

AGENDA

PLANNING COMMITTEE MEETING



Date: Thursday 8 August 2013
Time: 6.00 p.m.
Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Ash, Chittenden, Collins, Cox,
Harwood, Hogg, Lusty (Chairman),
Moriarty, Nelson-Gracie, Paine,
Paterson, Mrs Robertson and
J.A. Wilson

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 15 August 2013

Continued Over/:

Issued on 31 July 2013

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

Alison Broom

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

6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
10. Minutes of the meeting held on 18 July 2013 1 - 6
11. Presentation of Petitions (if any)
12. MA 08 2125 - IDEN MANOR NURSING HOME, CRANBROOK ROAD, STAPLEHURST, TONBRIDGE, KENT 7 - 31
13. MA 12 1949 - KENT COTTAGE AND CHANCE HOLDING, GRIGG LANE, HEADCORN, KENT 32 - 81
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15. MA 13 0737 - PARNHAM HOUSE, NORTH STREET, HEADCORN, KENT 97 - 106
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21. 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 18 JULY 2013

Present: Councillor Lusty (Chairman) and Councillors Ash, Chittenden, Collins, Cox, Garland, Harwood, Moriarty, Nelson-Gracie, Paine, Paterson and Mrs Robertson

Also Present: Councillors Mrs Blackmore and McLoughlin

71. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Hogg and J A Wilson.

72. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Garland was substituting for Councillor Hogg.

73. NOTIFICATION OF VISITING MEMBERS

Councillors Mrs Blackmore and McLoughlin indicated their wish to speak on the report of the Head of Planning and Development relating to application MA/13/0115.

74. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

75. URGENT ITEMS

Update Report

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

76. DISCLOSURES BY MEMBERS AND OFFICERS

With regard to the report of the Head of Planning and Development relating to application MA/13/0115, Councillor Collins stated that he knew the applicant. However, it was not a close relationship, and he intended to speak and vote when the application was discussed.

With regard to the report of the Head of Planning and Development relating to application MA/13/0115, the Chairman stated that he knew the

applicant as he lived in his road. It was not a close relationship, he had not discussed the application with him, and he intended to speak and vote when the application was discussed.

77. EXEMPT ITEMS

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

78. MINUTES OF THE MEETING HELD ON 27 JUNE 2013

RESOLVED: That the Minutes of the meeting held on 27 June 2013 be approved as a correct record and signed.

79. PRESENTATION OF PETITIONS

There were no petitions.

80. DEFERRED ITEM

MA/12/1949 - OUTLINE PLANNING APPLICATION, WITH ACCESS, LAYOUT, SCALE AND APPEARANCE TO BE DETERMINED AND WITH LANDSCAPING AS A RESERVED MATTER, FOR THE DEMOLITION OF BUILDINGS AT KENT COTTAGE AND CHANCE HOLDING TO ENABLE THE CONSTRUCTION OF RESIDENTIAL DEVELOPMENT OF 29 DWELLINGS INCLUSIVE OF 11 AFFORDABLE DWELLINGS, INCLUSIVE OF RETAINED WOODLAND AS OPEN AMENITY LAND, ENHANCED LANDSCAPING INCLUDING NEW POND, ELECTRICITY SUB-STATION, FOUL DRAINAGE PUMPING STATION WITH ACCESS ROAD OFF GRIGG LANE - KENT COTTAGE AND CHANCE HOLDING, GRIGG LANE, HEADCORN, KENT

It was noted that the Case Officer had held discussions with the applicant regarding the issues raised, and amended plans were awaited.

81. MA/13/0115 - DEMOLITION OF EXISTING INDUSTRIAL BUILDINGS AND BREAKING UP OF ASSOCIATED HARDSTANDING AND REDEVELOPMENT OF SITE TO ACCOMMODATE 110 DWELLINGS TOGETHER WITH ASSOCIATED PLAY TRAIL, AMENITY SPACE, ALLOTMENTS, NEW ACCESS, PARKING AND LANDSCAPING - THE MAP DEPOT SITE, GOUDHURST ROAD, MARDEN, KENT

All Members stated that they had been lobbied.

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

Mr Witts, for objectors, Councillor Mannington of Marden Parish Council (against), Miss Ashton, for the applicants, and Councillors McLoughlin and Mrs Blackmore addressed the meeting.

RESOLVED:

1. That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Services may advise to secure the following:-

The provision of a minimum of 40% affordable housing;

A contribution of £118,764 for NHS Property Services towards the improvement of services and facilities at the Marden Medical Centre and Staplehurst Medical Centre;

A contribution of £239,637.44 for Kent County Council towards primary school expansion within a 2 mile radius of the application site, or further if considered necessary in consultation with the County Council;

A contribution of £239,519.76 for Kent County Council towards the extension of existing local secondary schools to cater for the additional demand for places within a 10 mile radius of the application site;

A contribution of £2,126.30 for Kent County Council towards the provision of bookstock and services at Marden Library to meet the additional demand on the resource;

A contribution of £3,158.10 for Kent County Council towards new/expanded facilities and services for adult education centres and outreach community learning facilities in the area;

An Adult Social Services contribution of £1,754.50 for Kent County Council to be used towards the provision of Telecare and the enhancement of local community facilities to ensure full DDA compliant access to clients;

The provision of additional cycle parking facilities at Marden Station, adjacent to Marden Library and in the village centre adjacent to the Post Office as set out within the interim travel plan;

Details of the provision and subsequent management of the open space, green and allotment areas within the site; and

A contribution of £88,000 for Maidstone Borough Council Parks and Leisure to be used towards the upgrading of Marden Playing Fields,

the Head of Planning and Development be given delegated powers to grant permission subject to the conditions and informatives set out in the report, as amended by the urgent update report, with the amendment of condition 22 and an additional informative as follows:-

Condition 22 (amended)

Notwithstanding the details and recommendations set out in section 5 of the ecological survey report dated January 2013 prepared by Aspect Ecology and the principles shown on drawing no. R.0283_10revE (strategic landscape masterplan), the development shall not commence until an ecological enhancement and management plan and revised mitigation strategy has been submitted to and approved by the Local Planning Authority. The plan and revised mitigation strategy shall include the following:-

- i) A detailed translocation plan for reptiles that, inter-alia, provides for a minimum of 5 clear trapping days before a destructive search is undertaken.
- ii) The provision of bat bricks/boxes, bird nesting boxes and swift bricks.
- iii) The retention of a proportion of the cordwood within the site.
- iv) The provision of refugia and hibernacula.
- v) Precise details of the proposed pond. The details shall include the provision of shallow areas, and deeper, cooler areas, as well as the planting regime for the pond.
- vi) Details of the wildflower seed mixes for the meadow area within the site and pond edges.

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

Reason: To secure appropriate management and enhancement within the site in the interests of ecology and biodiversity pursuant to the advice in the National Planning Policy Framework 2012.

Additional Informative

An Implementation Committee comprising Ward Members, representatives of the Parish Council and the applicants and Councillors Collins and Harwood is to be set up to monitor all aspects of the construction and the development. The nominal costs of administering the Committee are to be met by the applicants.

2. That the timeframe for the repayment of any unspent S106 contributions for education be extended to seven years.
3. That the Officers be given delegated powers to seek to negotiate the provision of a connection from the rear of the site to link with PROW KM 245.

Voting: 8 – For 2 – Against 2 – Abstentions

Note: Councillor Nelson-Gracie requested that his dissent be recorded

82. MA/13/0587 - AN APPLICATION TO VARY CONDITIONS 1 AND 2 OF MA/11/0675 (RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE OF LAND FROM AGRICULTURE TO RESIDENTIAL FOR A GYPSY FAMILY WITH THE STATIONING OF THREE MOBILE HOMES, TWO TOURING CARAVANS AND THE ERECTION OF TWO TIMBER SHEDS) TO ALLOW THE STATIONING OF 5 CARAVANS, OF WHICH NO MORE THAN 4 SHALL BE A STATIC CARAVAN OR MOBILE HOME AND TO ALLOW THE ADDITIONAL MOBILE TO BE OCCUPIED BY MR JOSEPH SMITH AND HIS WIFE MRS KARLINE SMITH, AND THEIR RESIDENT DEPENDANTS - 2 LITTLE APPLEBY, LUCKS LANE, CHART SUTTON, MAIDSTONE, KENT

The Committee considered the report of the Head of Planning and Development.

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

Voting: 12 – For 0 – Against 0 – Abstentions

83. MA/11/1680 - ERECTION OF A DETACHED GARDEN ROOM AND WORKSHOP (RETROSPECTIVE APPLICATION) - 121 BATHURST ROAD, STAPLEHURST, TONBRIDGE, KENT

The Committee considered the report of the Head of Planning and Development.

Mr Levey, an objector, addressed the meeting.

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

Voting: 2 – For 0 – Against 10 – Abstentions

84. MA/13/0930 - RETROSPECTIVE APPLICATION FOR LISTED BUILDING CONSENT FOR THE ERECTION OF NEW PORCHES AND AN INFILL EXTENSION - FAIRBOURNE MANOR, FAIRBOURNE LANE, HARRIETSHAM, MAIDSTONE, KENT

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

RESOLVED: That permission be refused for the reason set out in the report.

Voting: 12 – For 0 – Against 0 – Abstentions

85. APPEAL DECISIONS

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

RESOLVED: That the report be noted.

86. CHAIRMAN'S ANNOUNCEMENTS

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

87. DURATION OF MEETING

6.00 p.m. to 7.50 p.m.

APPLICATION: MA/08/2125 Date: 24 October 2008 Received: 29 May 2013

APPLICANT: Mr P David, Whitepost Healthcare Group

LOCATION: IDEN MANOR NURSING HOME, CRANBROOK ROAD, STAPLEHURST, TONBRIDGE, KENT, TN12 0ER

PARISH: Staplehurst

PROPOSAL: Erection of a four storey 62 bedroom nursing home with 18 parking spaces. (Resubmission of MA/08/0825) as shown on drawing numbers D-001 Rev P3, D-005 Rev P0, D-006 Rev P0, D-010 Rev P6, D-020 Rev P4, D-030 Rev P3, D-040 Rev P4, D-050 Rev P2, D-100 Rev P3, D-101 Rev P3, D-200 Rev P5, D-201 Rev P1, D-202 Rev P1, M-900 Rev P1, M-901 Rev P1, M-902 Rev P1, M-903 Rev P1, M-904 Rev P0, M-905 Rev P1, M-906 Rev P1 received on 28/10/08 and as amended by additional documents being details of employee numbers and shift patterns received on 18/2/09 and amended design and access statement and drawing numbers D-010 Rev P7, D-020 Rev P5, D-030 Rev P4, D-040 Rev P5, D-050 Rev P3, D-100 Rev P4, D-101 Rev P4, D-200 Rev P6, D-201 Rev P2, D-202 Rev P2 received on 9/4/09.

AGENDA DATE: 8th August 2013

CASE OFFICER: Peter Hockney

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

- The application was previously reported to Planning Committee

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34, H26, T13, CF1
- Government Policy: National Planning Policy Framework 2012

2. HISTORY

MA/08/0825 – Erection of a 4 storey extension consisting of 62 bedrooms, with car park adjacent – WITHDRAWN.

MA/06/0364 – Outline application for the erection of a 62 bedroom extension to existing residential care facility with all matters reserved for future consideration – APPROVED WITH CONDITIONS.

MA/04/0625 – An outline application for an 82 bedroom extension with associated car parking – REFUSED.

MA/03/2061 – Erection of a single storey storage shed – APPROVED WITH CONDITIONS.

MA/03/1822 – Provision of five parking spaces – APPROVED WITH CONDITIONS.

MA/03/0927 – Erection of part single storey, part three storey extension – APPROVED WITH CONDITIONS.

MA/87/1249 – Erection of sun lounge – APPROVED WITH CONDITIONS.

MA/86/1614 – Change of use from convent to nursing home – APPROVED WITH CONDITIONS.

3. BACKGROUND

- 3.1 This application was reported to planning committee on 30 April 2009 where Members agreed that subject to the prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to secure the payment of an appropriate contribution towards the provision of primary health care services delegated powers was given to permit subject to conditions and informatives.
- 3.2 Following this resolution there were a number of delays relating to issues raised by the objector to the scheme in relation to whether the correct ownership certificate was served, the proposed drainage for the development and whether this would impact on any of the trees in the vicinity as well as the process of the legal agreement.
- 3.3 The drainage strategy has now been received and been sent to consultees and there have been no objections received. The Section 106 agreement has been completed (29 May 2013) and therefore the requirement to pay a contribution to healthcare facilities has been agreed.
- 3.4 Due to the length of time since the resolution of Planning Committee and the changes to the scheme this application is being brought back to committee for a decision. I attach a copy of the previous report at Appendix 1 for Members information.

4. FURTHER CONSULTATIONS

- 4.1 **The Environment Agency** raise no objections to the proposal and accept the revised surface water drainage strategy.
- 4.2 **Southern Water** indicate that the surrounding sewerage system has inadequate capacity but do not raise any objections to the application. They do request that an informative be added to any approval.
- 4.3 **The Upper Medway Internal Drainage Board** have no comments to make on the drainage strategy as it lies outside its area of control. Although it would appear to represent no significant flood risk.
- 4.4 **MBC Landscape Officer** raises no objections and is satisfied that tree protection measures and the in the arboricultural report can be adhered to with the drainage proposals.

5. CONSIDERATIONS

- 5.1 Since Members last considered the application the Development Plan has altered in that Kent and Medway Structure Plan 2006 is no longer in force, however, the saved policies of the Maidstone Borough-Wide Local Plan (2000) remain. In addition, the Government guidance landscape has changed from the Planning Policy Statements to the National Planning Policy Framework.
- 5.2 There have been no changes to the extension to the nursing home or its design. Policy H26 of the Maidstone Borough-Wide Local Plan (2000) remains in existence and deals with new nursing homes and residential care homes and extensions to existing facilities.
- 5.3 Changes to the scheme have been made in relation to the surface water drainage. Originally this was to be drained into the field to the north, however, following concerns raised on behalf of a neighbour regarding this situation and in particular land ownership changes have been made to drain the surface water via a sustainable urban drainage system to a nearby pond. The controlled discharge would ensure there would be no significant increase in flood risk and no objections have been received from the relevant bodies. The drainage system would be through an existing protected woodland covered by TPO 5 of 2003. The drainage would not result in the removal of any trees and the Landscape Officer raises no objections to the application.
- 5.4 The ecological surveys that were carried out are now a few years old. However, the management of the site has not changed in the intervening period and I consider that the conclusions can be relied upon.

- 5.5 There are no significant changes to the proposal and the scheme remains acceptable.

6. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

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

Reason: To ensure a satisfactory appearance to the development.

3. The development shall not commence until, large scale elevational details showing the recesses and projections 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.

4. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall 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 appearance to the development.

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

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.

6. All trees to be retained must be protected by suitable fencing as specified in BS 5837 (2005) 'Trees in Relation to Construction Recommendations' 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 fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, 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.

7. The development shall not commence until full details of surface water drainage 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 prevent the increased risk of flooding and to ensure the protection of existing trees.

8. The development shall not commence until details of foul sewerage disposal 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 ensure adequate foul sewerage disposal is provided.

9. The recommendations contained within the submitted Ecological Assessment dated October 2008 shall be fully adhered to prior to any clearance or materials or machinery being brought onto the site and maintained until the completion of the development;

Reason: To protect wildlife in the surrounding area.

10. No development shall take place, including any works of clearance or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To ensure the maintenance of the character and appearance of the area.

11. The development shall not commence until details of the proposed surface material for the car parking area 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: In order to ensure a satisfactory appearance to the development.

Informatives set out below

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

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

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

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

Reasonable and practicable steps should be used during any demolition or removal of existing structure and fixtures, to dampen down, using suitable water or liquid spray system, the general site area, to prevent dust and dirt being blown about so as to cause a nuisance to occupiers of nearby premises.

Where possible, the developer shall provide the Council and residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work, for example scaffolding alarm misfiring late in the night or early hours of the morning, any over-run of any kind.

A formal application for connection to the public sewerage system is required in order to service this development. to initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962 858688), or www.southernwater.co.uk

The development should embrace sustainable construction and drainage objectives as set out in BREEAM guidelines and should comply with relevant building regulation requirements as set out by the Department for Business, Enterprise and Regulatory Reform and Part L of the Building Regulations.

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 there are no overriding material considerations to indicate a refusal of planning consent.

APPLICATION: MA/08/2125 Date: 18-Feb-2009 Received: 18-Feb-2009

APPLICANT: Whitepost Healthcare Group

LOCATION: IDEN MANOR NURSING HOME, CRANBROOK ROAD, STAPLEHURST, TONBRIDGE, KENT, TN12 0ER

PROPOSAL: Erection of a four storey 62 bedroom nursing home with 18 parking spaces. (Resubmission of MA/08/0825) as shown on drawing numbers D-001 Rev P3, D-005 Rev P0, D-006 Rev P0, D-010 Rev P6, D-020 Rev P4, D-030 Rev P3, D-040 Rev P4, D-050 Rev P2, D-100 Rev P3, D-101 Rev P3, D-200 Rev P5, D-201 Rev P1, D-202 Rev P1, M-900 Rev P1, M-901 Rev P1, M-902 Rev P1, M-903 Rev P1, M-904 Rev P0, M-905 Rev P1, M-906 Rev P1 received on 28/10/08 and as amended by additional documents being details of employee numbers and shift patterns received on 18/2/09 and amended design and access statement and drawing numbers D-010 Rev P7, D-020 Rev P5, D-030 Rev P4, D-040 Rev P5, D-050 Rev P3, D-100 Rev P4, D-101 Rev P4, D-200 Rev P6, D-201 Rev P2, D-202 Rev P2 received on 9/4/09.

