility of alternatives, and I have assessed the proposal on its own merits. With regard to impact on highway safety and neighbouring properties, there is no evidence to warrant conclusions different to the Council's assessment that the proposal is acceptable in these respects. The site is sufficient distance from listed buildings in the area not to have an effect on the settings of these. In terms of concern about precedent, any other proposals would need to be considered on their particular merits.

### **Conclusion**

21. In the context of provision of affordable housing for local needs the proposal is reasonably sustainable, and the effect on the character and appearance of the area is justified. However, the absence of a sufficiently robust means to restrict the type of housing provided in perpetuity outweighs these findings.
22. I have taken account of the views of local residents and other interested parties in reaching this decision.
23. For the reasons given above I conclude that the appeal should be dismissed.

*T G Phillimore*

INSPECTOR



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12.12.2012





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12.12.2012

Councillor Nelson-Gracie is unable to attend the Planning Committee meeting due to a prior engagement, but has requested that the following statement be put forward to Members of the Committee setting out his objections to the proposal:

"I am unable to be at the Planning Meeting tonight as I have a prior commitment. Nevertheless I wish to ensure that this Application is REFUSED, for the reasons set out in my call-in representations at Para 4.1 (pages 55-56 of Planning Committee papers). In summary my concerns are:

1. Marden's village plans and design statements thus far have been to restrict building of residential property to south of the railway line, reserving an area in the north west of Marden (Pattenden Lane) for employment floorspace and the remainder of the area north of the railway line to remain open countryside. This is backed up by appeal decisions (see pages 70-75 of Planning Committee papers)
2. There are a number of Heritage Assets including Listed Buildings in the immediate vicinity of the application site. The development would have an adverse impact their setting
3. Planning applications for this site have previously been restricted to use for agricultural purposes or ancillary uses for Highfield House, which should remain the case.
4. There will be light and noise impacts on this rural area if dwellings are erected here. Traffic pollution will also be increased.
5. The erection of 8 houses will create an additional road safety hazard, on an entry point to the village where passing traffic is not usually following the 30mph speed limit.
6. Overflow parking from the site is likely to be situated on the B2079, creating further hazard and create an unsightly view on the village entry point
7. This site has not been identified in the SHLAA (2008 and 2012) or as an potential allocated housing site
8. I strongly feel that this type of application should be considered as part of the Local Development plan and such applications should not be dealt with on an ad hoc basis. A Neighbourhood Plan is currently being developed in Marden, and recommendations from this should be considered as material planning considerations when they are published

For these reasons I would ask the Committee to support the Officers in REFUSING this application."

**My recommendation remains unchanged.**

# THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/12/2207

GRID REF: TQ7149

SMITHFIELD HOUSE,  
WEST STREET, HUNTON.



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

APPLICATION: MA/12/2207 Date: 6 December 2012 Received: 7 December 2012

APPLICANT: Mr & Mrs Hayward

LOCATION: SMITHFIELD HOUSE, WEST STREET, HUNTON, MAIDSTONE, KENT,  
ME15 0RY

PARISH: Hunton

PROPOSAL: Erection of a replacement dwelling, detached garage and creation of new access as shown on plan numbers 2635.PP001b, 2635.PP002, 2635.PP003, 2635.PP005b, 2635.PP006, Planning Statement, Design and Access Statement, Phase 1 Habitat Survey and Application Form received 6th December 2012 and plan number 2635.PP004a received 30th January 2013.

AGENDA DATE: 4th April 2013

CASE OFFICER: Kevin Hope

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

- The council's recommendation is contrary to the views of the parish council.

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, H32
- Village Design Statement: N/A
- Government Policy: National Planning Policy Framework 2012

## **2. HISTORY**

- No previous planning history at this site.

## **3. CONSULTATIONS**

3.1 **Parish Council:** Hunton parish council – Raise objections to this proposal with the following comments:-

*"Hunton Parish Council wishes to see the application REFUSED and REQUESTS the application is reported to the Planning Committee. The reason for this recommendation is that the Parish Council regards Smithfield House as an important feature within the village, considering it to be a visual asset, and would not like to see it removed. In fact the Parish Council is surprised that the house is not listed and believes there would be*



*merit in this property actually being listed. The Parish Council is happy for the cluster of outbuildings to be removed and for the driveway to be relocated, but thinks it would be a great shame to lose the house itself from the village”.*

**3.2 Environmental Health Officer:** Raised no objections with the following comments:-

*“Ordinarily this type of application would not be of EH concern, but on reading the planning statement I note that amongst the buildings to be demolished are various outbuildings which have had a previous agricultural use. Being consistent with other similar applications, there is the potential for contamination to be present on site, and therefore a contaminated land assessment would be required”.*

**3.3 KCC Highways:** Raised no objections subject to the imposition of a number of conditions concerning highway safety and the construction of the new access and relevant informatives.