AGENDA DATE: 30th April 2009

CASE OFFICER: Peter Hockney

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

- It is contrary to views expressed by the Parish Council

POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34, H26, T13, CF1
 Kent and Medway Structure Plan 2006: SP1, EN1, EN5, EN8, SS8, EP7, TP19, NR5, NR10, NR11

Government Policy: PPS1, PPS3, PPS7

HISTORY

MA/08/0825 – Erection of a 4 storey extension consisting of 62 bedrooms, with car park adjacent – WITHDRAWN.

MA/06/0364 – Outline application for the erection of a 62 bedroom extension to existing residential care facility with all matters reserved for future consideration – APPROVED WITH CONDITIONS

MA/04/0625 – An outline application for an 82 bedroom extension with associated car parking – REFUSED

MA/03/2061 – Erection of a single storey storage shed – APPROVED WITH CONDITIONS

MA/03/1822 – Provision of five parking spaces – APPROVED WITH CONDITIONS

MA/03/0927 – Erection of part single storey, part three storey extension – APPROVED WITH CONDITIONS

MA/87/1249 – Erection of sun lounge – APPROVED WITH CONDITIONS

MA/86/1614 – Change of use from convent to nursing home – APPROVED WITH CONDITIONS

CONSULTATIONS

Staplehurst Parish Council wishes to see the application REFUSED for the following reasons:-

“Councillors considered the application in detail and recommended REFUSAL for the following reasons; the proposal, due to its height and mass, would overwhelm and detract from the existing building which is worthy of listed status, great concerns exist at the lack of adequate parking provision (which is two less than the earlier application) for visitors, staff and service vehicles, traffic conflicts would occur on the single track road giving access to the adjacent farm and proposed car park, the impact of the proposal on local Health Services does not appear to have been assessed, nor any external lighting or Section106 proposals that we are aware of.”

No comments have been received as yet on the amended details.

The Environment Agency, following the submission of a revised Flood Risk Assessment raise no objections to the development and recommend conditions.

Southern Water raise no objections to the development although note that the current sewage system is inadequate to accommodate the increased flows and recommends a condition and an informative regarding foul sewerage disposal.

The Upper Medway Internal Drainage Board raise no objections to the application subject to the surface water drainage meeting the requirements of the Environment Agency.

West Kent PCT requests a financial contribution totalling £61,008 to provide additional care to meet the demand of the development.

Kent Highway Services have no objections in terms of highway matters and consider the level of car parking to be acceptable.

MBC Environmental Health Manager raises no objections to the application.

MBC Building Surveying have no comments to make on the application.

REPRESENTATIONS

One letter of objection has been submitted by a planning agent on behalf of three neighbouring properties on the following grounds:-

- The access road is not in the ownership of the applicant.
- The visual impact of the extension as a condition on the outline consent restricting the extension to two full storeys with additional accommodation in the roof space.
- The scale of the extension is not modest and dominated by car parking.
- Concern regarding the foul sewage disposal as the sewer crosses land outside the applicant's ownership.
- Concern regarding the surface water drainage and the risk of flooding.
- Insufficient car parking for the scale of the development.

CPRE Maidstone does not oppose the application but seeks conditions to ensure the materials are not particularly intrusive, the landscaping preserves the green areas, drainage in order to prevent flooding and to fund addition primary care requirements.

SITE LOCATION

The site comprises a substantial late 19th century property located to the east of the A229 and to the south of Staplehurst Village, the end of the access road is opposite the village boundary. Although the building may be considered to be of some historic interest (built by 1889) it is not a listed building. Access to the site is via a long access road from the A229 which also serves the adjacent complex of buildings comprising the former Convent of the Good Shepherd, which is now used as a rehabilitation centre. This is a private road leading up to the site and other sites and is not an adopted highway, however there is nothing to stop the public walking up the access road. The site lies within the open countryside and within a Special Landscape Area.

Iden Manor previously formed part of the Convent of the Good Shepherd but has been used for many years as a nursing home. A single storey extension with a three storey lift / stair element was permitted under MA/03/0927. This extension, together with internal alterations to the existing building provided two additional bedrooms.

There is an existing parking area to the front of the main building accessed from the shared access road.

The site and its surroundings are generally flat in nature although there are land level changes in small areas of the site including a lower area to the north east of the building (where the extension is to be built) with the remainder of the site flat or gently sloping. The area where the proposed extension would be erected is approximately 3 metres lower than the ground level of the main building.

There is a high level of mature landscaping including tall trees that surround the existing building and provides a soft setting for the building and the site in general. This includes a significant area of woodland to the north east of the building, which provides a backdrop for the buildings and screens it from views from the east and ensures that the building is not visible from the footpath KM307 located approximately 260 metres north east of the building. To the south east of the building are the main grounds of the nursing home which includes a main lawn area with mature trees and a belt of trees along the south east boundary of the site.

BACKGROUND

An outline application for an 82 bed extension (MA/04/0625) was refused on the grounds relating to the scale and mass of the extension which was considered to overwhelm the original building to the detriment of its character and setting. The proposal was also considered to constitute an intrusive development, which would be detrimental to the character and appearance of the countryside and the Special Landscape Area.

Following this refusal a further outline application (MA/06/0364) for a 62 bedroom extension with all matters reserved for future consideration was submitted and granted consent. This application was permitted in June 2006 and remains extant with reserved matters needing to be submitted prior to 8 June 2009 this is a material consideration to be taken into account in the determination of this application. A condition was imposed on this permission limiting the proposed extension to two full height storeys with additional accommodation contained within the roofspace.

The proposed extension would be located in the same place, on the north east elevation of the existing building, as the indicative permission for the 2006 outline approval. However, the indicative footprint of the outline consent and the use of two full storeys with rooms in the roofspace, as specified by the imposed condition, would

not result in adequate floorspace to accommodate the 62 bedrooms of the required size to meet the current standards.

This is the reason why this current full application has been submitted.

PROPOSED DEVELOPMENT

The application is a full application for the erection of an extension to the existing nursing home. The extension would be constructed over four floors with much of the third floor accommodation fully contained within the roof space. The extension would comprise an additional 62 bedrooms. Due to the lower land levels, the ground floor of the extension would be set lower than the ground floor of the main building, it would be approximately 9 metres to the eaves and 14.8 metres to the ridge. It would have a floor area of approximately 28.5 metres by 46.5 metres. The extension would include an internal landscaped courtyard area within the proposed extension to provide an area of sheltered amenity space for the residents and light to the bedrooms on the floors above.

The proposal currently before Members has been amended following negotiations between officers and the applicant in order to provide an improved and acceptable design. The main alterations include greater vertical emphasis, which would be a closer match for the main building through the elongation of the brick panels. There would be two of the vertical sections projecting out approximately 1.2 metres from the main wall on the south east elevation, which would result in a more layered context to the building creating a more visually interesting elevation. The elevations include an increased level of articulation and have been broken up more to reduce the mass of the building. The eaves level has been reduced by approximately 1.2 metres to reduce the perceived bulk of the extension. The eaves detail now includes a significant overhang and painted eaves boarding to match the detailing on the main building. Additional glazing has been introduced to the south east corner of the extension which lightens its appearance and results in a much less dense and heavy end to the building.

The base of the building at ground floor level would be rendered in a colour to match the existing stonework on the main building. The remainder of the walls would be brickwork broken up with metal cladding panels. The roof would be slate or reconstituted slate.

The development would also include the increase in the level of car parking by 18 spaces on the site, resulting in a total of 34 spaces, and additional landscaping on the site. There would be an alteration to the entrance area and the ambulance drop off area.

PRINCIPLE OF DEVELOPMENT

The site is located in the countryside where there is a general theme of restraint on development. Policy SS8 of the Kent and Medway Structure Plan (2006) outlines the exceptions when development would be permitted and unlike ENV28 of the Maidstone Borough-Wide Local Plan (2000) does not allow an exception for institutional uses. Nursing Homes therefore do not specifically fall within any of the general exceptions, however, one of the exceptions relates to business development in accordance with policy EP7(ii). Policy EP7 states that:-

No provision for business development will be made elsewhere in rural Kent except where:

- (i) it involves the re-use, adaptation or redevelopment of an existing building, as covered by SS8(ii); or**
- (ii) it is required for the expansion of an established business and/or for the processing, storage, distribution or promotion and research concerning produce from Kent agriculture, horticulture or forestry;**

and good access can be provided to the primary road network and bus or rail services.

The nursing home is an existing business and therefore its expansion is accepted under EP7(ii) also, the site is located off the A229, which is part of the primary road network and is a bus route.

Therefore, as the site is in use as an existing nursing home and policy EP7 of the Kent and Medway Structure Plan (2006) and guidance contained in PPS7 allow for the expansion of existing businesses in rural areas I consider that the principle of an extension to the existing nursing home to be acceptable. Policy H26 of the Maidstone Borough-Wide Local Plan (2000) also allows for the extension of existing nursing homes.

This view is confirmed by the fact that outline permission was granted for a 62 bedroom extension to the nursing home in 2006. This is an extant permission and a strong material consideration when assessing this application.

The main issue for consideration in this case is the impact of the proposed extension on the character and appearance of the countryside.

DESIGN AND VISUAL IMPACT

The site is located in a Special Landscape Area and therefore particular attention has to be given to the landscape characteristics of the site and the wider area. The building is not a listed building and therefore there is no policy requirement to preserve or

enhance the architectural integrity of the building and the protection of its setting. It is important to remember that there is an extant outline consent for a 62 bedroom extension to the existing building.

The building and proposed extension would be visible from the access road, however, it would not be dominant or incongruous in the landscape. A significant level of landscaping is proposed to the front of the site including tree planting in order to further screen the extension and parking area and to soften its impact on the landscape. The building is approximately 395 metres from the A229 (as the crow flies) and there would be no views of the development from here. There are no public footpaths in the immediate vicinity where views of the extension would be possible. The closest footpath (KM307) would be approximately 250 metres with Iden Manor Farm between it and the application site and separated by an area of existing woodland. The site is well screened by the adjacent woodland area and other mature trees and is not visible from wider views in the landscape.

Although the proposed development is a large extension, it would add an additional 3274 square metres of floorspace, in terms of its relationship with the main building it would not be a dominant feature. The existing building is substantial containing approximately 3000 square metres of accommodation and quite sprawling in nature and is capable of accommodating such a sizeable extension without detriment to its character. Care has been taken in the design to ensure that the extension would not be higher than the main ridge of the highest part of the building and to line the eaves levels through the building. This restriction combined with the gaps between the sections of the building, its staggered nature and the modern design of the extension would ensure that the extension would not appear as a dominant feature when viewed together with the existing building from the access road and from within the site. The amendments that have been made to the design of the proposed extension have resulted in an improved development that would complement the main building.

The proposed ground floor aspect of the extension would make use of the different land levels and be cut approximately 3 metres into the ground. This would mean that the level of the first floor of the extension would match the ground floor level of the main building when viewed from the south east. In fact any views of the extension from the south east would mean that the ground floor would be screened by the bank to the garden area.

The bands of metal cladding and render (of a colour to match the stonework of the main building) and the positioning of the proposed windows would pick up on the horizontal aspects of the main building and continue this theme into the extension. The gabled features at third floor level with the eaves overhang would replicate those gables with steeply pitched roofs contained within the main building.

The proposed parking area to the front of the building would provide 18 additional spaces required as a result of the extension. It is usual to attempt to reduce the level

of car parking to the front of sites for design reasons, however, in this case if the parking area was located adjacent to the proposed extension, it would result in the loss of a number of existing mature trees. Another option was explored to place the parking on the opposite side of the access track from the building. However, this would extend the built development into a previously undeveloped area and would not protect the characteristics of the Special Landscape Area. The proposed parking area would be heavily landscaped and this would screen it from any views from the access road thereby preventing a harsh appearance to the front of the building.

As stated previously the extension is large (creating 3274 square metres of floorspace), however, the existing building is a large building and consent has been granted in principle for a 62 bedroom extension. Furthermore the existing screening by mature landscaping that would be retained as part of the proposal would prevent any demonstrable harm being caused to the character and appearance of the surrounding area.

I consider that the extension would be acceptable in terms of its design with the amendments and would not be of an excessive scale, particularly as permission has been given for the principle of a 62 bedroom extension.

IMPACT ON RESIDENTIAL AMENITY

There are no residential properties in a position to be affected by the proposed development in terms of loss of light, overshadowing, loss of privacy or an overwhelming impact. The nearest occupied property is over 100 metres from the proposed extension at Iden Manor Farm to the north east of the extension beyond the area of woodland.

HIGHWAY SAFETY AND PARKING CONSIDERATIONS

The access road from Cranbrook Road is outside of the applicant's ownership and there are no proposals to alter the access point where the access road meets Cranbrook Road. The junction of the access road and Cranbrook Road currently accommodates traffic to and from the application site, Iden Manor Farm and Winthrop Hall. The increase in traffic as a result of this application, in terms of additional visits or greater numbers of deliveries, would not result in a highway safety danger. The Highways Engineer does not consider that the application warrants a refusal on highway grounds.

The proposed parking arrangements for the development would create an additional 18 spaces including 2 disabled spaces. This level of provision would meet the parking standards and be acceptable for the additional demand created by the proposed extension. This is based on the additional information provided by the applicant, which identifies the shift patterns of the staff. Kent Highways are satisfied with the provision in relation to the staff numbers and the shift patterns. I consider that the level of car

parking is acceptable and that a reason for refusal on this ground would not be justified.

OTHER CONSIDERATIONS

The proposed extension would be located on an area of existing regularly mown grass and an area of hardstanding. This is an unsuitable habitat for wildlife, including reptiles, amphibians, breeding birds and bats. An ecological survey has been submitted, which confirms this view. Within the survey there are mitigation measures proposed to ensure that the area remains an unsuitable habitat and to prevent the migration of Great Crested Newts into the site during construction.

The increase in the number of residents of the nursing home would result in increased requirement for healthcare from the West Kent Primary Care Trust and a Visiting Medical Officer and general medical care. As a result of this requirement the PCT have requested a contribution of £61,008 to cope with the additional demand from this development. This is a reasonable request with a sound basis and I consider it appropriate to attach a condition requiring payment for additional healthcare costs. This is the same approach that was taken on the previously approved outline application MA/06/0364.

An issue is raised in the letter of objection that the applicant does not own the access road and the application site does not include this. The applicant does not own the access road and I do not consider it necessary to include this road in the application site.

Concern is raised by the objector about the suitability of surface water and foul drainage. Consultations have been carried out with the Environment Agency, the Upper Medway Drainage Authority and Southern Water. No objections were received from these organisations in terms of surface water drainage or foul sewage drainage and conditions are recommended to be imposed to ensure these details are examined fully.

CONCLUSION

The principle of a 62 bedroom extension has been established following the granting of outline consent in 2006.

The proposed extension would be a modern addition to the main building but would not result in a dominating feature or result in harm to the character and appearance of the Special Landscape Area.

There would be no adverse impact on the residential amenity of any nearby occupiers and the proposed level of car parking would be adequate for the increased level of demand.

The disposal of both foul and surface water has been considered and no objections raised from the Environment Agency or Southern Water and conditions are recommended to provide additional details.

The increased requirement for healthcare provision is proposed to be dealt with via an appropriate legal agreement secured by a condition.

Overall I consider the application is acceptable.

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 commencement until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development in accordance with Policy QL1 of the Kent and Medway Structure Plan 2006.

3. The development shall not commencement until, large scale elevational details showing the recesses and projections 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 in accordance with Policy QL1 of the Kent and Medway Structure Plan 2006.

4. The development shall not commencement 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 appearance to the development in accordance with policies ENV6, ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan (2000) and EN1, EN5, SS8 and QL1 of the Kent & Medway Structure Plan 2006.

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

Reason: To ensure a satisfactory setting and external appearance to the development in accordance with policies ENV6, ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan (2000) and EN1, EN5, SS8 and QL1 of the Kent & Medway Structure Plan 2006.

6. All trees to be retained must be protected by suitable fencing to a height not less than 1.2 metres at a distance as specified in Table 1 or Figure 2 of BS 5837 (1991) 'Trees in Relation to Construction' 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 fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development in accordance with policies ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan (2000) and EN1, EN5 and SS8 of the Kent and Medway Structure Plan (2006).

7. The development shall not commencement until details of surface water drainage 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 prevent the increased risk of flooding in accordance with policies NR10 and NR11 of the Kent and Medway Structure Plan (2006).

8. The development shall not commencement until details of foul sewerage disposal 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 ensure adequate foul sewerage disposal is provided in accordance with policy NR5 of the Kent and Medway Structure Plan (2006).

9. The recommendations contained within the submitted Ecological Assessment dated October 2008 shall be fully adhered to prior to any clearance or materials or machinery being brought onto the site and maintained until the completion of the development;

Reason: To protect wildlife in the surrounding area in accordance with policy EN8 of the Kent and Medway Structure Plan (2006).

10. No development shall take place, including any works of clearance or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To ensure the maintenance of the character and appearance of the area in accordance with policies ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan (2000) and EN1, EN5, SS8 and QL1 of the Kent and Medway Structure Plan (2006).

11. No development permitted by this planning permission shall commence until an arrangement, through an appropriate legal mechanism has been made and lodged with local planning authority and the local planning authority has subsequently approved the details of the legal mechanism. The said legal mechanism will secure the payment of a financial contribution towards the

provision of primary health care facilities to meet the needs arising from the development, in accordance with a detailed scheme to be agreed in writing with the local planning authority. Such as scheme shall include provision for its implementation prior to the occupation of the development hereby permitted.

Reason: To ensure that the provisions of policy CF1 of the Maidstone Borough-Wide Local Plan 2000 are complied with.

12. The development shall not commencement until details of the proposed surface material for the car parking area 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: In order to ensure a satisfactory appearance to the development in accordance with policies ENV28 and H26 of the Maidstone Borough-Wide Local Plan (2000).

Informatives set out below

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

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

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

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

Reasonable and practicable steps should be used during any demolition or removal of existing structure and fixtures, to dampen down, using suitable water or liquid spray system, the general site area, to prevent dust and dirt being blown about so as to cause a nuisance to occupiers of nearby premises.

Where possible, the developer shall provide the Council and residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work, for example scaffolding alarm misfiring late in the night/early hours of the morning, any over-run of any kind.

A formal application for connection to the public sewerage system is required in order to service this development. to initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962 858688), or www.southernwater.co.uk

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 Kent and Medway Structure Plan 2006) and there are no overriding material considerations to indicate a refusal of planning consent.

MA/08/2125

Iden Manor Nursing Home,
Cranbrook Road, Staplehurst

Representations

Staplehurst Parish Council have commented on the amended details stating that the amended plans do not alter the Parish Council's earlier responses.

A further letter of objection has been received from a planning agent on behalf of neighbouring landowners. This raises the following points:-

- That the application involves works outside the applicant's ownership and no Ownership Certificate B has been served.
- That the development is too large and in the context of the main building should not be seen as an extension but a new nursing home.
- Inadequate car parking for the development leading to parking on the access road and difficulty for access to Iden Manor Farm.

Officer Comment

The issue of ownership has previously been explored with the agents for the applicant and it has been confirmed that the development will take place wholly on land within the applicant's control, furthermore an Ownership Certificate A was submitted with the application confirming this. Following the receipt of the latest objection on this issue further enquiries were made of the agent, who has again confirmed that the development would be carried out on land within the applicant's ownership.

The size of the extension and its impact have been dealt with in the main report. The fact is that the development is an extension to an existing nursing home and not the erection of a new nursing home.

The proposed levels of car parking includes the creation of 18 spaces, this combined with the existing car park to the front of the building would result in a total of 34 spaces. This is an appropriate level of car parking for the proposed development. There would be no resultant highway safety issue that could justify a reason for refusal.

Recommendation

Following advice from the Head of Legal Services and discussions with the agent (who states they should be able to submit a Unilateral undertaking with 1 week) with regard to the payment of a financial contribution to the Primary Care Trust I propose the deletion of condition 11 and the alteration to the recommendation to read as follows:-

SUBJECT TO:-

The prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to secure the payment of an appropriate contribution towards the provision of primary health care services.

I BE DELEGATED POWER TO GRANT PLANNING PERMISSION SUBJECT TO THE CONDITIONS ATTACHED TO THE MAIN REPORT (with the below amendments included)

It has come to my attention that many of the condition state 'The development shall not commencement until,' These should read 'The development shall not commence until' and I therefore propose to correct these.

In addition the condition 4 refers to an out of date document and should read:-

All trees to be retained must be protected by suitable fencing as specified in BS 5837 (2005) 'Trees in Relation to Construction – Recommendations' 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 fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development in accordance with policies ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan (2000) and EN1, EN5 and SS8 of the Kent and Medway Structure Plan (2006).



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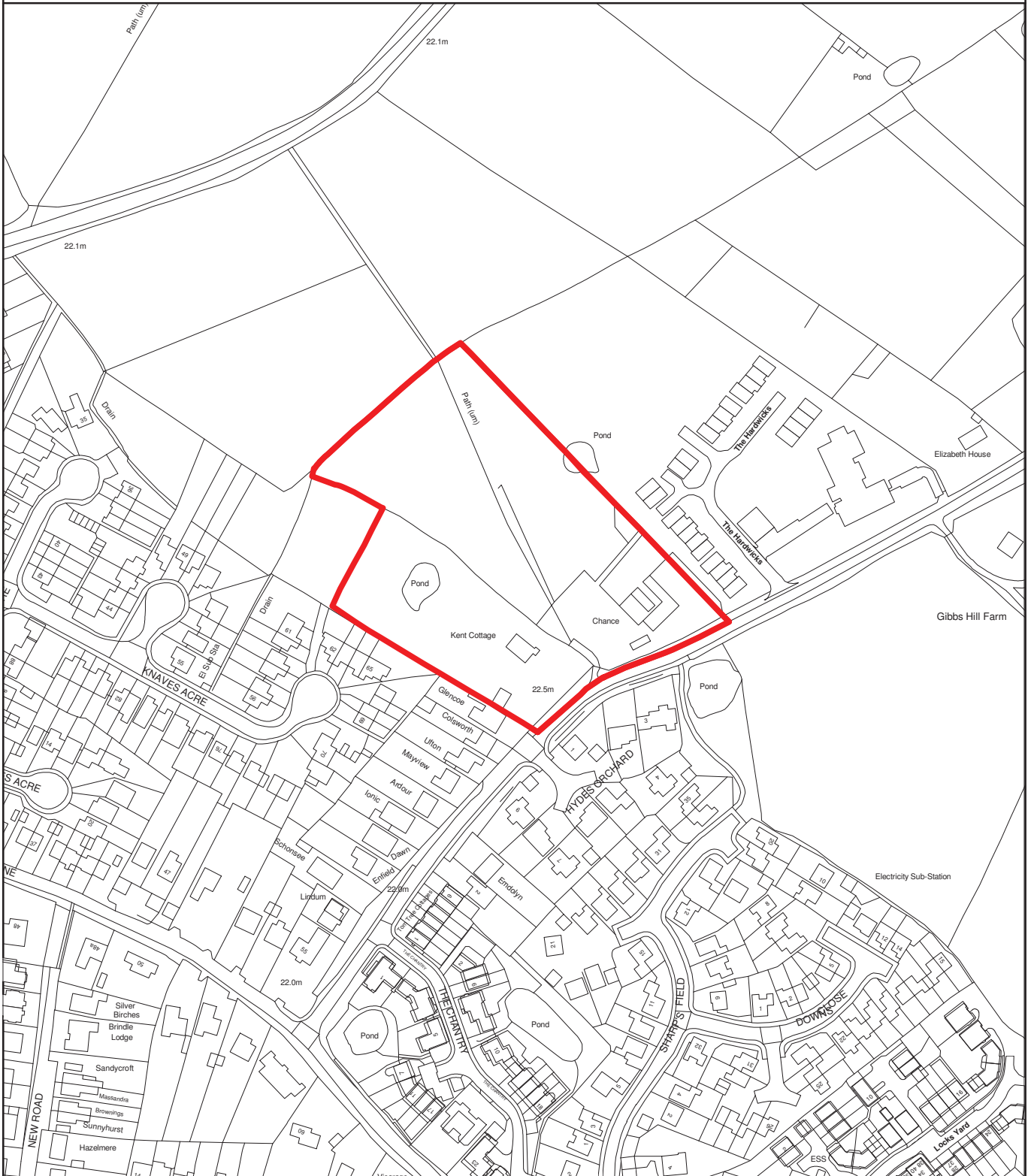
Agenda Item 13

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/12/1949

GRID REF: TQ8444

**KENT COTTAGE AND CHANCE HOLDING,
GRIGG LANE, HEADCORN.**



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Rob Jarman
Head of Planning and Development

APPLICATION: MA/12/1949 Date: 26 October 2012 Received: 29 October 2012

APPLICANT: Mr G Norton, Wealden Ltd

LOCATION: KENT COTTAGE AND CHANCE HOLDING, GRIGG LANE, HEADCORN, KENT, TN27 9TD

PARISH: Headcorn

PROPOSAL: Outline planning application with access, layout, scale and appearance to be determined and with landscaping as a reserved matter, for the demolition of buildings at Kent Cottage and Chance Holding to enable the construction of residential development (for 25 dwellings inclusive of 10 affordable dwellings), inclusive of retained woodland as open amenity land, enhanced landscaping including new pond, electricity sub station, foul drainage pumping station with access road off Grigg Lane as shown on drawing nos. PL-GH-001, PL-GH-002, drawing no. OLH-004, Design and Access Statement, Planning Statement, Ecological Mitigation Strategy, Tree Assessment, Bat Emergence Survey, Flood Risk Assessment and Transport Statement received 26/10/2012, as amended by e-mail dated 30 November 2012 confirming that only landscaping is a reserved matter and further amended by letter dated 9 January 2013 drainage calculations and drawing no. 1129-1001-ENG-01revP2 received 11/01/2013, Amended Ecological Survey dated 30/01/2013 received 04/02/2013 and as further amended by letter dated 19 July 2013 and drawing nos. PL-GH-ALPrevD, PL-GH-14revB to PL-GH-21revB, PL-GH-22revA to PL-GH-42revA, materials schedule GN/13/2013 and dwelling detailing received 22/07/2013.

AGENDA DATE: 8th August 2013

CASE OFFICER: Steve Clarke

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

- It is contrary to views expressed by Headcorn Parish Council
- It is a departure from the Development Plan due to the site's location outside the defined settlement boundary of Headcorn

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV26, ENV28, ENV34, T13, T23, CF1
- Government Policy: NPPF 2012

2. BACKGROUND

- 2.1 This application was reported to the Planning Committee on 27 June 2013. A copy of the previous report is attached at Appendix One.
- 2.2 At the meeting, Members resolved to defer consideration of the application for further negotiations regarding the design and layout, including highways and the location of the play area, ecological enhancements and the Heads of Terms of the proposed s106 legal agreement.
- 2.3 Further negotiations have taken place and revisions to the scheme have been made. In summary the main changes are:-
- It is now proposed to erect 25 dwellings on the site with 10 affordable units (40%).
 - The site frontage to Grigg Lane has been amended and numbers of dwellings reduced in this area to provide more openness and further landscaping areas indicated.
 - It has been confirmed that block paving will be used for all access roads and driveways.
 - Further information on the architectural detailing of the dwellings has been provided.
 - The LAP position has not changed but the house types around it have been revised to provide for greater surveillance of the area.
 - The applicants have restated their commitment to provide dwellings that meet Code Level 3 of the Code for Sustainable Homes and no higher.
- 2.4 A further period of consultation on the amended plans has been carried out. Any revised representations that have been received to date are summarised below.

3. CONSULTATIONS

- 3.1 **Headcorn Parish Council:** Objected to the original proposals. They have now confirmed that they have no additional comments to make on the revised proposals and that their previous comments still remain.

- 3.2 **Kent Highway Services:** Raised no objections to the original proposals. See the appended report for comments. Any revised views will be reported to Members at the meeting.
- 3.3 **KCC (Mouchel):** As a result of the changes to the scheme the revised contribution request is as follows:
- 1) A contribution of £3215 towards the provision of additional bookstock and services at Headcorn Library and other libraries serving the development.
 - 1) A contribution of £717.75 for new and expanded facilities through dedicated adult education centres and through outreach community learning facilities local to the development.
 - 2) A contribution of £398.50 towards the provision of Adult Social Services facilities to be used for the provision of assistive technology (Telecare) and building community/rural capacity through enhancement of local community facilities to ensure full DDA access.
 - 3) A contribution of £59,024 towards the build costs of extending Headcorn Primary School as a result of the additional need arising from the development.
 - 4) A contribution of £48,102.25 house towards acquisition of additional land to accommodate expansion of Headcorn Primary school.
- 3.4 **NHS Property Services (formerly West Kent PCT):** As a result of the changes to the scheme, the revised contribution sought is £20,484, based on the 15 market units:
- 3.5 **MBC Parks and Open Spaces:** Have requested an off-site green space contribution of £800 per property (**£20,000**). This would be used for the upgrading of formal outdoor playing fields within the village. This figure is reduced from the normal level of contribution requested (£1,575/unit) in recognition of the provision made within the site as part of the application.

4. REPRESENTATIONS

- 4.1 No further representations received to-date. Any views that are received will be reported to Members at the meeting.

5. CONSIDERATIONS

5.1 Revised proposals

- 5.1.1 The revised plans show the erection of 25 dwellings on the site, comprising a mixture of detached, semi-detached and terraced houses.
- 5.1.2 The frontage of the site to Grigg Lane has been amended. One unit has been deleted in this area which has allowed greater space between dwellings to be

provided. The dwellings are no longer a terrace of eight units but comprise two pairs of semi-detached units and a terrace of three units. The parking court at the rear of the frontage dwellings has been reduced by three spaces and 15 spaces are now proposed (previously 18).

- 5.1.3 One unit has also been deleted from the terrace (now three units previously four units) overlooking the parking court and this has enabled three dwellings (plots 16-18 formerly plots 19-21) that face onto the main site access road to be move eastwards freeing-up more landscape space to the front adjacent to the road.
- 5.1.4 The dwelling on plot 7 (previously plot 9) has been amended so that there are now a greater number of windows (four in total) on the east flank elevation facing towards the proposed LAP. The LAP will also be directly overlooked by plots 8 and 9 and also indirectly from plot 3.
- 5.1.5 The house types throughout the site generally, have been reviewed and greater architectural detailing proposed. The typical detailing is also shown separately on additional information submitted. The applicants have confirmed that with the exception of the first 15-16m of the site access road (which will be asphalt), the roadways and parking/drive areas will be paved using block paving.
- 5.1.6 Landscaping is a reserved matter and not to be determined as part of this application. However, the changes to the scheme have allowed for the opportunity to provide increased landscaping to the Grigg Lane frontage and along the internal access road. Important connecting habitat corridors are retained on the site boundaries and new connecting corridors provided within the site. These are indicatively shown and detailed planting proposals can be secured at reserved matters stage with the principles guided by appropriate conditions as part of any approval of this application.

5.2 Assessment

- 5.2.1 I consider that the changes to the application have resulted in an improved site frontage to Grigg Lane. The previously proposed terrace has been deleted in favour of a small central terrace of three units and two pairs of semi-detached units. This in turn has increased spacing between dwellings and also the available space for landscaping on the site frontage. Landscaping is a reserved matter and whilst therefore no specific planting details are shown available space for landscaping is indicatively shown.
- 5.2.2 Similarly, the deletion of one of terraced units (now plots 13-15) and the re-siting eastwards of the three dwellings on plots 16-18 has provided for a softer frontage to the access road and also increased the opportunity available for landscaping.

- 5.2.3 The applicants have also reviewed and revised the architectural detailing on the proposed house types across the site. The details shown are appropriate and include appropriate elements of the local vernacular. These include the use of club tiles/ornamental tiles for tile hanging, dental brickwork, exposed rafter feet brick cills and plinths.
- 5.2.4 Whilst the applicants have not changed the siting of the LAP, it is considered that it is adequately overlooked and plot 7 has been revised to include a greater number of east flank windows overlooking the LAP. These windows serve habitable rooms. The LAP would also be directly overlooked by the dwellings on plots 8 and 9 immediately to the south and indirectly by plot 3 to the south west which has a two-storey bay window in the east facing flank elevation. I consider the arrangement to be acceptable.
- 5.2.5 The development will achieve Code Level 3 within the Code for Sustainable Homes. Officers have sought to achieve Code Level 4 but the applicants have declined to accede to this request. The primary reason being the additional cost but also because there is no adopted local policy that seeks to secure Code Level 4.
- 5.2.6 I concur with the latter reason. There is an emerging draft policy but this has very little weight at the current time and has also not been independently tested or examined. Where Code Level 4 cannot be achieved by negotiation, the Council is not, due to the current lack of an adopted local policy in a position to insist on that level being achieved.
- 5.2.7 As stated above, landscaping is a reserved matter. The changes to the scheme have allowed for the opportunity to provide increased landscaping to the Grigg Lane frontage and along the internal access road. Important connecting habitat corridors are retained on the site boundaries and new connecting corridors provided within the site.
- 5.2.8 These are indicatively shown and detailed planting proposals can be secured at reserved matters stage with the principles guided by appropriate conditions as part of any approval of this application.
- 5.2.9 I consider that the design and layout changes have addressed Members' previously expressed concerns and the reasons for deferral.

5.3 Highways

- 5.3.1 The access roads through the site have been designed as shared surfaces designed to 'Homezone' principles to secure low vehicle speeds in the region of

15mph. As a matter of principle, shared surface roadways are acceptable for residential developments.

5.3.2 Kent Highway Services have no objections to the layout as proposed in terms of the impact on the local highway network or the scheme's layout itself.

5.3.3 I would remind Members that a significant safety improvement locally will be provided by the applicants as they will fund the construction of a pedestrian footway along part of the west side of Oak Lane north of its junction with Grigg Lane as part of the application.

5.4 Residential Amenity

5.4.1 The scheme as originally presented to Members was considered not to adversely affect the residential amenity of existing dwellings in The Hardwicks or Hydes Orchard. The revised scheme has not changed this view. Appropriate privacy and levels of amenity will also be provided within the scheme itself.

5.5 S106 obligations

5.5.1 Any s106 obligation should meet the three tests set out in Regulation 122 of the CIL Regulations 2010 and para 204 of the NPPF 2012, which state that any obligation must be:-

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

There have been requests from West Kent PCT, Kent County Council and the Council's Parks and Leisure section for s106 contributions.

5.5.2 In respect of the NHS Property Services contribution this would be used for Headcorn surgery. The surgery is currently under construction and NHS Property Services have advised that its capacity has been designed to take into account expected population growth in the village and that the investment to achieve this additional capacity has been 'front-loaded' into the scheme by the NHS, with the housing schemes as they come on-stream being requested to make contributions to offset the investment. I consider that sufficient justification has been provided and that the requested contribution meets the tests.

5.5.3 I consider that the requests from Kent County Council towards library facilities, community learning and adult social services and the Primary school contributions for expansion and land acquisition are justified and that the

relevant tests are met as the contributions would be used to enhance local facilities and meet additional need generated by the development.

- 5.5.4 Ten units of affordable housing are to be provided which complies with adopted Development Plan policy as this equates to 40% of the total provision on the site. The provision of affordable housing is adopted development plan policy and I consider that the tests are met.
- 5.5.5 The requested off-site open space contribution at £800/unit (normally £1575/unit) which is to be used towards the improvement of outdoor playing fields within Headcorn village reflects the provision on site as part of the development. I consider that the request is justified and that the tests are met.
- 5.5.6 Whilst not a matter for the s106 agreement I would remind Members that the applicants are also funding the provision of a pedestrian footway along Oak Lane which is anticipated will cost in the region of £60,000 to £70,000.