**3.4 Landscape Officer:** Raises no objections with the following comments:-

*“There are no protected trees within the vicinity of this site and no arboricultural information has been submitted by the applicant. However, the proposed layout appears to have no impact on any trees with significant amenity value. I, therefore, raise no objection to this application on arboricultural grounds subject to a pre commencement condition requiring the erection of protective fencing in accordance with BS5837:2012 to ensure any adjacent trees or hedges are not damaged during demolition and construction”.*

**3.5 Conservation Officer:** Raises no objections with the following comments:-

*“The site lies some distance away from the nearest listed buildings, Durrants Cottages and the proposed replacement dwelling will have no significant impact on their setting.*

*Smithfield House, despite its traditional appearance which suggests that it may date from the mid 19<sup>th</sup> Century, does not appear on the 1908 OS Map; it was probably erected circa 1910-1920. In view of this late date I do not consider that it constitutes a non-designated heritage asset.*

*The proposed replacement dwelling is designed in an attractive neo- Georgian vernacular style and will appear appropriate to its context I raise no objection to this application on heritage grounds subject to a condition re samples of materials”.*

**3.6 KCC Ecology:** Raises no objections with the following comments:-

*“The Extended Phase I Habitat Survey, Bat Building Survey and Bat Emergence Survey Report has been submitted in support of this application. We are satisfied with the level and quality of the survey work undertaken, and the conclusions that have been reached. We can therefore advise that the recommendations within the ecological report must be*

*implemented to ensure that Maidstone BC has adequately addressed the potential for ecological impacts arising as a result of the proposed development.*

*Building 2 within the report has potential to provide opportunities for singleton roosting bats. While no bats were recorded emerging from or entering the building, the potential for use remains and as such the recommended precautionary approach to the demolition must be implemented (section 4.8 and 4.9 of the report); roof tiles removed by hand under the supervision of a licensed bat ecologist and carried out between September and February. If bats are encountered works must cease until an appropriate course of mitigation action has been decided on through consultation with the bat ecologist and Natural England.*

*Building 5 has potential to provide opportunities for roosting bats. It is understood that this building is not proposed for demolition. If this changes, advice should be sought from a bat ecologist as to an appropriate demolition method. All of the outbuildings, in addition to trees and hedges on the site, have been assessed as providing opportunities for nesting birds. Works that will affect these features should be undertaken outside of the bird nesting season to limit the potential for offences under the Wildlife and Countryside Act 1981 (as amended). The bird nesting season is March to August inclusive. If works within this period cannot be avoided, it must be preceded by a check for nesting birds carried out by a suitably experienced ecologist. The presence of active bird nests would necessitate cessation of works until the young have fledged. A badger sett has been identified on the site. This is far enough away from the proposed development that there are unlikely to be impacts to the sett. There is potential for landscaping of the site to impact the area and we advise that the area of the badger sett should be left undisturbed, with a 30m buffer between the sett and any groundworks. If works must take place nearer, the advice of a suitably experienced ecologist should be sought.*

*In keeping with the aims of the NPPF, ecological enhancements on the site should be sought. Recommendations are provided within the report, we advise that these are implemented:*

- Installation of 8 bird nest boxes in appropriate locations on the site;*
- Installation of 2 bat boxes in appropriate locations on the site;*
- Landscape planting of native, local provenance species (species recommendations are provided in section 4.21 of the report).*

*The surveys were undertaken during 2012. We advise that if works have not begun by 2014, further surveys will be required, particularly in relation to bat use of the buildings”.*

#### **4. REPRESENTATIONS**

4.1 No neighbour representations have been received.

## **5. CONSIDERATIONS**

### **5.1 Site Description**

5.1.1 The application site comprises a large square shaped rural plot sited within the defined open countryside to the south west of Hunton. The existing two storey dwelling is set back 11m from the road and has a white painted, timber clad front elevation with exposed red brick to the side and rear elevation. The dwelling is of a Georgian style, although not of this period, prominently positioned within this site. The site comprises a corner location at a bend in the road and is bordered by 1m hedging to the front boundary with a gated access. As the boundary treatment extends to the west of the site, the hedging increases in height to in excess of 2m with 1.8m high close boarded fencing behind. The hedging increases again in height further to the west of this boundary.

5.1.2 The site contains a large number of detached ancillary buildings comprising various wooden sheds and workshops. These are spread through the site and have been historically used for storage of household items and machinery associated with the maintenance of the surrounding land. A number of trees are also located within this area, although none of which are protected under a TPO. To the rear of the site, there is an area of orchard bordered by a dense line of hedging. The orchard extending beyond the hedging does not fall under the ownership of the applicant. The orchard trees also extend to the front of the site, part of which is part of the application site.

### **5.2 Proposal**

5.2.1 Planning permission is sought for the erection of a detached replacement dwelling. This would be positioned some 47m further back in to the site than the existing dwelling and would also see the demolition of all existing outbuildings within the site. The dwelling would comprise three main elements in its overall form. The main part of the dwelling would be two storey in scale with a pitched roof with a single storey sloping roof addition extending from the south eastern elevation. This would form the principle accommodation for the dwelling. A one and half storey hipped roof addition would also extend to the north western elevation of the dwelling which would provide an attached annexe for the dwelling including a bathroom and ground floor bedroom. A glazed conservatory element is also proposed to the rear with a projecting pitched roof.