6. CONCLUSION

- 6.1 The development site is located in the countryside outside the defined boundary of Headcorn village and as such represents a departure from development plan policy and would normally warrant refusal.
- 6.2 There are however, material considerations which have been set out and addressed in the previous report which indicate a different decision could be made.
- 6.3 The development would not result in such unacceptable harm to the countryside as to warrant refusal. As discussed earlier in the report it takes the form of an infill development between the existing defined boundary of the village and the adjacent mixed-use development at The Hardwicks. The site is not readily visible in medium to long distance views and would in any event be read with the development either side of it. The site is in a sustainable location and lies immediately adjacent to a Rural Service Centre which does accord with the advice in the National Planning Policy Framework.
- 6.4 There is also the issue of the current lack of a five-year housing land supply. This development would help to reduce the deficit but not, due to its location and resultant impact on the wider area, in a manner that would cause unacceptable harm to the character and visual amenities of the area.
- 6.5 The principle of development is considered acceptable in this instance. The development would also be acceptable in highway terms, in its impact on

residential amenity and following detailed submission and mitigation, in terms of landscaping and ecology.

- 6.6 Changes have been made to the number of units proposed and the site layout following the concerns raised by Members at the Committee on 27 June. I consider that these changes have addressed the concerns raised by Members.
- 6.7 Subject to the prior completion of a s106 agreement in accordance with the heads of terms set out above and the imposition of appropriate conditions, I recommend that permission should be granted.

7. RECOMMENDATION

The Head of Planning and Development be given DELEGATED POWERS TO GRANT Permission subject to the following conditions and informatives

SUBJECT TO:

A: The prior completion of a s106 legal agreement, in such terms as the Head of Legal Services may advise, to secure;

- The provision of a minimum of 40% affordable housing.
 - A contribution of £3215 towards the provision of bookstock and library services.
 - A contribution of £717.75 towards the provision of community learning facilities and services.
 - A contribution of £398.50 towards the provision of Adult Social Services facilities.
 - A contribution of £59,024 towards the build costs of extending Headcorn Primary School as a result of the additional need arising from the development.
 - A contribution of £48,102.25 house towards acquisition of additional land to accommodate expansion of Headcorn Primary school.
 - A contribution of £20,000 to be use for the improvement of outdoor playing fields within Headcorn village
 - A contribution of £20,484 towards the provision of primary healthcare services at Headcorn Surgery.
1. The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-
- a. Landscaping

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

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

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

2. The details of landscaping submitted pursuant to condition 1 above shall provide for the following:

- (i) Details of all trees to be retained and any to be removed together with detailed Root Protection Plans.
- (ii) A detailed arboricultural method statement that includes assessment of the works relating to the provision of the re-aligned Public Right of Way within the site (including its routeing, method of construction and foundations), the roadway in the north east corner of the site adjacent to the proposed LAP and the construction of the dwellings on plots 5-7, 8 and 13.
- (iii) A long term landscape management plan for the site including the open area to the west of Plots 1 and 4, to be prepared having regard to and in conjunction with the ecological mitigation and enhancement measures to be provided on the site pursuant to condition 3 below.
- (iv) The provision of native species hedging and hedgerow trees to the Grigg Lane frontage west of the access road and the frontages of plots 19 -25 inclusive
- v) The provision of natives species hedging and railings/dwarf walls/fencing to the highway frontages of the remaining proposed dwellings other than plots 19-25 inclusive.
- (vi) Measures to prevent parking on the landscaped verges along the site access roads.
- (vii) Appropriate native species under-storey planting to the proposed woodland corridors.

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

3. The development shall be carried out in accordance with the recommendations of the ecological survey report dated 30 January 2013 and the Mitigation Strategy dated 1 August 2012 (both prepared by Flag Ecology) and shall include;
- (i) the provision of bat bricks/boxes, bird nesting boxes and swift bricks.
 - (ii) the retention of a proportion of the cordwood within the site.
 - (iii) the provision of refugia and hibernacula.
 - (iv) the provision of 'wildlife-friendly' drainage gullies.

Reason: To secure appropriate enhancement within the site in the interests of

ecology and biodiversity pursuant to the advice in the National Planning Policy Framework 2012.

4. 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 the advice in the National Planning Policy Framework 2012.

5. 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.

6. The external materials used in the construction of the of the dwellings shall be as specified in the external materials schedule GN/13/2013 received 22/07/2013 unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a satisfactory appearance to the development pursuant to the advice in the National Planning Policy Framework 2012.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country

Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A, B and F and Part 2 Class A to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character, appearance and functioning of the surrounding area pursuant to the advice in the National Planning Policy Framework 2012.

8. The dwellings shall achieve at least code 3 of the Code for Sustainable Homes. A final Code certificate shall be issued not later than one calendar year following first occupation of the dwellings certifying that level 3 has been achieved.

Reason: to ensure a sustainable and energy efficient form of development in accordance with Kent Design and the advice in the National Planning Policy Framework 2012.

9. No part of the development shall be occupied until details of the proposed lighting scheme have been submitted to and approved by the local planning authority. The details submitted for approval shall include;

- i) the submission of lighting contour plots showing the site and adjoining development;
- ii) sufficient detail to demonstrate that the proposed scheme complies with the recommendations of the Institute of Lighting Engineers 'Guidance Notes for reduction of Obtrusive Light' for sites located in Environmental Zone E2 and;
- iii) measures to demonstrate that light spillage into the proposed landscaped area has been minimised.

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

Reason: In the interests of the character of the area, ecology and the amenity of nearby residents pursuant to policy ENV49 of the Maidstone Borough-wide Local Plan 2000 and the advice in the National Planning Policy Framework 2012.

10. The development shall not commence until a detailed design for a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The detailed drainage design should include details of how the scheme shall be maintained and managed after completion.

The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off-site.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent flooding both on and off site by ensuring the satisfactory storage and disposal of surface water in accordance with the advice in the National Planning Policy Framework 2012.

11. The development shall not commence until a details of foul water drainage have been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent flooding both on and off site by ensuring the satisfactory disposal of foul water pursuant to the advice in the National Planning Policy Framework 2012.

12. Details of all fencing, walling and other boundary treatments shall be submitted for approval in conjunction with the details of the reserved matter of landscaping submitted pursuant to condition 1 above. The development shall be carried out in accordance with the subsequently approved details before the first occupation of the buildings or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000.

13. No part of the development hereby permitted shall be occupied until the footway on Oak Lane shown on drawing no OLH-004 received 26/10/20012 has been constructed, completed and provided with its final external surface.

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

14. Before the development hereby permitted is first occupied, the proposed first floor east facing bathroom window to plot 13 shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such;

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers pursuant to the advice in the National Planning Policy Framework 2012.

15. The development shall not commence until an Order has been made pursuant to s257 of the Town and Country Planning Act 1990 (as amended) for the diversion and reconstruction of Public Right of Way KH606.

Reason: In order to ensure that the public right of way is not adversely affected in accordance with Policy ENV26 of The Maidstone Borough-Wide Local Plan 2000.

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

Reason: To protect the amenities of existing and future residents and to ensure compliance with the National Planning Policy Framework 2012.

17. The development hereby permitted shall be carried out in accordance with the following approved plans:
drawing no OLH-004 received 26/10/2012 and drawing nos. PL-GH-ALPrevD, PL-GH-14revB to PL-GH-21revB, PL-GH-22revA to PL-GH-42revA, materials schedule GN/13/2013 and dwelling detailing received 22/07/2013.

Reason: To ensure the quality of the development is maintained and to prevent harm to the character of the area and the residential amenity of neighbouring occupiers in accordance with the advice in the National Planning Policy Framework 2012.

Informatives set out below

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

- a) Low-pressure sodium lamps or high-pressure sodium must be used instead of mercury or metal halide lamps where glass glazing is preferred due to its UV filtration characteristics.
- b) Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each light to direct the light and reduce spillage.

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

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

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

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

The developer may be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. As per the relevant act and the Site Waste Management Regulations 2008, this should be available for inspection by the Local Authority at any time prior to and during the development.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside the normal working hours, cannot be stressed enough. Where possible, the developer shall provide the Council and residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work,

for example scaffolding alarm misfiring late in the night/early hours of the morning, any over-run of any kind.

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

You are advised that:

1. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority:
2. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development without the permission of the Kent County Council Public Rights of Way Office.
3. There should be no close board fencing or similar structure over 1.2 metres in height erected which will block out the views:
4. No hedging or shrubs should be planted within 1.0 metre of the edge of the Public Path.
5. No Materials can be brought onto site or stored on the Right of Way.

You are also advised that the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However given the current shortfall in the required five-year housing supply and the lack of unacceptable harm to the character or appearance of the area as a result of the development and its relationship with the wider countryside and existing adjoining development, together with the site's sustainable location immediately adjacent to a rural service centre a departure from that policy would be likely to result in only minor harm to the character of the countryside.

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.

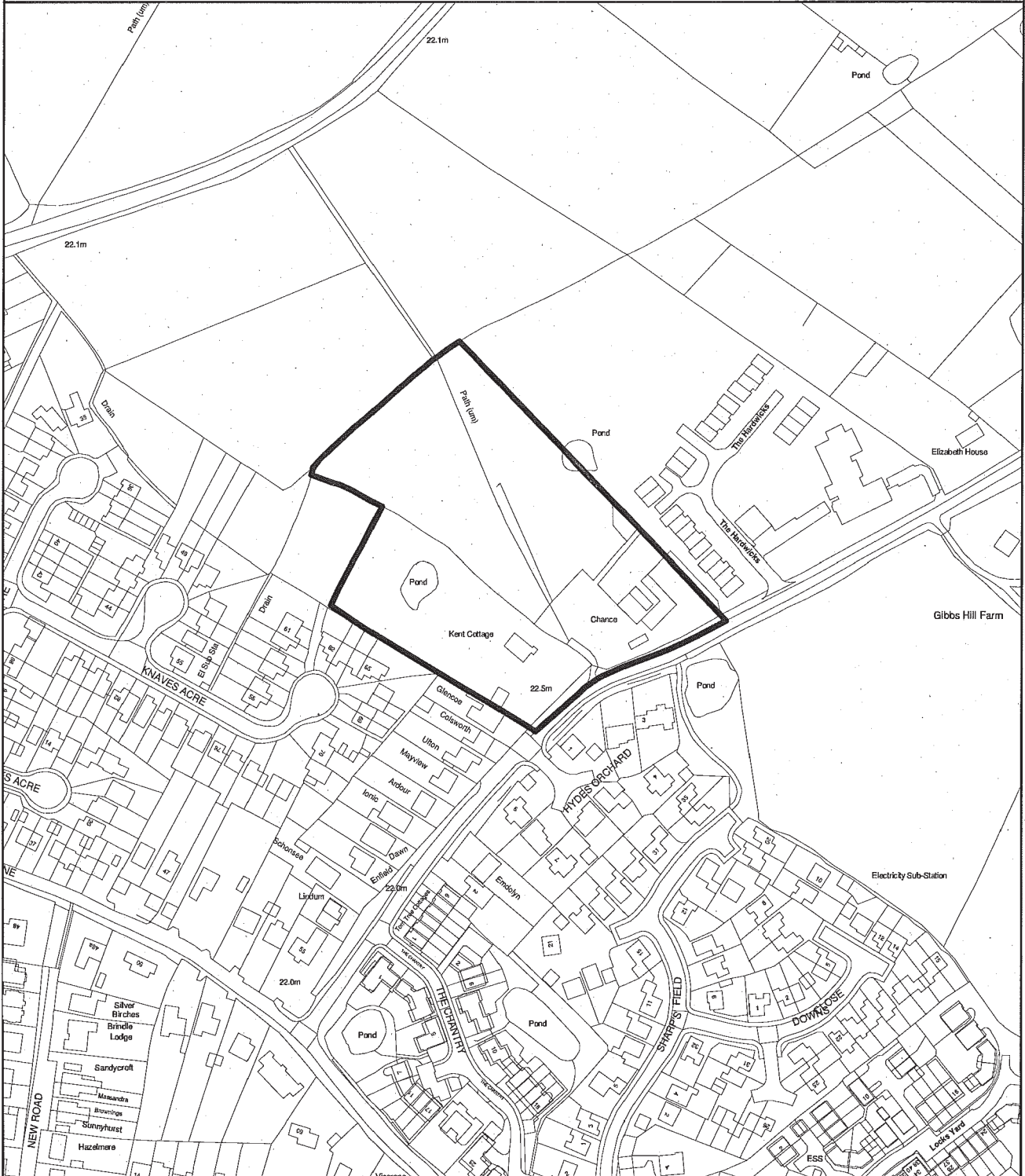
APPENDIX ONE

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/12/1949

GRID REF: TQ8444

KENT COTTAGE AND CHANCE HOLDING,
GRIGG LANE, HEADCORN.



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Rob Jarman
Head of Planning

APPLICATION: MA/12/1949 Date: 26 October 2012 Received: 29 October 2012

APPLICANT: Mr G Norton, Wealden Ltd

LOCATION: KENT COTTAGE AND CHANCE HOLDING, GRIGG LANE, HEADCORN, KENT, TN27 9TD

PARISH: Headcorn

PROPOSAL: Outline planning application with access, layout, scale and appearance to be determined and with landscaping as a reserved matter, for the demolition of buildings at Kent Cottage and Chance Holding to enable the construction of residential development (for a maximum of 29 dwellings inclusive of 11 affordable dwellings) inclusive of retained woodland as open amenity land, enhanced landscaping including new pond, electricity sub station, foul drainage pumping station with access road off Grigg Lane as shown on drawing nos. PL-GH-001, PL-GH-002, PL-GH-10-13 (consecutive), drawing nos PL-GH-22-42 (consecutive) and drawing no OLH-004, Design and Access Statement, Planning Statement, Ecological Mitigation Strategy, Tree Assessment, Bat Emergence Survey, Flood Risk Assessment and Transport Statement received 26/10/2012, as amended by e-mail dated 30 November 2012 confirming that only landscaping is a reserved matter and further amended by letter dated 9 January 2013 drainage calculations and drawing no. 1129-1001-ENG-01revP2 received 11/01/2013, Amended Ecological Survey dated 30/01/2013 received 04/02/2013 and as further amended by drawing nos, PL-GH-ALPrevB, PL-GH-15A, 16A, 17A, 18A, 19A, 20A and 21A received 28/02/2013 and letter dated 14/06/2013 received 17/06/2013 and materials schedule GN/12/2013.

AGENDA DATE: 27th June 2013

CASE OFFICER: Steve Clarke

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

- It is contrary to views expressed by Headcorn Parish Council and Committee consideration was requested
- It is a departure from the Development Plan

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV26, ENV28, ENV34, ENV49, T13, T23, CF1

Government Policy: National Planning Policy Framework 2012

2. HISTORY

- 2.1 Relevant planning history on the site of Chance Holding and Kent Cottage is as follows:

Kent Cottage

MA/13.0267: An application for discharge of conditions relating to MA/12/1068 (Demolition of Kent Cottage and associated outbuildings and erection of two detached dwellings with integral garages and parking spaces) - being details of condition 10 – landscaping: APPROVED 23/05/2013

MA/12/1068: Demolition of Kent Cottage and associated outbuildings and erection of two detached dwellings with integral garages and parking spaces: APPROVED 22/11/2012

MA/78/0671: One bungalow: REFUSED 22/08/1976 (located to rear of Kent Cottage)

Chance Holding

MA/94/1735: Outline application for the erection of a two bedroom bungalow: REFUSED 08/02/1995: APPEAL DISMISSED 01/07/1996

MA/85/0272: Outline application for dwelling: REFUSED 29/04/1995

3. CONSULTATIONS

- 3.1 **Headcorn Parish Council:** Wish to see the application refused

'Please be advised that my Council would wish to see this application refused as this development is on a green field site and is in the open country, this is contrary to Maidstone Borough Council saved policies. We feel that this application is premature as the core strategy has not yet been adopted along with the villages emerging neighbourhood plan which is currently under consultation.

It was noted however that should this application be put forward for approval, we would wish for the following to be considered in a S106.

- The construction of a footpath along Oak Lane.

- 8 affordable homes.
- Financial contribution towards both education and the library.
- Traffic calming in consultation with Kent Highways to include a build out for a pedestrian use in Station Road and a build out on the A274 at the junction of Oak Lane to help visibility for vehicles.

We trust that this will automatically go to the planning committee as it is outside the village envelope.'

3.2 **Environment Agency:** Originally objected and commented as follows

We **object** to the proposal at this location and we recommend planning permission be refused.

Reason:

The site is approximately 1.6 hectares within Flood Zone 1. As described in Table 1, of the Technical Guidance to the National Planning Policy Framework, a drainage strategy has been submitted as part of a Flood Risk Assessment (FRA) ref 1129-1001 dated April 2012 which confirms the site is not at risk to fluvial flooding. However, the area is very flat and is located on relatively impermeable soils. It relies on a local network of drainage ditches to reduce the risk of surface water flooding and overland flow.

While we believe the site can be made suitable for residential development, the risk of surface water flooding has not been adequately assessed and the proposed drainage strategy could place the proposed and existing adjacent dwellings at risk of flooding from surface runoff.

We object to the use of pumped systems as they are not sustainable means of drainage and increase the risk of flooding in the event of pump failure. Experience shows that pump power failures are most likely to occur during heavy rainfall events when they are most needed. We believe it is also possible to design a more efficient, gravity fed sustainable drainage system at this site.

We also note the proposal to culvert the existing ditch along the southern boundary of the site. This ditch also facilitates highways drainage from Grigg Lane. We do not oppose installation of a short, appropriately sized culvert to facilitate permanent site access from Grigg Lane but for reasons of flood risk and nature conservation we object to the proposed culvert in front of plots 27 to 30.

Overcoming our objection:

We are not opposed to the proposed discharge rate of 3.3litres per second but the applicant may have under-estimated the volume of storage required to facilitate this rate by as much as 20% for the 60minute storm. The drainage calculations in Appendix C of the FRA suggest rainfall figures from the FSR database have been used. We recommend rainfall figures from the Flood Estimation Handbook (FEH) are used as they are derived from a wider dataset than those from FSR and therefore likely to give a more accurate estimate of rainfall.

The site is currently bounded by a network of ditches which could form part of a site wide drainage strategy, using appropriate sustainable drainage methods (SuDS). Unfortunately, only eight of the proposed dwellings (plots 3-10) are shown to be drained to an adjacent watercourse using SuDS. DWG 1129-1001-ENG-01 from Appendix C of the FRA indicates the remaining dwellings will drain by gravity to a pump to the rear of plots 29 and 30, from where drainage will need to be pumped back across the site to discharge to the watercourse along the western boundary of the development.

Culverts are prone to blockage and more difficult to maintain than open channels and as the proposed culvert will be within the curtilage of these dwellings, responsibility of the culvert will rest with the occupiers. Consideration should also be given to reinstatement of the watercourse, or at least replacement with a larger diameter culvert, of the existing 300mm diameter culvert in front of Plots 1 and 2. A 300mm diameter culvert is likely to be significantly undersized at this location and would be very difficult to maintain.

We therefore recommend the applicant submits an alternative drainage network using sustainable drainage methods, which is then used to inform the layout of the proposed development. We would then be pleased to comment further on the proposal.

For information

Any watercourse within the boundary of the site would be classified as an ordinary watercourse and would not be maintained by the Agency or by an Internal Drainage Board. In the absence of any express agreement to the contrary, maintenance is the responsibility of the riparian owners. Under the terms of the Land Drainage Act 1991 (as amended by regulations of the Flood and Water Management Act 2010), any culvert, diversion, weir, dam, or like obstruction to the flow of the watercourse requires the consent from the Lead Local Flood Authority (Kent County Council)), who should also be consulted on this proposal.

For details of the ordinary watercourse consent application process in Kent, please refer to the Kent County Council website at www.kent.gov.uk/land_drainage_consent. Enquires and applications for ordinary watercourse consent should be made to Kent County Council via email at suds@kent.gov.uk.

Under the terms of the Flood & Water Management Act 2010, each Lead Local Flood Authority will set up a Sustainable Drainage Advisory Board (SAB). Kent County Council (KCC) have been identified as the lead Flood Local Authority for this area and will be responsible for approval of surface water drainage infrastructure for new development. SAB approval will be required in addition to planning consent. We therefore recommend the applicant makes contact with the SAB at KCC to discuss details of the proposed surface drainage infrastructure. Enquiries should be made to Kent County Council via email at suds@kent.gov.uk.

In summary, paragraphs 5.19 to 5.24 of the NPPF Technical Practice Guide recommend SuDS features are considered at the early stages of planning and that sufficient space is made available for SuDS when considering density and layout of development. In this

instance, the proposal does not make sufficient use of the existing ditch network or the use of new ponds or swales for open storage of surface runoff.

Biodiversity

We would also like to see wildlife corridors throughout the site, i.e. as many connected hedges / trees as possible, so that wildlife can move through the site in safety. All species planted should be non-invasive and biosecurity measures should be in place to prevent any spreading of invasive plants that may already be on the site. Please liaise with Natural England regarding Great Crested Newts and any other listed species.'

As a result of the objection further discussion between the applicants and the Environment Agency took place and a revised drainage strategy and plan were agreed and submitted. The following additional comments were then received from the Environment Agency.

'Thank you for consulting us on the additional information provided on DWG 1129-1001-ENG-01 rev.P2, we are pleased to **remove our objection** based on the revised details shown on this drawing.

Our preferred option would be for the layout to be designed so that it is not necessary to culvert watercourses. However, the proposal to culvert the existing ditch between plots 26 to 29 and Grigg Lane will be a matter for the Lead Local Flood Authority (Kent County Council) to consider. For ease of maintenance and to minimise the risk of blockage, we normally recommend a minimum diameter of 600mm for culverts.

If the opportunity exists, we would also recommend the existing 300mm diameter pipe in front of Plots 1 and 2 be replaced with a 600mm diameter pipe.

If the local authority is minded to consider the application favourably, we recommend the following be included as a condition of planning.

Condition: Development shall not begin until a detailed design for a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The detailed drainage design should include details of how the scheme shall be maintained and managed after completion.

The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off-site.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent flooding both on and off site by ensuring the satisfactory storage and disposal of surface water.

For information, if further proposals are made to develop adjacent sites, we

recommend a site wide drainage strategy be developed which incorporates all existing ditches, to inform the layout of the development and maximise the potential options for a sustainable drainage scheme.'

3.3 **Upper Medway Internal Drainage Board:**

Note that drainage details are currently being developed/agreed with the Environment Agency. They also note that the proposals include plans to culvert an existing roadside ditch. They advise that this will require Kent County Council's formal consent.

3.4 **Southern Water:**

Have advised that there is insufficient capacity in the local area to provide foul water drainage for the development. As a result additional off-site sewers or improvements to existing sewers will be required to provide sufficient capacity to service the development. They recommend that the applicant is advised to enter into a formal agreement with Southern Water to provide the necessary infrastructure to service the development. They note that SUDS drainage is proposed and state that these features will not be adopted and should be subject to long term management and maintenance plans. They recommend that if permission is granted a condition is imposed on any permission requiring details of both foul and surface water drainage to be submitted and agreed.

3.5 **KCC Ecology:** Have commented as follows:-

3.5.1 'We are generally satisfied with all the surveys which have been carried out however we require additional information to be submitted prior to determination.

Bats

Four trees on site have been identified as having medium to high potential of being suitable for roosting bats. As a result of reviewing the landscape plan it appears that the trees are to be retained on site. Please confirm prior to determination that our assessment is correct and the trees are to be incorporated in to the proposed development site.

If the trees are to be lost as a result of the development there will be a need for emergence surveys to be carried out prior to determination of the planning application. The emergence surveys and any necessary mitigation strategy must be submitted prior to determination of the planning application.

Lighting can have a negative impact on commuting and foraging bats. The site is used by for foraging and commuting bats. We advise that the Bat Conservation Trust's *Bats and Lighting in the UK* guidance is adhered to in the lighting design (see end of this note for a summary of key requirements).

Other Surveys

The surveys have identified that reptiles and great crested newts present within the site and there is potential for dormice and breeding birds to be present.

We are satisfied that the mitigation proposed within the mitigation strategy will minimise the impact the proposed development will have on the protected species.

We recommend that the implementation of the mitigation strategy is a condition of planning permission.

Management and monitoring Plan

The mitigation strategy has provided information about the proposed management for the site, however it has not provided sufficient detail. As a condition of planning permission we recommend a detailed management and monitoring plan is submitted for comment.

Enhancements

One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged". We are aware that the proposed development has created suitable reptile/GCN habitat – however this is being created as mitigation and as such it should not be classed as an enhancements.

We recommend that ecological enhancements are also incorporated in to the site–recommendations include the inclusion of bat bricks or tiles within the new buildings and the erection of bat and bird boxes within the habitat area of the site.'

- 3.5.2 It has been confirmed that the existing trees shown to have potential value for bats will be retained.

3.6 Kent Highway Services

The application proposes 29 dwellings comprising of 3 x 5 bedroom, 11 x 4 bedroom, 9 x 3 bedroom and 6 x 2 bedroom, served from a new access onto Grigg Lane at Headcorn. A 2m wide footway along the site frontage is to be provided. A 4.8m wide access road is proposed, widening to 5.5m at bends to allow for the manoeuvring of large vehicles. Tracking diagrams are required and also a plan indicating the extent of the access roads to be considered for adoption. Details are also required of the forward visibility splays at the bends in the access road and visibility splays from the junctions on the access road.

Visibility splays from the access onto Grigg Lane are acceptable. Pedestrian access through the north western side of the application site to link with the existing highway should be investigated. A pedestrian access between the access road outside Plot 3 and the access road adjacent to Plot 19 is required.

With regards to parking the Interim Guidance Note 3 recommends a minimum of 2 independently accessible spaces for each house of 3 or more bedrooms and 1.5 spaces for each 2 bedroom house. This would equate to 55 spaces. Additionally 0.2 spaces per dwelling is recommended for visitors; which in this case would amount to 6 spaces. 46 parking spaces are proposed in addition to 22 garages. The garages are a good size; single garages are 6.5m x 3.4m and double garages are 6.5m x 6.5m. The access road

is 4.8m wide which is sufficient width for a HGV to pass a car therefore parking along the access road would not result in obstruction subject to the turning areas being clear and clarification on the tracking diagrams. Most on street parking is likely to occur from the 2 and 3 bedroom properties (plots 15 to 29) at the south eastern side of the site as these have 1 space each, most have no garage and plots 20 to 29 have their parking spaces to the rear of the houses. This may lead to parking on Grigg Lane and along the access road between Grigg Lane and the first bend. I would recommend that additional unallocated on street parking spaces be provided on the access road in the area currently shown as verge. Additionally spaces could be provided fronting plots 26 to 29 accessed from Grigg Lane.

Traffic surveys have been completed and indicate that existing traffic flows on Grigg Lane and Oak Lane are low. Speed surveys recorded 85%ile speeds of 33.5mph northbound and 36.5mph southbound on Grigg Lane in the vicinity of the proposed site access. Speeds on Oak Lane are low with average speeds of 27/28mph. The crash record has been examined that this indicates that there has been no reported injury crashes on Grigg Lane or Oak Lane in the latest 10 year period.

The development is likely to generate 22/23 two way traffic movements in the peak hours and it is considered that this can be adequately accommodated on the existing highway.

A plan showing a footway scheme along Oak Lane has been included with the application. The applicant has offered to part fund this scheme however the footway link is necessary to improve accessibility and safety for pedestrians from the development site wishing to walk to the school and village facilities therefore it is considered that this be provided by the applicant by means of a Section 278 Agreement. Additionally the development will increase the number of pedestrian movements to the rail station and where there is no formal crossing facility on the busy A274 Wheeler Street. The provision of a kerb build out on Wheeler Street would increase safety for those pedestrians crossing Wheeler Street to access the station. This too should be provided by means of a S278 agreement.'

3.7 **KCC Public Rights of Way Officer:** Originally commented that the line of the PROW was not shown. This has subsequently been addressed and its revised route through the site now indicated.

3.8 **KCC Mouchel:** Have requested the following contributions:

- **Libraries: £3472.13**, to be used for the provision of additional bookstock and services at Headcorn Library and other libraries serving the development.
- **Community Learning: £775.14**, to be used for new and expanded facilities through dedicated adult education centres and through outreach community learning facilities local to the development.

- **Adult Social Services £430.51**, to be used for the provision of assistive technology (Telecare) and building community/rural capacity through enhancement of local community facilities to ensure full DDA access.

- No contribution is sought for youth and community facilities.

- In respect of education no secondary school contribution is sought.

- However in respect of primary education a contribution of £2360.06 per applicable house towards the build costs of extending Headcorn Primary School as a result of the additional need arising from the development. A contribution of £1924.09 per applicable house is also sought towards acquisition of additional land to accommodate expansion of the school.

3.9 **West Kent PCT:** Have requested a contribution of £23,205 towards the provision of Primary Health Care facilities and have advised that the monies would be spent at Headcorn Surgery and two existing surgeries in Sutton Valence.

3.9 **Headcorn Aerodrome:**

The applicant and future residents should be advised that the application site is located close to the aerodrome, within its safeguarding area, and that noise associated with aviation activity will be present.

4. REPRESENTATIONS

4.1 **Ten** representations have been received. Objections are summarised as follows:-

- The site is in the countryside outside the village envelope.
- The development is premature and should not be considered until the Core Strategy and neighbourhood plan have progressed further.
- Infrastructure around the development is not acceptable. The development will add to the problems that will be caused by the adjacent Golding Homes development.
- There are existing drainage problems both surface and foul water that this development will exacerbate.
- Grigg Lane is unsuitable for further development, access should be made from Lenham Road
- Impact on wildlife.
- Where is the Public Right of Way being moved to?
- A footpath should be provided on Oak Lane.
- Insufficient parking.
- Loss of property value.

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 The application site amounts to approximately 1.6ha and is located on the north side of Grigg Lane on the north eastern side of Headcorn Village. Immediately to the south west of the site boundary is the outer limit of the village confines as defined on the Maidstone Borough-wide Local Plan 2000 Proposals Map. The application site is therefore on one of the exit roads from the village and in Development Plan policy terms, located entirely within the open countryside and the Low Weald Special Landscape Area. Policies ENV28 and ENV34 of the Maidstone Borough-wide Local Plan 2000 refer.
- 5.1.2 To the south west of the site is a chalet bungalow 'Glencoe' which is within the village envelope. Opposite the site and slightly staggered to the south is the entrance to a residential estate known as Hydes Orchard comprised of two-storey modern dwellings. Immediately to the east of the site is a substantially completed development of 25 two-storey terraced dwellings, permitted as a 'rural exception' development. There is also planning permission for a new doctors' surgery and childrens day nursery on that site. Work has now commenced on constructing the Doctors' surgery. The development is known as The Hardwicks.
- 5.1.3 The site is roughly rectangular in shape and comprises Kent Cottage fronting and accessed from Grigg Lane, which is a detached bungalow with an open area and a pond with a number of existing protected trees (TPO no.3 of 1978) immediately to the north of it. Immediately to the east of Kent Cottage runs Public Footpath KH606 that runs in a north easterly direction through the site. To the east of the footpath lies Chance Holding also accessed off Grigg Lane which consists of a number of wooden single storey buildings. The buildings are largely screened from Grigg Lane by existing hedgerows and some trees, although glimpses of the buildings can be obtained. To the north of Chance Holding is an open field crossed by the PROW.
- 5.1.4 The land in the area is relatively level. There are very limited views of the site and the development at The Hardwicks through trees and existing hedgerows from Lenham Road further to the north east. In the winter months these views may be greater.

5.2 Proposal

- 5.2.1 The application is in outline with all matters except for landscaping to be determined. It seeks consent for a maximum of 29 dwellings inclusive of 11 affordable units which has been increased from the 8 units originally proposed. This amounts to a net increase of 27 units when the position in relation to Kent

Cottage (see paragraph 5.2.2 below) is taken into account. Chance Holding is not occupied as a dwelling.

- 5.2.2 Two of the plots are located on the site of the existing Kent Cottage and have a full permission under application MA/12/1068. It is understood that work is due to commence on the construction of these in the near future, all precedent conditions having been discharged. The details of the dwellings on this application relating to those two plots are identical.
- 5.2.3 The site would be served by a centrally located access road off Grigg Lane. This has vision splays to Grigg Lane of 59m x 2.4m x 59m. The road varies from 5.5m to 4.8m in width and has been designed with speed attenuation curves to reduce traffic speeds. The road would cross the site and terminate at two points on the northern and eastern site boundaries in the site's NE corner.
- 5.2.4 To the east of the access road is a terrace of 8 two-storey dwellings fronting Grigg Lane and returning into the site along the access road. To the rear of these units would be a parking court (18 spaces) accessed via a 4m wide roadway and the site of a foul water pumping station, the parking court would be overlooked by a further terrace of four dwellings.
- 5.2.5 North of the access to the parking court is a terrace of three two-storey dwellings fronting the access road which then turns east and northwards. To the north of the bend are two detached units (2-storey) facing south towards Grigg Lane, and on the eastern side of the road a pair of semi-detached units and a detached unit front onto the central access (all 2-storey). The northern part of the site comprises 5 two-storey detached units to the west of the access road either side of (two to the south and three to the north) of a shared access drive. The final two semi-detached units (2-storey) are located in the NE corner fronting onto a proposed LAP.
- 5.2.6 A total of 46 parking spaces in addition to 25 garages are proposed to serve the development.
- 5.2.7 The western part of the site behind the existing dwelling Kent Cottage and the two units that will shortly replace it, is retained as open land and both and existing pond will be retained and a new pond created to assist the proposed SuDS drainage scheme which will be linked to an existing ditch and swale running along the eastern side of the area.. The diverted PROW will run along the eastern side of this area. The dwellings on plots 3 and 6 facing the open area and the PROW have windows to habitable rooms at ground and first floor level to provide surveillance.

- 5.2.8 Ecological surveys and a Mitigation strategy have been submitted as part of the application. Connectivity along the site's eastern northern and western boundaries is maintained and will supplement the measures taken on the adjacent development. Enhancement of the retained open area is also proposed and landscaping within the site itself is proposed. The ecological mitigation assessment was assisted by a bat emergence survey and a tree survey also submitted as part of the application.
- 5.2.9 As part of the application and following initial concerns by the Environment Agency a drainage strategy, backed-up by appropriate flow calculations, has been submitted. The application was accompanied by a Flood Risk assessment when submitted.
- 5.2.10 The application was also accompanied by a transport assessment which included proposals to provide a footpath on the south-west side of Oak Lane, north from its junction with Grigg Lane as far opposite the junction with Knaves Acre. This would be secured through an agreement under s278 of the Highways Act.
- 5.2.11 The development seeks to achieve Code Level 3 of the Code for Sustainable Homes.