5.2.2 The overall ridge height of the dwelling would measure 9m with an eaves height of 5m. This reduces down to 7.2m and 2.6m respectively for the annexe addition to the north west elevation. The sloping roof south eastern addition

would measure 6m to ridge height and 2.4m to eaves. The dwelling would have an overall width of 23m and a depth of 11.6m.

- 5.2.3 A detached garage/tractor store is also proposed to the north west of the dwelling. This would comprise a rectangular shaped building sited perpendicular to the proposed dwelling. The building would have an internal partition separating the domestic garaging and tractor/machinery store. This would have an overall width of 16.5m and a depth 6.5m. The building would have a hipped roof with a barn hip end resulting in a ridge height and eaves height of 5.3m 2.6m respectively.
- 5.2.4 A new vehicular access from the front north facing boundary is also proposed. This would be sited some 11m to the west of the existing access and would also comprise a new driveway to the dwelling and garage building.
- 5.2.5 The submitted design and access statement states that the dwelling would be of brick construction using red multistock brick and plain clay roof tiles. Much of the rear and side elevations would also be clad using white weatherboarding, although maintaining a brick plinth. No further details or samples have been provided.

### 5.3 **Principle of development**

- 5.3.1 In terms of whether a development of this type is acceptable in principle, policy H32 of the Maidstone Borough Wide Local Plan 2000 provides support for development involving the replacement of existing dwellings outside existing settlements. At a national level, the National Planning Policy Framework 2012 does not give specific guidance on replacement of rural dwellings but does provide some detail on quality of new home design, responding to local character and respecting the identity of the local area in design and the use of materials. The principle for this development is therefore established.

### 5.4 **Visual Impact**

- 5.4.1 Due to the prominent location of the application site at the bend within West Street, the visual impact of the proposed dwelling is an important consideration. At present, the existing dwelling is set back a short distance from the street and has an active presence within the streetscene. The proposed siting of the dwelling set back some 47m further to the south west of this siting would be significantly less visible from the street and be less dominant from the road. This further set back position proposed would also enable an increase in landscaping to this corner which would provide some additional softening to this prominent rural corner on the edge of the developed area of Hunton. This

proposal would also see the removal of the numerous unkempt outbuildings and items within the site which would improve the overall appearance of this area.

- 5.4.2 In terms of wider views of the dwelling, there is a footpath to the south west of the site running through the existing orchard. Whilst some views of the dwelling may be possible from here, the site is largely screened by the dense boundary hedging which extends around the application site. The proposed garage to the north west of the site would be sited adjacent to the north western boundary. Due to the scale and ridge height of this building, views may be possible from West Street. Negotiations have been taken place to reduce the ridge height of this building which has been incorporated in order to reduce the visual impact. The building is of a traditional form and style and would not appear incongruous within this rural location. I therefore do not consider that this element of the proposal would cause significant visual harm. This building would be sited in front of the dwelling from this direction and therefore views of the dwelling itself would not be possible from this direction.
- 5.4.3 The siting of the proposed dwelling is such that its construction is not prohibited by the location of the existing dwelling. However, in order to ensure that an additional residential unit is not created, a condition shall be imposed ensuring that the existing dwelling is demolished and the resulting materials and debris removed from the site within 3 months of the first occupation of the replacement dwelling.
- 5.4.4 In terms of design, the proposed dwelling is of a traditional style with gable end roof to the main section of the dwelling. The fenestration design is also sympathetic to this design respecting the rural location of the site which is appropriate for this siting. Whilst I acknowledge that the dwelling has a significant overall width, however, the overall bulk of the dwelling is reduced with the single storey and one and a half storey side additions to the dwelling. This breaks up the roof line and form of the dwelling also incorporating a part set back front elevation creating a level of visual interest to the building. As a result, the dwelling is well related in form and of a good standard of traditional design. The proposed garage is also of a traditional form taking inspiration from an agricultural style building a typical form of development within a rural location. In terms of the proposed annexe, this is well related to the host dwelling in its design and internal use and would provide a suitable level of addition accommodation which is acceptable. I therefore consider the proposal is sympathetically designed to this rural setting and the proposed dwelling is no more visually intrusive than the existing in accordance with policy H32 of the Maidstone Borough Wide Local Plan 2000.
- 5.4.5 With regard to the significance of the existing dwelling, the parish council have raised this issue within the comments submitted. The dwelling is a detached

property of brick construction with white weatherboarding to the front elevation but is not listed. The conservation officer has been consulted to gain views on the historic significance of the property. The comments received (as outlined under section 3.5) state that the property is not likely to be of historic construction and is not shown on the 1908 Ordnance Survey Map. Therefore it is likely to have been constructed between 1910 and 1920 although in a neo-Georgian style. The dwelling is an attractive property although in light of this late construction, the conservation officer does not consider that it represents a non-designated heritage asset. Whilst, I acknowledge that the dwelling contributes to the character and appearance of this area due to its prominent siting, I agree with the conclusions of the conservation officer and consider that the dwelling is not a heritage asset and raise no objections to its loss.