5.3 Principle of Development

- 5.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 5.3.2 The site is located in the countryside outside the defined settlement boundary of Headcorn. As stated earlier the site does however immediately adjoin the boundary along its western side. The starting point for consideration therefore is saved policy ENV28 of the Maidstone Borough-wide Local Plan 2000 as follows:-

IN THE COUNTRYSIDE PLANNING PERMISSION WILL NOT BE GIVEN FOR DEVELOPMENT WHICH HARMS THE CHARACTER AND APPEARANCE OF THE AREA OR THE AMENITIES OF SURROUNDING OCCUPIERS, AND DEVELOPMENT WILL BE CONFINED TO:

- (1) THAT WHICH IS REASONABLY NECESSARY FOR THE PURPOSES OF AGRICULTURE AND FORESTRY; OR**
(2) THE WINNING OF MINERALS; OR
(3) OPEN AIR RECREATION AND ANCILLARY BUILDINGS PROVIDING OPERATIONAL USES ONLY; OR
(4) THE PROVISION OF PUBLIC OR INSTITUTIONAL USES FOR WHICH A RURAL LOCATION IS JUSTIFIED; OR

**(5) SUCH OTHER EXCEPTIONS AS INDICATED BY POLICIES ELSEWHERE IN THIS PLAN.
PROPOSALS SHOULD INCLUDE MEASURES FOR HABITAT RESTORATION AND CREATION TO ENSURE THAT THERE IS NO NET LOSS OF WILDLIFE RESOURCES.**

The proposed development does not fit into any of the exceptions set out in policy ENV28 which is why it has been advertised as a departure from the Development Plan.

- 5.3.3 It is necessary therefore to consider two main issues in relation to the proposals. Firstly whether there are any material considerations that would indicate that a decision not in accordance with the Development Plan is justified and secondly would the development cause harm to the character and appearance of the area or the amenities of surrounding occupiers?
- 5.3.4 Visual impact, landscape/ecology and residential amenity are considered later in the report.
- 5.3.5 In terms of other material considerations, Headcorn is a defined rural service centre and the application site immediately adjoins its boundary. The village offers a good range of facilities and services including shops, pubs, a school, doctors' surgery and rail station. The National Planning Policy Framework (NPPF) advises that when planning for development i.e. through the Local Plan process, the focus should be on existing service centres and on land within or adjoining existing settlements. With regard to applications for new housing in the countryside, new isolated dwellings should be avoided unless it accords with the special circumstances that are listed in paragraph 55 of the NPPF. The proposal clearly does not fall within any of the special circumstances cited, but it is in a sustainable location. Grigg Lane was recognised in the application for what is now The Hardwicks, as being in a sustainable location with regard to walking distance to the village amenities and services.
- 5.3.6 The fact that planning permission has been granted and implemented for the mixed use scheme immediately to the north east of this site and further away from the village boundary is also a strong material consideration. The location of the new doctors' surgery and pharmacy and the additional housing would be in close proximity to the proposed development.
- 5.3.7 Therefore, whilst that scheme may have been justified at the time due to demonstrated need outweighing the countryside location, the fact remains that it has altered the character of Grigg Lane. Prior to the acceptance of the mixed use scheme, Kent Cottage and Chance Holdings were the first sites whereby the density of built form dropped and buildings became more sporadic – a clear

indicator that the boundary of the village had been passed. The situation now is that between the village envelope and 'land east of Chance' there is almost an infill situation arising with Kent Cottage and Chance Holdings filling a void.

- 5.3.8 It is also necessary to consider the current position with regard to housing land supply within the Borough. Members will be aware of government advice in the National Planning Policy Framework that states (para 47) that Councils should;

'Identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;'

- 5.3.9 The NPPF defines deliverable as:

'To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.'

- 5.3.10 As stated above, local planning authorities must identify a 5-year supply of housing sites that have a realistic prospect of being delivered within that time frame. The land supply is updated at 1 April each year for a rolling 5-year period, and measured against the dwelling target for the local plan period (usually 20 years).

- 5.3.11 Maidstone has moved away from the preparation of a Core Strategy for the period 2006 to 2026 towards the production of a single Maidstone Borough Local Plan 2011 to 2031. The local plan will set a new dwelling target and allocate land to meet it. This work has not yet been completed, so an interim plan target/period for the calculation of Maidstone's 5-year housing land supply must be established.

- 5.3.12 The South East Plan (2009), which was the regional spatial strategy for the south east, set a target for Maidstone of 11,080 dwellings for 2006 to 2026. This target was based on evidence submitted by Maidstone Borough Council to the Examination in Public for the South East Plan and was supported by Kent County Council.

- 5.3.13 In 2010 the government announced its intention to revoke regional strategies and, as a consequence, a draft local target of 10,080 dwellings for the period 2006 to 2026 was determined and approved for public consultation in 2011. This target has since been overtaken by events. Several core strategy examinations in other parts of the country were suspended in 2012 (and in 2013) because the presiding Inspectors were not

satisfied with the evidence supporting the local authorities' housing and employment targets. At these examinations there was a move away from locally determined targets to a greater emphasis on meeting national projections. Consequently, in November 2012, Cabinet resolved to re-examine the borough's draft dwelling target through a review of the evidence base.

- 5.3.14 The National Planning Policy Framework advises local planning authorities to have a clear understanding of housing needs in their area. They should prepare a Strategic Housing Market Assessment (SHMA) to assess their full needs, working with neighbouring authorities where housing market areas cross administrative boundaries. The SHMA should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which meets household and population projections, addresses the need for all types of housing including affordable housing and caters for housing demand and the scale of housing supply necessary to meet this demand. Local planning authorities should prepare a Strategic Housing Land Availability Assessment (SHLAA) to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.
- 5.3.15 The review includes three key pieces of work that together will establish a sound dwelling target for the local plan period 2011 to 2031: updated demographic forecasts, the production of a new SHMA and the preparation of a new SHLAA. Work on the SHMA and SHLAA is ongoing but further demographic and labour supply forecasts were completed in December 2012, using updated 2008 DCLG data (published in 2010) and also data from the 2011 census that had been released at that point. The forecasts looked at a number of scenarios, and an independent review of the data supported the officer-led approach of using the 10-year trend based projection of 14,800 dwellings for 2011 to 2031.
- 5.3.16 The two options for establishing an interim target (11,080 dwellings or 14,800 dwellings) have been given full consideration. The South East Plan was revoked in March 2013 but its 11,080 dwelling requirement for Maidstone had been tested through public examination, and it addressed a period (2006 to 2026) that is not too far removed from the new local plan period of 2011 to 2031. The population projections this target was based on are likely to be quite dated, but they are not considered to be too historic. The 2012 projection of 14,800 dwellings (2011 to 2031) represents very recent data, but this trend based projection is based on unrefined demographic data that has not yet been tested through the SHMA and the SHLAA, or through public consultation and independent examination. The new draft dwelling target will be approved for public consultation by Cabinet in September 2013 once the work to update the local plan evidence base is completed.
- 5.3.17 Legal opinion has been sought on this matter, which confirms that the South East Plan target of 11,080 dwellings for the period 2006 to 2026 should be used as an interim target and applied in calculating 5-year housing land supply. The council's 5-year housing land supply position at 1 April 2013 is set out below.

Requirement	dwellings
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1	Interim housing requirement 2006/07 to 2025/26	11,080
2	Less completed dwellings 2006/07 to 2012/13	-4,880
3	Requirement 2013/14 to 2025/26	6,200
4	Annual target (6,200÷13 years to end of plan period)	477
5	Add 5% buffer per NPPF requirement (477x5%)	24
6	Annual target including 5% buffer	501
7	5 year dwelling target 2013/14 to 2017/18 (501x5 years)	2,505
	Supply	
8	5-year housing land supply 2013/14 to 2017/18	2,135
	5-year housing land supply position at 1 April 2013	
9	Shortfall in housing land supply	-370
10	Percentage housing land supply (2,135 as a % of 2,505)	85.2%
11	Number of years housing land supply (2,135÷501)	4.2 years

At this point the council has 4.2 years of housing land supply, which represents 85.2% of its requirement.

5.3.18 In the light of this position, I do consider that bringing forward development on this sustainably located site immediately adjacent to a rural service centre would assist in helping to meet the identified shortfall and I consider this to be a strong material consideration in favour of permitting the development.

5.3.19 Subject to the details of the scheme being acceptable I raise no objections to the principle of development.

5.4 Visual Impact and Design

5.4.1 A key consideration in relation to the application is the visual impact of the development on the countryside. Clearly there will be some change to the character of Grigg Lane if the development proceeds, the most significant being the introduction of the new access road and the removal of the existing hedge adjacent to Chance Holding. However as stated above a significant change to Grigg Lane has already occurred with the recent development of The Hardwicks and the new Doctors' surgery.

5.4.2 The development will result in the loss of some open land, and as such, the character of the immediate vicinity will be altered. However, it is also important to assess the impact of the proposal to the area as a whole, and in particular whether the development would significantly affect the medium and long distance views of the application site.

- 5.4.3 Whilst within the open countryside, the development would be within an area of sporadic development that has been significantly consolidated as outlined above. There are houses to the north-east, and south-west of the site together with a large commercial nursery to the east of the site. As such, whilst within the open countryside, the introduction of further built form within this site 'sandwiched' between the development within the village boundary and the new development at The Hardwicks would not appear unduly incongruous. As one views the site from the south-west it is currently seen with a backdrop of substantial trees, and residential properties in The Hardwicks. Likewise when viewed from the north-east, the site has a backdrop of a substantial trees and residential properties. The proposal would see the retention of a significant number of trees, and as such, this backdrop would remain relatively unaffected. As the properties would be a maximum of two storeys in height they would be relatively low level, with many of the trees along the boundary higher than the proposed properties, thus retaining the 'green edge.'
- 5.4.4 I do not consider that the proposal would have a detrimental impact upon long distance views from the east of the site. There is a significant level of screening along the eastern side of Grigg Lane, with many of the trees at this point in excess of 8metres in height. This together with the landscaping proposed within the site and the retained framework on the development to the east would soften the appearance of this development from long range views from the east. As the land is relatively flat in this direction, it would not be possible to obtain an elevated position over the site.
- 5.4.5 Whilst the land to the west and north does rise, this is with a gentle gradient, and as such, there would be no medium distance elevated views of the site as a whole. Long distance views from any elevated position would see the site in the context of the village as a whole, and would be viewed as clustered next to existing development. As such, whilst there would be a change in the character of the area within the immediate vicinity, I consider that the proposal would not significantly alter the medium to long distance views of the locality, and as such the impact upon the countryside is minimised.
- 5.4.6 I consider that the proposed site layout is acceptable. Whilst there are a number of dwellings sited close to and fronting Grigg Lane, the dwellings front the lane and return into the site framing the entrance to the development. Their setting can be enhanced and the overall appearance softened through the provision of a native species hedgerow and hedgerow trees to their frontages and also on the western side of the access road. The dwellings are no closer to the highway than those on the adjacent development to the east. Further into the site the proposed dwellings either front the main access road itself or the shared spaces accessed from it. Appropriate landscaped areas will be provided along the main access road to further soften the development which I consider

should also include tree planting. The proposed open areas and the LAP will now be overlooked and surveilled, as will the proposed diverted Public Right of Way following changes secured during consideration of the application. The dwellings on Plots 3 and 6 have specifically been sited and designed to overlook the open area and the re-routed Public Right of Way. I consider that appropriate private amenity areas have been provided for the dwellings although some are clearly larger than others.

- 5.4.7 The access road has been designed with speed attenuation curves to reduce overall vehicle speed and as result widens on the bands to allow larger vehicles (such as refuse trucks) to safely track through the development. The road has also been designed to potentially accommodate further phases of development in the future. The road will be provided with appropriate landscaping either side of it which will further soften the development. I do consider that it would be appropriate to ensure provision is made to ensure parking on the verge(s) does not take place. Such measures can be secured by condition.
- 5.4.8 Appropriate surfacing of the access road and parking courts can also be secured by condition. I consider that the first section of the access road at the entrance to the development from Grigg Lane to the point where the road narrows from 5.5m to 4.8m should be surfaced with block paving, the parking courts and sections of shared access roads off the main site roadway could be surfaced in bonded gravel and all driveways surfaced with block paving. This will enhance the overall appearance of the development.
- 5.4.9 The design of the dwellings themselves is acceptable and will provide a variety of sizes and forms throughout the development. The indicated external materials for the dwellings as set out in the submitted schedule are also considered to be appropriate. The proposed use of a good quality reddish/brown stock brick as the main brick with an appropriate red stock feature brick, plain roof tiles and a mixture of white weatherboard cladding or tile hanging or on seven of the plots full brick elevations will result in a satisfactory external appearance to the development.
- 5.4.10 Given the site's location backing onto fields and also the relationship with the open area on the western side of the site, the impact of lighting will be important. Whilst no lighting details have been submitted, details can be secured by condition which can be formed to reflect the site's location in the ILE Guidance for the Reduction of Obstrusive Light within an area classified as Zone E2.
- 5.4.11 No objections are raised to the development on visual impact or design grounds.

5.5 Residential Amenity

- 5.5.1 The development would not result in any unacceptable direct impact on existing adjoining properties in terms of privacy or overlooking. The relationship between the proposed house on Plot 1 is and 'Glencoe' the dwelling to its west was considered under application MA/12/1068 and was considered acceptable. This relationship would not change as a result of this application.
- 5.5.2 The nearest dwellings on the site relative to 61-65 (consec) Knaves Acre would be located in excess of 60m to the east, beyond the proposed open area. Appropriate privacy and security screening and hedging can be provided along the western boundary of this area as it adjoins Knaves Acre and can be secured by means of condition.
- 5.5.3 The properties at 1-3 Hydes Orchard on the south side of Grigg Lane are located opposite the site and have rear gardens facing towards Grigg Lane along which there is an established tree and hedge screen albeit sparse in places. Nevertheless, the dwellings at 2 and 3 Hydes Orchard are sited in excess of 25m from the site application site's boundary, with Grigg Lane intervening. No1 Hydes Orchard has a flank wall facing Grigg Lane.
- 5.5.4 I also consider that there is an acceptable relationship between the proposed development and the newly completed development in The Hardwicks to the east with a separation in excess of 30m from the rear of the proposed dwellings on plots 22-25 and the dwellings in The Hardwicks. The relationship between proposed plot 29 and the dwellings to the east is also on balance considered acceptable given the retained boundary planting on the eastern side of the site and landscaping within The Hardwicks site. The first floor east facing flank wall of Plot 15 in the new development has a bathroom window facing towards the rear of the closest dwelling in The Hardwicks at a distance of approximately 9m. This window can be conditioned to be obscure glazed.
- 5.5.5 There is also an acceptable relationship between the proposed houses within the development.
- 5.5.6 Clearly there will be additional traffic generated by the development. However I do not consider that in and of itself that the levels generated which amount to some 22/23 two-way traffic movements in peak hours (and which Kent Highway Services have concluded can be accommodated on the existing network) would result in such increased noise and disturbance to local residents compared to existing traffic levels as to be able to warrant and sustain an objection on these grounds.

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

5.6 Highways

5.6.1 Kent Highway Services have not raised objections to the development in terms of its impact on the local highway network. There will be a clear benefit to highway and pedestrian safety generally in the area arising from the provision of the footway in Oak Lane, which I am advised will cost in the region of £60-£70,000 to provide.

5.6.2 The comments of the highway authority regarding parking provision are noted. However I do consider that it is necessary to balance landscaping and parking in all schemes. It is my view that an appropriate balance has been struck in relation to this application, as a total of 46 parking spaces in addition to 25 garages are proposed to serve the development and that there is appropriate landscaping within the scheme.

5.6.3 The existing PROW is to be diverted within the site. This will require a formal diversion order, but as it is necessary to enable the development proceed, such a diversion can be made through an Order obtained under the provisions of s247 of the 1990 Planning Act. Appropriate conditions can cover this.

5.6.4 I do not consider that objections can be raised to the development on highway grounds.

5.7 Landscaping and ecology

5.7.1 Landscaping is a reserved matter. The site layout plan illustratively indicates where landscaping would go within the site. I consider that a suitable framework is shown and that important existing habitat connectivity along the site boundaries and the open area on the site's western side would be maintained by the development. Clearly, the treatment of the site's boundaries will be important to provide screening for the development but also in terms of providing connecting habitat corridors with the wider area. I also consider it necessary to ensure that the boundary of the site with Grigg Lane and to the front of the proposed dwellings fronting Grigg Lane is formed by a native species hedgerow set behind the visibility splays for the site access together with hedgerow trees of suitable species set into the hedgerow at appropriate intervals. Appropriately framed conditions can secure this.

5.7.2 The site layout has been considered following assessment of the ecology and ecological mitigation required for the development and an appropriate mitigation strategy has been provided in consultation with Natural England.

New habitat (rough grassland 0.05ha and a new pond 0.22ha in area) will be created in the area to the north of proposed Plots 1 and 2 and as stated earlier an existing framework of connecting habitat maintained and enhanced through the provision of 0.09ha of new woodland to the west of plots 3 and 6 adjacent to plot 11 on the site's eastern boundary and also to the north of plots 15-19 linking with the existing pond and rough grassland on the site's eastern boundary. The strategy will also provide log-piles and hibernacula in the copse. In addition there is a firm commitment to the use of wildlife friendly gullies for highway drainage. Other measures such as the provision of bird and bat boxes and the use of swift/bat bricks appropriately sited on the development and in the existing woodland can also be secured.

- 5.7.3 Subject to appropriate conditions securing the mitigation and enhancement measures and also governing the detailed landscaping scheme no objections are raised to the development on landscape or ecology grounds.

5.8 Other matters

- 5.8.1 The proposed drainage strategy for the site which does incorporate SuDS has been agreed with the Environment Agency. The Agency is satisfied that subject to detailed design that run-off discharge post-development in the event of a 1 in 100 year critical storm will not exceed the run-off from a corresponding storm in its undeveloped state. Subject to a condition requiring a details sustainable surface water drainage scheme to be submitted together with a scheme for foul water drainage as requested by Southern Water, no objections are raised to the development on Flood Risk grounds.

- 5.8.2 The development will achieve Code Level 3 within the Code for Sustainable Homes. Officers have sought to achieve Code Level 4 but the applicants have declined to accede to this request. The primary reason being the additional cost but also because there is no adopted local policy that seeks to secure Code Level 4.

- 5.8.3 I concur with the latter reason. There is an emerging draft policy but this has very little weight at the current time and has also not been independently tested or examined. Where Code Level 4 cannot be achieved by negotiation, the Council is not, due to the lack of an adopted local policy in a position to insist on that level being achieved.

5.9 S106 obligations

- 5.9.1 Any s106 obligation should meet the three tests set out in Regulation 122 of the CIL Regulations 2010 and para 204 of the NPPF 2012, which state that any obligation must be:-

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

There have been requests from West Kent PCT and Kent County Council for s106 contributions.

- 5.9.2 In respect of the PCT request, the applicants have confirmed that they do not consider that this meets the tests and have indicated their unwillingness to provide the contribution, on the basis that a new surgery is being constructed immediately adjacent to the site, which has been designed with the potential for increased capacity. They also contend that it is also not reasonable or directly related to the application to use a contribution on two surgeries in the village of Sutton Valence which lie some distance away. I concur with this view. The adjacent surgery has been designed with the capacity to accommodate additional patients and I also understand that an increased patient role was a requirement of funding for the surgery. In the absence of any further justification from the PCT, I do not consider that their request meets the three tests on this occasion.
- 5.9.3 I do consider that the requests from Kent County Council towards library facilities, community learning and adult social services and the Primary school contributions for expansion and land acquisition are justified and that the relevant tests are met as the contributions would be used to enhance local facilities and meet additional need generated by the development.
- 5.9.4 Eleven units of affordable housing are to be provided which has been increased from the 8 units originally proposed. This meets adopted Development Plan policy. The provision of affordable housing is adopted development plan policy and I consider that the tests are met.

6.0 CONCLUSION

- 6.1 The development site is located in the countryside outside the defined boundary of Headcorn village and as such represents a departure from development plan policy and would normally warrant refusal.
- 6.2 There are however, material considerations which have been set out and addressed in this report which indicate a different decision could be made.
- 6.3 The development would not result in such unacceptable harm to the countryside as to warrant refusal. As discussed earlier in the report it takes the form of an infill development between the existing defined boundary of the

village and the adjacent mixed-use development at The Hardwicks. The site is not readily visible in medium to long distance views and would in any event be read with the development either side of it. The site is in a sustainable location and lies immediately adjacent to a Rural Service Centre which does accord with the advice in the national Planning Policy Framework also considered earlier in the report.

- 6.4 There is also the issue of the current lack of a five-year housing land supply. This development would help to reduce the deficit but not, due to its location and resultant impact on the wider area, in a manner that would cause unacceptable harm to the character and visual amenities of the area.
- 6.5 The principle of development is considered acceptable in this instance. The development would also be acceptable in highway terms, in its impact on residential amenity and following detailed submission and mitigation, in terms of landscaping and ecology.
- 6.6 Subject to the prior completion of a s106 agreement in accordance with the heads of terms set out above and the imposition of appropriate conditions, I recommend that permission should be granted.

7.0 RECOMMENDATION

SUBJECT TO:

A: The prior completion of a s106 legal agreement in such terms as the Head of Legal Services may advise to secure:

- 1) The provision of a minimum of 11 units of affordable housing.
- 2) A contribution of £3472.13 towards the provision of bookstock and library services.
- 3) A contribution of £774.14 towards the provision of community learning facilities and services.
- 4) A contribution of £430.51 towards the provision of Adult Social Services facilities.
- 5) A contribution of £2360.06 per applicable house towards the build costs of extending Headcorn Primary School as a result of the additional need arising from the development.
- 6) A contribution of £1924.09 per applicable house towards acquisition of additional land to accommodate expansion of Headcorn Primary school.

The Head of Planning BE GIVEN DELEGATED POWER TO GRANT PERMISSION subject to the following conditions and informatives:

1. The details of landscaping submitted pursuant to condition 1 above shall provide for the following:

(i) Details of all trees to be retained and any to be removed together with detailed Root Protection Plans.

(ii) A detailed arboricultural method statement that includes assessment of the works relating to the provision of the re-aligned Public Right of Way within the site (including its routeing, method of construction and foundations), the roadway in the north east corner of the site adjacent to the proposed LAP and the construction of the dwellings on plots 7, 10 and 15.

(iii) A long term landscape management plan for the site including the open area to the north of Plots 1& 2 and west of Plots 3 and 6, to be prepared having regard to and in conjunction with the ecological mitigation and enhancement measures to be provided on the site pursuant to condition 3 below.

(iv) The provision of native species hedging and hedgerow trees to the Grigg Lane frontage west of the access road and the frontages of plots 22-29 inclusive

v) The provision of natives species hedging and railings/dwarf walls/fencing to the highway frontages of the remaining proposed dwellings other than plots 22-29 inclusive.

(vi) Measures to prevent parking on the landscaped verges along the site access roads.

(vii) Appropriate native species under-storey planting to the proposed woodland corridors.

(viii) Details of the external surfaces of all roadways, driveways and footways within the site which shall include

a) the use of block paviments or granite setts for the first section of the access road from its junction with Grigg Lane to the point where it narrows from 5.5m to 4.8m,

b) the use of bonded gravel for the parking courts and sections of shared access road off the main site access and brick paviments for driveways and other pathways.

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

2. The development shall be carried out in accordance with the recommendations of the ecological survey report dated 30 January 2013 and the Mitigation Strategy dated 1 August 2012 (both prepared by Flag Ecology) and shall include;

(i) the provision of bat bricks/boxes, bird nesting boxes and swift bricks.

(ii) the retention of a proportion of the cordwood within the site.

(iii) the provision of refugia and hibernacula.

(iv) the provision of 'wildlife-friendly' drainage gullies.

Reason: To secure appropriate enhancement within the site in the interests of ecology and biodiversity pursuant to the advice in the National Planning Policy Framework 2012.

3. 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 the advice in the National Planning Policy Framework 2012.

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. The external materials used in the construction of the of the dwellings shall be as specified in the external materials schedule GN/12/2013 received 17/06/2013 unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a satisfactory appearance to the development pursuant to the

advice in the National Planning Policy Framework 2012.

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

Reason: To safeguard the character, appearance and functioning of the surrounding area pursuant to the advice in the National Planning Policy Framework 2012.

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

Reason: to ensure a sustainable and energy efficient form of development in accordance with Kent Design and the advice in the National Planning Policy Framework 2012

8. The development shall not commence until details of the proposed lighting scheme have been submitted to and approved by the local planning authority. The details submitted for approval shall include;

- i) the submission of lighting contour plots showing the site and adjoining development;
- ii) sufficient detail to demonstrate that the proposed scheme complies with the recommendations of the Institute of Lighting Engineers 'Guidance Notes for reduction of Obtrusive Light' for sites located in Environmental Zone E2 and;
- iii) measures to demonstrate that light spillage into the proposed landscaped area has been minimised.

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

Reason: In the interests of the character of the area, ecology and the amenity of nearby residents pursuant to policy ENV49 of the Maidstone Borough-wide Local Plan 2000 and the advice in the National Planning Policy Framework 2012.

9. The development shall not commence until a detailed design for a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The detailed drainage design should include details of how the scheme shall be maintained and managed after completion.

The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off-site.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent flooding both on and off site by ensuring the satisfactory storage and disposal of surface water in accordance with the advice in the National Planning Policy Framework 2012.

10. The development shall not commence until a details of foul water drainage have been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent flooding both on and off site by ensuring the satisfactory disposal of foul water pursuant to the advice in the National Planning Policy Framework 2012.

11. Details of all fencing, walling and other boundary treatments shall be submitted for approval in conjunction with the details of the reserved matter of landscaping submitted pursuant to condition 1 above. The development shall be carried out in accordance with the subsequently approved details before the first occupation of the buildings or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000.

12. No part of the development hereby permitted shall be occupied until the footway on Oak Lane shown on drawing no OLH-004 received 26/10/20012 has been constructed, completed and provided with its final external surface.

Reason: In the interests of highway and pedestrian safety pursuant to policy T23 of

the Maidstone Borough-wide Local Plan 2000.

13. Before the development hereby permitted is first occupied, the proposed first floor east facing bathroom window to plot 15 shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such;

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers pursuant to the advice in the National Planning Policy Framework 2012.

14. The development shall not commence until an Order has been made pursuant to s247 of the Town and Country Planning Act 1990 (as amended) for the diversion and reconstruction of Public Right of Way KH606.

Reason: In order to ensure that the public right of way is not adversely affected in accordance with Policy ENV26 of The Maidstone Borough-Wide Local Plan 2000.

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

Reason: To protect the amenities of existing and future residents and to ensure compliance with the National Planning Policy Framework 2012.

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

PL-GH-10-13 (consecutive), drawing nos PL-GH-22-42 (consecutive) and drawing no OLH-004 received 26/10/2012 and drawing nos. PL-GH-ALPrevB, PL-GH-15A, 16A, 17A, 18A, 19A, 20A and 21A received 28/02/2013 and materials schedule GN/12/2013 received 17/06/2013.

Reason: To ensure the quality of the development is maintained and to prevent harm to the character of the area and the residential amenity of neighbouring occupiers in accordance with the advice in the National Planning Policy Framework

2012.

17. The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

a. Landscaping

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

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

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

Informatives set out below

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

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

the trees in the grounds

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

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

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

The developer may be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. As per the relevant act and the Site Waste Management Regulations 2008, this should be available for inspection by the Local Authority at any time prior to and during the development.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside the normal working hours, cannot be stressed enough. Where possible, the developer shall provide the Council and residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work, for example scaffolding alarm misfiring late in the night/early hours of the morning, any over-run of any kind.

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

You are advised that:

1. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority:
2. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development without the permission of the Kent County Council Public Rights of Way Office.
3. There should be no close board fencing or similar structure over 1.2 metres in height erected which will block out the views:

4. No hedging or shrubs should be planted within 1.0 metre of the edge of the Public Path.
5. No Materials can be brought onto site or stored on the Right of Way.

You are also advised that the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However given the current shortfall in the required five-year housing supply and the lack of unacceptable harm to the character or appearance of the area as a result of the development and its relationship with the wider countryside and existing adjoining development, together with the site's sustainable location immediately adjacent to a rural service centre a departure from that policy would be likely to result in only minor harm to the character of the countryside.

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.



1. 10. 2012

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1. 10. 2012

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1. 10. 2012

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18. 6. 2013



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HYDE'S ORCHARD

18. 6. 2013



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18. 6. 2013

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18. 6. 2013



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18. 6. 2013

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HARDWICKS

18. 6. 2013

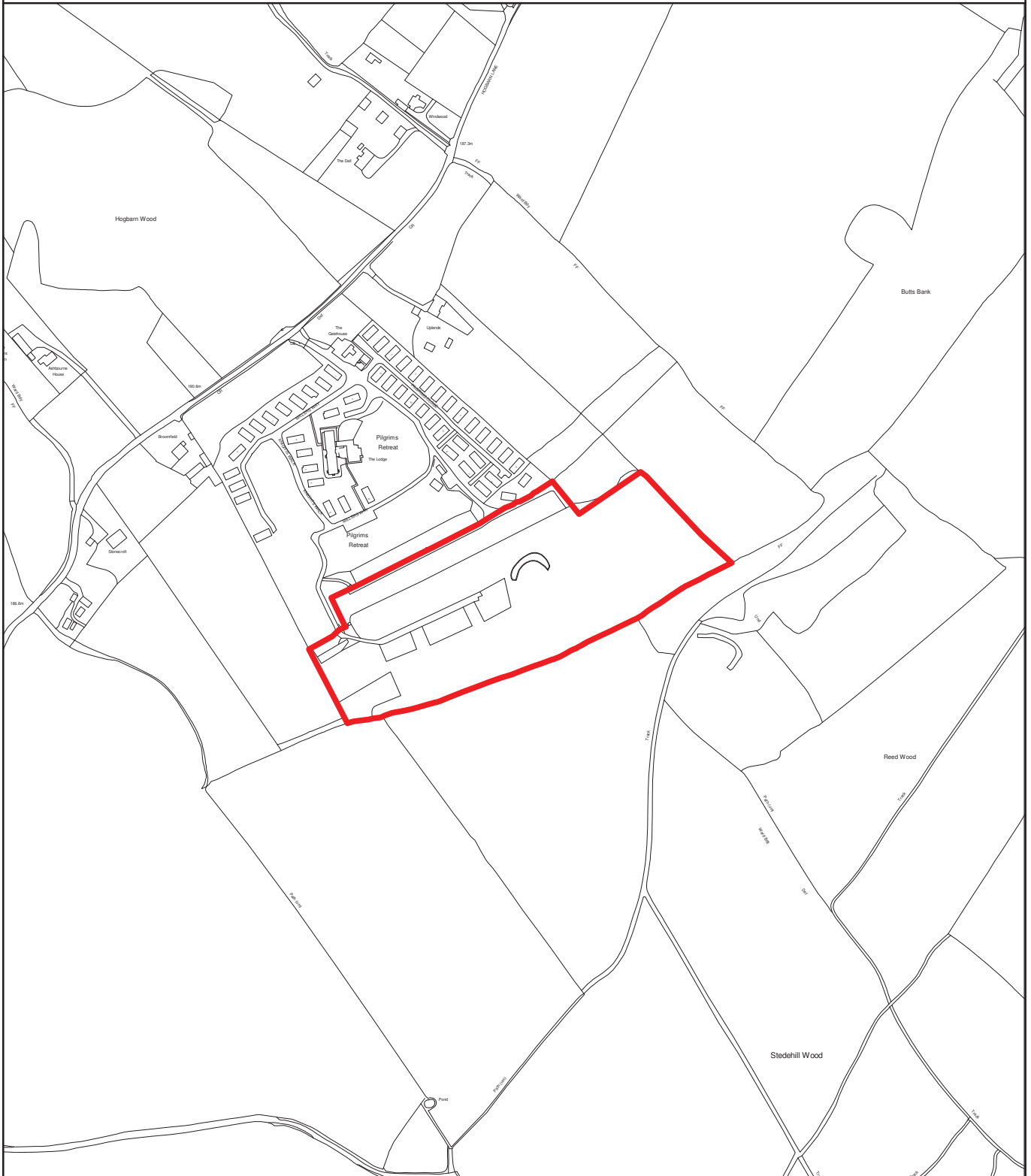
Agenda Item 14

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/0724

GRID REF: TQ8854

**PILGRIMS RETREAT, HOGBARN LANE,
HARRIETSHAM.**



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Rob Jarman
Head of Planning and Development

APPLICATION: MA/13/0724 Date: 22 April 2013 Received: 26 April 2013

APPLICANT: Sines LLP

LOCATION: PILGRIMS RETREAT, HOGBARN LANE, HARRIETSHAM, MAIDSTONE, KENT, ME17 1NZ

PARISH: Frinsted, Harrietsham

PROPOSAL: Application to vary condition 4 of MA/96/1132 to allow an expansion of the area used for siting static caravans and operational development to alter land levels (partly retrospective) as shown on drawing number PR101a and supporting information received on 25/4/13 as amended by drawing number PR110a and supporting information received on 3/7/13.

AGENDA DATE: 8th August 2013

CASE OFFICER: Peter Hockney

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

- it is contrary to views expressed by Harrietsham Parish Council

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV33, ENV34, ED20
- Government Policy: National Planning Policy Framework (2012)

2. HISTORY

MA/12/1910	Advertisement consent for sign 3.2 metres wide by 3 metres high, to be no more than 1.5 metres above ground level and sign illumination not exceeding 100CD/sqr metre - UNDETERMINED
MA/12/0388	Extension to clubhouse to form indoor bowls facility - APPROVED WITH CONDITIONS
MA/12/0378	Erection of shop and offices building - APPROVED WITH CONDITIONS

MA/11/2190	Variation of condition 2 of permission MA/03/2343 (extension of the holiday park's season from 8 months to 10 months) to allow the use of touring caravans, tents and static caravans for holiday purposes all year round (excluding the 18 permitted residential static caravans) – APPROVED WITH CONDITIONS
MA/11/1753	Retrospective application for stationing of mobile home for residential accommodation by caretaker – APPROVED WITH CONDITIONS
MA/11/0897	Erection of a double garage – APPROVED WITH CONDITIONS
MA/11/0384	Advertisement consent for the installation of an externally illuminated freestanding sign (retrospective application) – REFUSED
MA/10/1620	An application a Certificate of Lawful Development for an existing use being the stationing of a mobile home for residential purposes – WITHDRAWN
MA/08/1128	Extensions and alterations to clubhouse – APPROVED WITH CONDITIONS
MA/07/0142	Variation of condition 1 of MA/96/1132 to increase the number of residential units on site from eighteen to twenty seven with reduction of holiday units from 180 to 171 – REFUSED & DISMISSED AT APPEAL
MA/03/2343	Variation of condition 2 of planning permission MA/96/1132 relating to Hogbarn Caravan Park, Harrietsham to extend the Park's season from 8 months to 10 months – APPROVED WITH CONDITIONS
MA/02/2056	Variation of condition 04 of planning application reference MA/96/1132 to enable static holiday caravans to be sited on an area of the southern part of the site restricted to touring caravans – APPROVED WITH CONDITIONS
MA/96/1132	Use of land for the siting of 180 holiday caravans and 18 residential caravans (including extension to currently permitted site) – REFUSED & ALLOWED AT APPEAL

MA/83/0934 Construction of internal roads, car parking and caravan hardstandings for 178 holiday caravans and 1 residential caravan – APPROVED WITH CONDITIONS

3. CONSULTATIONS

3.1 **Harrietsham Parish Council** wish to see the above application refused due to the following reasons:

- 1) With reference to the appeal decision for application MA/96/1132 (paragraph 14 of the layout plan submitted with the application), the Inspector was satisfied the existing site was physically capable of taking the approved number of seasonal pitches without the removal of any further trees in any new areas.