5.4.6 The agent has confirmed that this proposal will seek to achieve a minimum of Code Level 3 of the 'Code for Sustainable Homes' and so will be conditioned accordingly, to ensure a sustainable and energy efficient form of development. As this is a single dwelling, I consider this is acceptable and would ensure a good quality development is delivered.

## 5.5 Highways

5.5.1 The site already has an existing residential use, a new access is proposed as part of the application approximately 11m to the west of the existing. This would be positioned further from the natural bend in the west street increasing the visibility splay and resulting is a safer vehicular access. The KCC Highways officer has been consulted and has raised no objections. However, a number of conditions will be imposed to ensure that sufficient visibility splays are retained at the site and the driveway and the access are constructed from a suitable material. To enable a suitable visibility splay, the proposed access would also be sited outside of the existing curtilage. A strip of land between a number of orchard trees is included within the red outline for the access and would involve a change of use to residential. This would not result in the loss of prime agricultural land and would not cause detrimental harm as a result. I therefore consider this change of use is acceptable. The existing access would also be closed once the access proposed is in place and secured by condition. I therefore consider that the access to the site would be improved by the proposed new access.

## 5.6 Landscaping

5.6.1 There is some existing landscaping within this site including shrub planting and hedging to the front which is maintained. The boundary hedging increases in height and density to the western boundary and this then extends around the orchard to the rear of the site. There are a number of trees within the site, none

of which are of a significant scale or protected by a TPO. The proposed access would extend between a number of orchard trees to the proposed dwelling. Therefore, a condition shall be imposed requiring the submission of tree protection details.

5.6.2 With the siting of the dwelling further to the rear of the site, additional planting could be accommodated to the front of the site which would enhance the rural character of the site. Whilst no detailed landscape plan has been submitted as part of this submission, further landscaping will be secured by condition to the frontage of the site and access drive. The landscape officer has been consulted and has raised no objections to the application on landscape grounds.

## 5.7 **Neighbouring Amenity**

5.7.1 In terms of the impact upon neighbouring amenity, the proposed dwelling would be sited some 80m to the south west of the nearest dwellings 'Durrants Cottages'. As a result, I do not consider that there would be a significant impact upon the amenity of any neighbouring properties. This includes a loss of light, privacy, outlook or overshadowing.

## 5.8 **Ecology**

5.8.1 A Phase I Habitat Survey, Bat Building Survey and Bat Emergence Survey Report has been submitted as part of this application. This has assessed the suitability of the buildings within the site for their potential for roosting bats, although no bats were discovered during the course of the surveys. The KCC Ecology officer has been consulted on this detail and is satisfied with the level and quality of the survey work undertaken, and the conclusions that have been reached. It is therefore considered that the recommendations within the ecological report should be implemented including the provision of 8 bird boxes and 2 bat boxes within the site. Details of such will be required by condition. The report also suggests the planting of native species within the site although this will be secured by a planting condition separately.

## 6. **CONCLUSION**

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 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 and access drive 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 policies H32 and ENV28 of the Maidstone Borough Wide Local Plan 2000 and the guidance contained within the National Planning Policy Framework 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 preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). 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.

4. A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. 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 in accordance with the guidance contained within the National Planning Policy Framework 2012.

4. The approved details of the access shall be completed before the commencement of the use of the land or buildings hereby permitted and the sight lines maintained free of all obstruction to visibility above 900mm thereafter;

Reason: In the interests of road safety in accordance with the guidance contained within the National Planning Policy Framework 2012.

5. The development hereby permitted shall be undertaken in accordance with the recommendations stated within the Extended Phase 1 Habitat Survey, Bat Building Survey and Bat Emergence Survey report dated July 2012.

Reason: To ensure the suitable protection and enhancement of biodiversity within the site in accordance with the guidance contained within the National Planning Policy Framework 2012.

6. Prior to the use of the site, the existing access shall be closed and ceased to be used for purposes of accessing the site.

Reason: In the interests of road safety in accordance with the guidance contained within the National Planning Policy Framework 2012.

7. Any gates at the vehicular access to Smithfield House, West Street must be set back a minimum of 5.5 metres from the highway boundary;

Reason: In the interests of highway safety in accordance with the guidance contained within the National Planning Policy Framework 2012.

8. The dwelling shall achieve at least Level 3 of the Code for Sustainable Homes. The dwelling shall be occupied until a final Code Certificate has been issued for it certifying that at least Code Level 3 has been achieved;

Reason: To ensure a sustainable and energy efficient form of development in accordance with the guidance contained within the National Planning Policy Framework 2012.

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

Reason: No such details have been submitted and to ensure a satisfactory setting and external appearance to the development. This in accordance with Policy ENV6 of the Maidstone Borough-Wide Local Plan 2000, policies CC1 and CC6 of the South East Plan 2009 and the guidance contained within the National Planning Policy Framework 2012.

10. 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. This in accordance with Policy ENV6 of the Maidstone Borough-Wide Local Plan 2000, policies CC1 and CC6 of the South East Plan 2009 and the guidance contained within the National Planning Policy Framework 2012.

11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the

occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

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

12. The existing dwellinghouse known as 'Smithfield House' within the site shall be demolished, the existing access closed and the resulting materials and debris removed from the site to the satisfaction of the Local Planning Authority within 3 months of the first occupation of the building hereby permitted;

Reason: To prevent an overdevelopment of the site and to safeguard the character and appearance of the surrounding area in accordance with policies ENV28 and H32 of the Maidstone Borough Wide Local Plan 2000, policies CC6, C4 and CC1 of the South East Plan 2009 and the guidance contained within the National Planning Policy Framework 2012.

13. The development shall not commence until details for the provision of bat and bird boxes within the site has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to provide suitable biodiversity enhancements for nesting or roosting of bats and birds in accordance with the National Planning Policy Framework (2012).

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

Plan numbers 2635.PP001b, 2635.PP002, 2635.PP003, 2635.PP005b, 2635.PP006, Planning Statement, Design and Access Statement, Phase 1 Habitat Survey and Application Form received 6th December 2012 and plan number 2635.PP004a received 30th January 2013.

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 H32, ENV6 and ENV28 of the Maidstone Borough Wide Local Plan 2000 and the guidance contained within the National Planning Policy Framework 2012.

### **Informatives set out below**

Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 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.

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](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 08458 247800) in order to obtain the necessary Application Pack.

Provision should be made for wheel washing facilities prior to commencement of work on site and for the duration of construction.

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 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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26. 3. 2013

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26. 3. 2013



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26. 3. 2013



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26. 3. 2013

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26. 3. 2013

**Reference number: MA/12/2207**

**Officer Comment**

In order to clarify the requirement of condition 6, I wish to amend the wording to state "Prior to the occupation of the dwelling hereby approved". The site currently has a lawful residential use and therefore the wording of "Prior to the use of the site" is not accurate.

I would also like to amend the wording of condition 13 to enable a more detailed provision to be implemented. I therefore amend the condition as follows:-

13. The development shall not commence until details have been submitted to and approved in writing by the Local Planning Authority showing the provision of bat and bird boxes on the dwelling. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: In order to provide suitable biodiversity enhancements for nesting or roosting of bats and birds in accordance with the National Planning Policy Framework (2012).

**Recommendation**

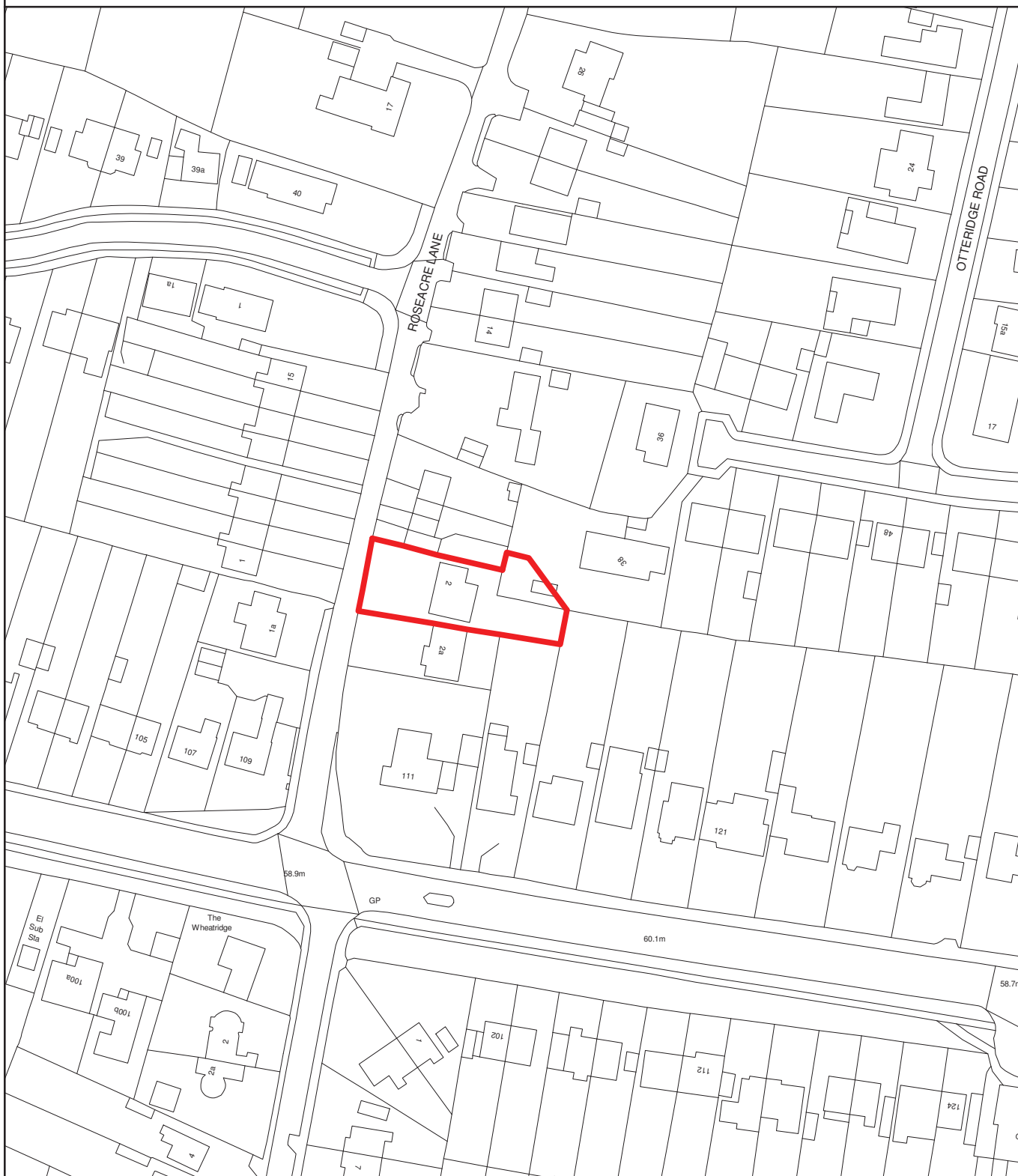
My recommendation remains unchanged subject to the above amended conditions.

# THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/0131

GRID REF: TQ7955

ROSEACRE VIEW, 2 ROSEACRE LANE,  
BEARSTED.



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**Rob Jarman**  
Head of Planning

APPLICATION: MA/13/0131 Date: 24 January 2013 Received: 24 January 2013

APPLICANT: Mr & Mrs Mark Westbrook

LOCATION: ROSEACRE VIEW, 2, ROSEACRE LANE, BEARSTED, MAIDSTONE, KENT, ME14 4HY

PARISH: Bearsted

PROPOSAL: Erection of part single storey and part two storey side and rear extension (resubmission of MA/12/0838) as shown on drawing nos. 10-1136-LP2, SP2 and 201 received 24/01/13.

AGENDA DATE: 4th April 2013

CASE OFFICER: Kathryn Altieri

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

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

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: H18
- Government Policy: National Planning Policy Framework
- Supplementary Planning Document – ‘Residential Extensions’

## **2. HISTORY**

- MA/12/0838 – Erection of part single storey and part two storey side and rear extension – approved
- MA/88/0502 - Two storey extension – approved/granted with conditions

## **3. CONSULTATIONS**

3.1 **Bearsted Parish Council:** Wish to see the application refused and reported to Planning Committee;

*"We consider that the increased depth of this proposed extension will cause further harm to the residential amenity of 4 Roseacre Lane by increasing the overshadowing of its rear garden."*

## **4. REPRESENTATIONS**

4.1 4 Roseacre Lane has objected on the grounds of loss of light.

## **5. CONSIDERATIONS**

### **5.1 Site description**

5.1.1 The application site relates to 2 Roseacre Lane, a detached property that is set back some 15m from the road. This property is noticeably set up higher than the road, and to the front of the site there is a private driveway and a soft landscaped amenity area. The applicant's property is also noticeably set further back than the terrace of houses to the immediate north of the site.

5.1.2 The site is some 50m to the north of the junction with Ashford Road and the surrounding area largely consists of residential properties of differing scale, design and age, including Grade II listed buildings to the north and south of the site (6, 8, 10 Roseacre Lane and 111 Ashford Road). The application site is within the designated urban area as shown by the Maidstone Borough-Wide Local Plan 2000.

### **5.2 Proposal**

5.2.1 This application is for an amendment to previous approval MA/12/0838 that was for the erection of a part single storey and part two storey side and rear extension, to provide the occupants with a larger kitchen/dining area and larger bathroom. The proposed amendment to what was previously approved under MA/12/0838 is as follows;

- The single storey element would project a further 900mm from the rear flank of the original property. This element would have a very shallow pitched roof (almost flat), it would stand some 2.4m in height, and it would measure some 5m in width.

5.2.2 It should be made clear that this application is only concerned in assessing the merits of this proposed amendment. The rest of the development has already been granted approval under planning application MA/12/0838.

### **5.3 Principle of development**

5.3.1 The most relevant policy under the Maidstone Borough-Wide Local Plan 2000 relating to householder development of this type within the urban area is still Policy H18; and the Council's Supplementary Planning Document – 'Residential Extensions' is also of relevance. I will consider the proposal against the criteria set out in this policy and guidance.

## **5.4 Residential amenity**

- 5.4.1 The nearest neighbour to the proposal would be 4 Roseacre Lane. I am of the view that the proposed 900mm extension of the single storey element approved under MA/12/0838 would still not result in a development that would have a significant detrimental impact on the amenity of the occupants of this property. Indeed, the proposed amendment with its modest projection and low height would be well screened from this neighbour by the existing ragstone wall; it would remain set in 0.5m from this shared boundary; and it would be located more than 10m away from the rear elevation of this neighbouring property.
- 5.4.2 The proposed amendment, given its modest scale and location, would not have a significant adverse impact on the occupants of 2a Roseacre Lane or any other near-by property.
- 5.4.3 I am therefore of the view that this proposal, because of its scale, design and location, would not have an overwhelming impact on, or have a significant detrimental impact on the residential amenity of any neighbour, in terms of loss of privacy, outlook, light and overshadowing.

## **5.5 Visual impact**

- 5.5.1 Given the modest 900mm increase in the depth of the single storey element of the proposal, I am satisfied that it would remain subordinate and not overwhelm or destroy the character of the existing property. Moreover, given the modest amendment's location, it would not appear significantly visible from any public vantage point and therefore would not have an adverse impact on the character and appearance of the surrounding area.

## **5.6 Other matters**

- 5.6.1 The proposed amendment, because of its modest scale, location and nature, would not have a significant impact on parking provision (or generate any need), or highway safety.
- 5.6.2 Given the modest scale of the proposed amendment, and its location to the rear of the property, I am satisfied that it would not have a detrimental impact upon the character and setting of the near-by Grade II listed buildings.

## **6. CONCLUSION**

- 6.1 The concerns raised by Bearsted Parish Council and the occupants of 4 Roseacre Lane have been dealt with in the main body of this report. Please note that Bearsted Parish Council did not previously comment on planning approval MA/12/0838.



6.2 It is therefore considered that the proposal is still acceptable with regard to the relevant provisions of the Development Plan, the Council's adopted Supplementary Planning Document – 'Residential Extensions', and all other material considerations such as are relevant. I therefore recommend conditional approval of the application on this basis.

## **7. RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

2. The materials to be used in the construction of the external surfaces of the building hereby permitted shall match those shown on application form and drawing no. 10-1136-201 received 24/01/13;

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

3. The development hereby permitted shall be carried out in accordance with the following approved plan:  
10-1136-201 received 24/01/13;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers. This is in accordance with policy H18 of the Maidstone Borough-Wide Local Plan 2000 and the National Planning Policy Framework.

Note to Applicant:

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

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

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

In this instance:

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

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

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

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**Reference number: MA/13/0131**

The agent is unable to attend the Planning Committee meeting and would like to submit the following statement;

*"Dear sirs,*

*Due to the applicants' unavailability on the day of the meeting and it being difficult for me, as agent, to attend, I am taking the liberty of making the following comments.*

*The case officer has clearly shown that the effect of the extra 900mm of extension would be minimal but I would reinforce that the extension will only be approximately 300mm above the existing garden wall (and around 500mm away) and the neighbours already have a substantial garden building of their own in the adjacent area. It is highly unlikely there would be any impact from this small increase.*

*Unfortunately, the applicants were not contacted by the Parish Council and no site visit carried out, which is most unusual given that they appear to be backing a neighbour's objection.*

*If they had made contact, the applicants could have demonstrated the lack of impact of this extra section of building and maybe avoided the need for this to go to committee.*

*The Parish Council refer to 'further harm' but it is not felt that the approved extension causes harm anyway and no objection was made for that application.*

*I respectfully trust that the recommendation for approval will be carried."*

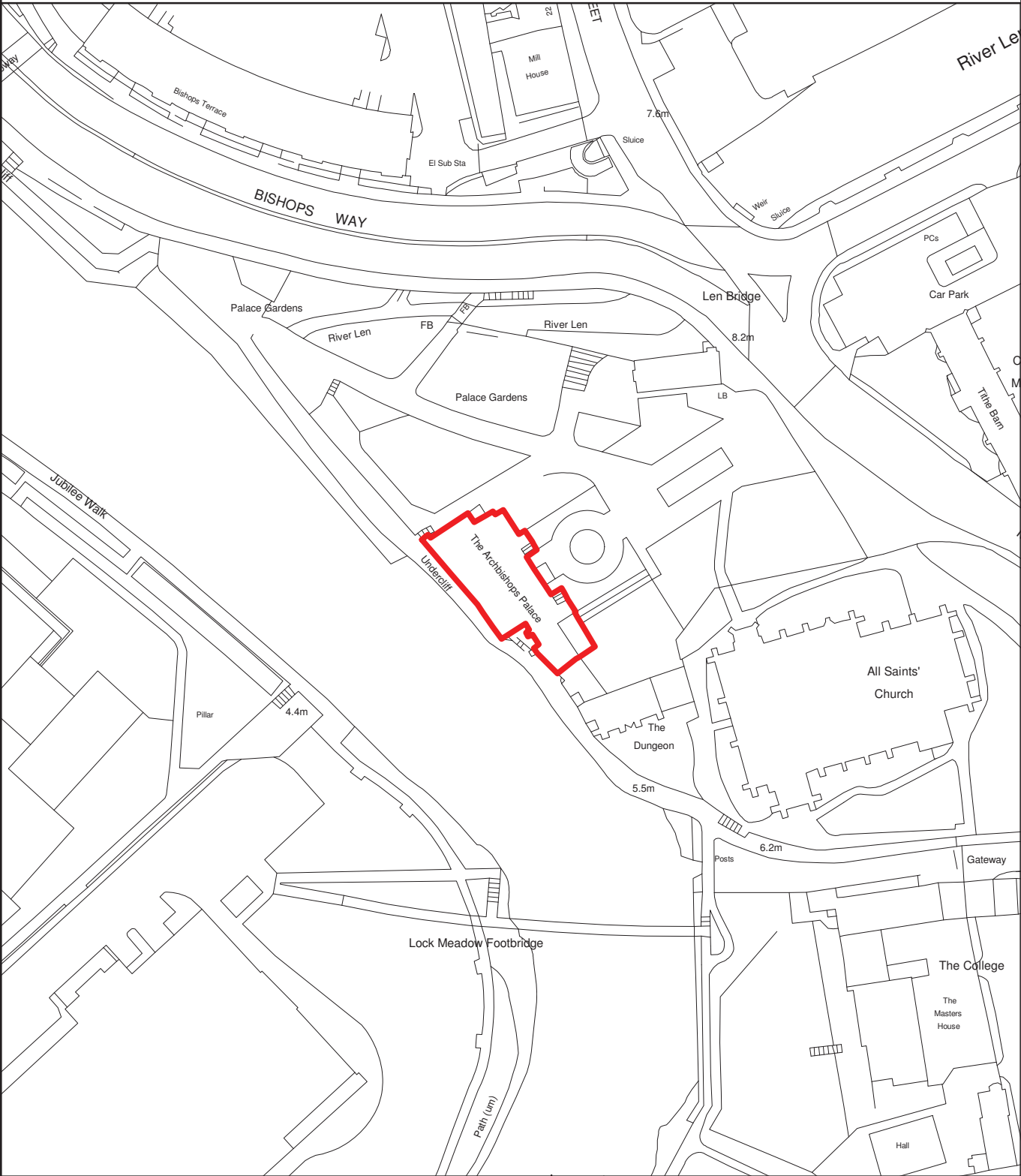
**My recommendation is unchanged.**

# THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/0201

GRID REF: TQ7555

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



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

APPLICATION: MA/13/0201 Date: 5 February 2013 Received: 26 February 2013

APPLICANT: Mr Tom Hayes

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

PARISH: Maidstone

PROPOSAL: Installation of wrought iron gates to central tower as shown on drawing no.s 1C/100 received on 26/02/13, , 1C/100 and 1B/100 received on 12/02/13 and a Design & Access Statement received on 13/02/13 .

AGENDA DATE: 4th April 2013

CASE OFFICER: Louise Welsford

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

- The Council is the applicant.

## **1. POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV7.  
Government Policy: National Planning Policy Framework (2012).

## **2. HISTORY**

2.1 There is extensive history for the site. The most relevant to this proposal is:

MA/13/0055 An application for listed building consent for installation of wrought iron gates to central tower – This was reported to Planning Committee on 21<sup>st</sup> February 2013 and Members resolved to report the application to the Secretary of State, recommending that Listed Building Consent be granted. Consent has now been granted, subject to the conditions set out in the Committee report.

## **3. CONSULTATIONS**

3.1 English Heritage: No response.

3.2 Conservation Officer: No objections. Comments from the Listed Building Consent application stated:



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

#### **4. REPRESENTATIONS**

4.1 None received to date.

#### **5. CONSIDERATIONS**

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

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

##### **5.2 Proposal**

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

##### **5.3 Impact upon the Listed Building and its setting**

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

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

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

#### **5.4 Visual Impact upon the Conservation Area**

5.4.1 The proposed gates are of a suitable siting, quality and design to preserve the character and appearance of the Conservation Area and the visual quality of the Riverside Zone of Special Townscape Importance. They would not cause significant harm to any key views of the Conservation Area or to the river corridor.

#### **5.5 Other Matters**

5.5.1 The proposal is of a type which would have no significant adverse effect upon archaeology.

5.5.2 There are no significant residential amenity or ecological issues, due to the type of proposal and siting.

### **6. CONCLUSION**

6.1 The proposal would preserve the character, appearance and historical integrity of the Listed Building and its setting, and the character and appearance of the Conservation Area.

6.2 Subject to no significant new issues being raised as a result of outstanding statutory consultation, it is recommended that Planning Permission be granted, subject to conditions as listed below.

### **7. RECOMMENDATION**

Subject to no significant new issues being raised as a result of outstanding statutory consultation I BE DELEGATED POWER 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 hereby permitted shall be carried out in accordance with the following approved plans:

drawing no.s 1C/100 received on 26/02/13, , 1C/100 and 1B/100 received on 12/02/13 and a Design & Access Statement received on 13/02/13 .

Reason: To ensure the quality of the development is maintained and to preserve the historical integrity of the Grade I Listed Building in accordance with the National Planning Policy Framework.

3. The development shall not commence until full details of the proposed gates, in the form of large scale drawings, (at a scale of 1:10), including details of the precise positioning and fixings of the gates, have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To preserve the setting, character and appearance of the Grade I Listed building, in accordance with the National Planning Policy Framework.

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



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