- 1) With reference to paragraph 20 of the inspectors report, the Inspector commented:
"This is a very sensitive area of landscape that has already suffered visual damage through the existing caravan site which, because of the topography, is prominent over the south-western boundary planting in views from the footpath. Given the important planning objective of conserving the landscape in the AONB, I consider that any material increase in the visual prominence of the caravan site would be unacceptable."

- 2) Paragraph 5 of the Inspector's conditions of approval stated:
"The western end of the site should not be used for siting of caravans until the local planning authority have indicated in writing their satisfaction that the planting required under condition 6 has matured sufficiently for the presence of caravans on that part of the site to be no longer visible from the public footpath to the south of the site."
As the photograph in Appendix A shows, the development and proposed extension is clearly visible from the public footpath.

- 3) The Tree Preservation Order was granted in 2003 and takes precedence over the permission granted in 1996 and the tree screening in woodland area 5, was considered of sufficient merit, to warrant the granting of a TPO. Removal of this tree screening and siting of caravan units, demonstrates unacceptable harm to the AONB. The photograph in Appendix B (an aerial view from Google Earth) shows the extent of screening in Woodland Area 5 prior to the applicants decision to remove the Trees covered by the TPO NO.10 of 2003

4) In Richard Timms' committee report dated 29th March 2012 paragraph 4.2.4 he stated:

"The park is fairly well screened "

" The woodland area is protected under TPO No. 10 of 2003 as are areas of woodland in the south part of the site."

This application now removes this screening.

5) Item 15 of the applicant's application form states that a full tree survey of the remaining trees should have accompanied this application and particular reference should have been made to the area of Ancient Woodland (Stede Wood) adjoining the application site.

6) As quoted by the applicant, ED20 suggests that sites "should be sited in well screened, un-intrusive locations, and sites surrounded by mature woodland or taking good advantage of concealing natural land forms." It is clear from the photograph in appendix A that the proposed landscaping would not prevent the site extension being clearly visible from the AONB and the only area of screening has already been removed by the applicant.

7) The proposed landscaping planting plan is insufficient in numbers and sizes to replace the tree coverage that has been lost by the removal of trees in woodland area 5 of TPO no.10 of 2003 and fails to successfully mitigate the proposed development.

8) The applicant has failed to address the replacement of any losses within the proposed maintenance programme for planting works.

9) The application is contrary to LLC8 of the AONB management plan:
"Proposals which negatively impact on the distinctive landform, landscape character and identified special components of natural beauty, the setting and views to and from the AONB will be opposed and resisted."

Harrietsham Parish Council feels so strongly that this application should be refused that we request that this application be reported to the Planning Committee.

Maidstone Borough Council should continue to proceed with the enforcement action as the applicant has illegally removed healthy trees after they have given

protection via a Tree Preservation Order in an Area of Outstanding Natural Beauty.”

Following the receipt of amended plans increasing the new planting **Harrietsham Parish Council** reiterated their objections to the scheme.

3.2 **MBC Landscape Officer** has commented on the application stating:-

“The application site lies within an AONB and Tree Preservation Order (TPO) No. 10 of 2003 protects 5 areas of woodland, 7 individual trees and 2 groups of trees growing on the site. The application seeks the expansion of the caravan park with new road infrastructure and the proposed siting of 69 new caravans as positioned and numbered on the A3 Landscape Plan by Peter Lead, Planning Consultant (plan Ref: PR110a, dated 03/07/2013).

The sloping topography of the site has recently been remodelled into a number of flat terraces which has resulted in the removal of a large proportion of the protected trees within woodland areas designated as W4 & W5 on the TPO. The removal of the woodland trees that consisted primarily of Hawthorn scrub and self seeded Sycamores has resulted in a significant gap in the sylvan character of the area. A large proportion of woodland, W5, to the east has been retained and is shown on the Landscape drawing as existing coppice. Due to the dense nature of the Hawthorn very little daylight reaches the ground and as a result very little ground vegetation is present.

Clearly the planting shown on the submitted landscaping plan is insufficient to mitigate the loss of the areas of recently removed woodland. However, my comments relate to the planning application on which I have been consulted, relating to the siting of new static caravans. I am not in a position to comment on the planning considerations as to whether there is an overriding need for this development and, therefore, can only comment on the principles of the landscaping scheme put forward by the applicant.

The proposed landscaping scheme as shown on the above mentioned Landscape Plan proposes several new areas of 2m high whip planting that consist of Blackthorn, Damson, Field Maple, Hornbeam, Rowan and Pendunculate Oak. New hedgerows are proposed along the western boundary and part of the southern boundary as well on top of the recently formed embankments that divided the levelled escarpments. Plants within these new hedges consist of a mixture of Guelder Rose, Hawthorn, Spindle, Field Maple, Holly and Hazel, planted in double staggered rows of not less than 5 plants per metre. Further planting of Dogwood, Blackthorn and Damson whips are proposed towards the middle of the embankments whilst a planting mix of grass and wild flowers are proposed to the base of the banks nearest the new homes.

In addition to the whip planting, 24 larger specimen trees of heavy standard size are shown to be planted. These consist of Field Maple, Hornbeam and Pendunculate Oak. In order to soften parts of the new road infrastructure, grasscrete is shown to be used.

All the new planting is to be protected by rodent damage using suitable tree protection and weeding/maintenance is proposed for at least 5 years post planting.

Overall, the landscaping scheme maximises the space available within the development for new planting with a mixture of approximately 300 new native trees and shrubs that are considered in keeping with the landscaping character of the area. The species mix chosen also seeks to provide a better biodiversity to the area than the previously removed Hawthorn scrub.

In conclusion, to reiterate, the proposed amount of planting as shown on the submitted landscaping plan does not mitigate the amount of tree removal that has taken place within protected woodland designated as W4 & W5 of TPO No. 10 of 2003. However in the context of the application, should you be minded to approve this scheme, I would want to see the following pre-commencement conditions applied:

- Full details of the future management of the retained coppice to the east of the development site and how the area is to be used as amenity for the local residents
- Existing trees shall be clearly marked on the Landscape plan as being retained
- Details of the type of weeding to be used around the newly planted trees (e.g. cultural, mechanical or chemical) together with a full maintenance programme specifying watering and weeding and replacement of failed stock
- Full details of the wildflower and grass mix
- Planting and staking details for the proposed selected heavy standard trees.”

4. REPRESENTATIONS

4.1 **8 letters** of objection have been received on the following grounds:-

- The existing protected woodland has been cleared.
- Harm to the character and appearance of the Kent Downs Area of Outstanding Natural Beauty and Special Landscape Area.
- The development undertaken is unauthorised.
- No public transport to the site or pedestrian route.
- Loss of privacy from raised mobile homes.
- Noise, smells and disturbance from the sewage treatment plant.

- The design and colour diversity of the units will not reflect the traditional character of the buildings in the locality.
- Concern regarding the proposed landscaping scheme.

CPRE Kent raise objections of the fact that there has been significant clearance of the protected woodland.

The Kent Downs Area of Outstanding Natural Beauty raise concerns that caravan sites should not be in the AONB and advises that the AONB should be protected and enhanced.

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 The application relates to a large site which has a mixed permission as a holiday caravan and camping park (180 caravans or tents) and for 18 caravans for permanent residential use. The site dates back to 1967 when it was originally granted permission, albeit over a smaller area. Later permission was granted in 1997 at appeal under MA/96/1132 for a larger site and this allowed the 180 holiday pitches and 18 residential caravans. A revision to the layout was granted under MA/02/2056 to allow static caravans in part of the southern area of the site where only touring caravans were previously allowed. Application MA/11/1753 granted permission for an additional 19th residential unit, restricted by condition to caretaker accommodation only. Permission was granted under MA/11/2190 to allow the holiday accommodation (180 caravans) to be occupied at any time of the year.
- 5.1.2 The site is located on the slope of the North Downs, around 2km north of Harrietsham, and on the south side of the rural and unclassified Hogbarn Lane. It is within open countryside falling within the Kent Downs Area of Outstanding Natural Beauty and Special Landscape Area. There are a number of residential properties on Hogbarn Lane including houses directly adjoining both sides of the site.
- 5.1.3 The residential element of the park is contained in an area on the north-east side of the park, behind the site reception/office building and caretaker accommodation unit. This contains the maximum permitted permanent 18 residential units. The remainder of the site is taken up by caravans for holiday purposes including 'static park homes' mainly on the north and west sides, and centrally within the site and a row of mobile homes near the south boundary of the site. Buildings housing the clubhouse, bar, swimming pool, gym, changing rooms, and ancillary accommodation, are centrally within the site. A new shop

and office has been recently permitted under MA/12/0378 and an extension to the clubhouse was permitted under MA/12/0388.

5.1.4 The park is fairly well screened from Hogbarn Lane by a belt of woodland and other planting and vegetation on and around the entrance to the site, although broken views of the homes are possible in the winter. This woodland area is protected under TPO No. 10 of 2003 as are areas of woodland in the south part of the site. It is, however, quite exposed from the public footpath KH209A which runs to the south-west of the site, and from public footpaths KH288 and KH286 further to the south. Views of the site are also possible from Flint Lane at the junction of the footpaths.

5.2 Enforcement Background

5.2.1 A large area of tree coverage was removed in the southern part of the site. These trees were covered by TPO 10 of 2003 and the Council considers this to be a breach of the legislation. Following the removal of these protected trees there were considerable excavations that took place in the same area to create terraces.

5.2.2 There was no masterplan available and no indication of what was being created and the Council took formal enforcement action in the form of an Enforcement Notice with accompanying Stop Notice. As a result work has ceased on the site.

5.2.3 The Enforcement Notice becomes effective on the 4 September 2013. This application has been submitted in the meantime in order for the Council to consider the proposed masterplan for the site including replacement planting. In the event that permission is granted then this would override the Enforcement Notice. If the application is refused then the Enforcement Notice would remain in force and would have to be complied with unless a successful appeal is made.

5.3 Proposal

5.3.1 The development is partly retrospective and is for engineering operations to create terraces and the stationing of static holiday caravans in this area. The application involves the creation of roadways and bases to facilitate the stationing of the caravans. There would be a total of 69 additional caravans stationed within the area in question.

5.3.2 As part of the scheme there is a significant amount of landscaping proposed including boundary hedging, tree belts along the terraces, specimen trees and wildflower meadow planting.

5.3.3 The detail of the scheme and impact on the character and appearance of the area are the key considerations in this case

5.4 Principle of Development

5.4.1 The application site is an existing caravan site, which has consent for up to 180 caravans for holiday purposes as well as the 18 residential caravans in the site being a total of up to 198 caravans. The introduction of the proposed 69 static caravans would take the total number of caravans on the site to 180, lower than the 198 approved.

5.4.2 Policy ED20 of the Maidstone Borough-Wide Local Plan (2000) deals with the provision of caravan and camping sites. It states that new sites should avoid the sensitive landscape areas of the Kent Downs Area of Outstanding Natural Beauty and Special Landscape Areas. However, this is an existing site and the principle of the stationing of up to 198 caravans has already been established on this site.

5.4.3 Therefore I consider that in principle the stationing of caravans on the existing caravan site within the original numbers permitted to be acceptable in principle. The main consideration is how the arrangement of the site and positioning of the new caravans impact on the character and appearance of the Kent Downs Area of Outstanding Natural Beauty.

5.5 Visual and Landscape Impact

5.5.1 The site lies within the sensitive Kent Downs Area of Outstanding Natural Beauty and is an existing established caravan park that is characterised by wide internal roadways, large mobile homes, manicured lawn areas and substantial ancillary buildings. The existing development does not positively contribute to the character and appearance of the AONB. The areas of the sites that have the greatest positive impact on the area is the area of woodland adjacent to Hogbarn Lane and the area of woodland in the easternmost corner of the site these areas would be retained as part of the proposal.

5.5.2 The area where the engineering operations have been undertaken was previously covered with trees and vegetation. This area has been cleared, in the Council's view in breach of the TPO regulations, although the applicant considers that no breach of the regulations have occurred.

5.5.3 When viewed from the footpaths and Flint Lane the part of the site where the unauthorised development has taken place appears as a dominant scar on the slope of the Kent Downs Area of Outstanding Natural Beauty with the exposed clay soil being prominent. Before work began these views had trees and scrub in

the foreground with the large park homes and roads set above and it was these features that dominated the views.

- 5.5.4 The proposed terracing and the stationing of 69 mobile homes in this area do not enhance the landscape character of the area. However, as mitigation for the loss of the vegetation a new landscape scheme is proposed. There are areas of new tree planting around the proposed caravans pre-dominantly adjacent to the retained area of woodland in the easternmost corner and interspersed between the caravan plots. A new area of substantial tree planting would be along the southern boundary between the site and the footpaths. In total in these areas there would be 150 new trees planted 30 of which would be in the area adjacent to the southern boundary. The tree planting in these areas will comprise blackthorn (25%), damson (10%), field maple (15%), hornbeam (20%), rowan (15%) and pedunculate oak (15%). As well as these areas of trees there would be a minimum of 24 specimen trees comprising field maple, hornbeam and pedunculate oak within the site. The proposal includes landscape treatment of the banks to the terraces to reduce the engineered appearance. These include new hedgerow planting along the crest of the banks comprising Guelder Rose (10%) Hawthorn (80%) Spindle (10%) or Field Maple (85%) Holly (15%) or Hazel (100%) or a combination. Below the hedgerow planting would be ground cover planting in the form of Dogwood, Blackthorn and Damson and further down the slope of each bank would be a wildflower mix.
- 5.5.5 The new landscaping would be significant with a mixture of approximately 300 new native trees and shrubs that are in keeping with the landscape character of the area. The landscape officer has confirmed that the proposals would be appropriate in terms of the species used and that the species mix chosen also seeks to improve the biodiversity of the area from the previously removed Hawthorn scrub.
- 5.5.6 The creation of terraces would, once fully landscaped, integrate into the landscape and result in the caravans being set lower than if they were placed on parts of the existing slopes. This would be a benefit to the scheme, although under the terms of the current permission static homes would not be allowed in the whole of the southern area. In order to further soften the appearance areas of grasscrete are proposed instead of tarmac for the southernmost areas accessing the plots. I consider that in time these lower elements of the park would be less prominent from northward views from the footpaths and Flint Lane due to the lower terraces and the proposed landscaping.
- 5.5.7 The landscape loss that has occurred on site would not be mitigated by the proposed replacement species in terms of coverage. However, this must be balanced against the other issues, namely the improvement in biodiversity from the species proposed, the ability to secure continued management of the

landscape areas (existing and proposed) and the fact that the site is a lawful caravan site with fewer caravans sited than the planning permission allows.

5.5.8 Taking all these matters into consideration I consider that on balance the visual and landscape impact of the development is acceptable. Conditions should be imposed to secure the future management of the woodland area in the easternmost corner and additional details in relation to the maintenance for the new planting. The applicant has confirmed that the intention is to undertake the planting within the next planting season and this should be conditioned. Consideration should be given to protecting the new trees by way of a Tree Preservation Order once planted.

5.9 Other Matters

5.9.1 There are no significant highway safety impacts, there are no changes proposed to the access arrangements and no significant additional traffic generation. I note the fact that the site is unrelated to public transport and pedestrian access is unlikely. However, planning permission already exists for this as a caravan site and the introduction of the additional caravans would remain lower than overall permitted numbers.

5.9.2 The neighbouring properties would be a significant distance (in excess of 200m) from the proposed caravans and the development would not result in any harm to the residential amenity of the occupiers. The sewage treatment plant is permitted development and does not form part of this planning application. Any pollution or other disturbance would be dealt with under other legislation.

5.9.3 The site is a caravan site and as such all the mobile homes have to comply with the legal definition of a caravan. However, there is no control over the design or colour of the units through the planning legislation.

6. CONCLUSION

6.1 The development is partly retrospective and the subject of an Enforcement Notice and Stop Notice. Works have been undertaken to clear trees and scrub that were protected by a Tree Preservation Order.

6.2 The scheme as proposed includes the stationing of 69 additional caravans which when combined with those already on site would be below the 198 permitted for the site. The proposal includes a significant amount of landscaping with a mixture of approximately 300 new native trees and shrubs that are in keeping with the landscape character of the area. The mix of new species would result in an enhancement in biodiversity from the previous hawthorn scrub.

- 6.3 This application would allow unambiguous control over the remaining landscape areas through conditions and landscape management and maintenance regimes.
- 6.4 The site is an existing caravan site which is visible and out of place in the Kent Downs Area of Outstanding Natural Beauty. The proposal, whilst extending the site southwards, due to the extensive new landscaping and changes to the banks to soften their appearance would not result in significant additional harm to the character and appearance of the Kent Downs Area of Outstanding Natural Beauty.
- 6.5 Overall, on this balanced case I consider that the harm caused is not so significant to warrant refusal when balanced against the landscape replacement, biodiversity improvements and future control over the site and permission is recommended.

7. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. Within 2 months the following details shall be submitted to and approved in writing by the Local Planning Authority:-

Full details of the wildflower and grass mix.

Planting and staking details for the proposed selected heavy standard trees

Details of the type of weeding to be used around the newly planted trees (e.g. cultural, mechanical or chemical) together with a full maintenance programme specifying watering and weeding and replacement of failed stock.;

Reason: No such details have been submitted.

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

3. Prior to the occupation of any of these units full details of the future management of the retained coppice to the east of the development site and how the area is to be used as amenity for the local residents shall be submitted to and approved in writing by the Local Planning Authority and the development shall be undertaken in accordance with the approved details;

Reason: No such details have been submitted and to ensure the woodland is appropriately maintained.

4. All accommodation units permitted at the site shall be occupied for holiday purposes only. No such accommodation shall be occupied as a person's sole or main place of residence. The operators of the caravan park shall maintain an up-to-date register of the names of all owners/occupiers of individual accommodation units on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason: In order to ensure proper control of the use of the holiday units and to prevent the establishment of permanent residency.

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 there are no overriding material considerations to indicate a refusal of planning consent.



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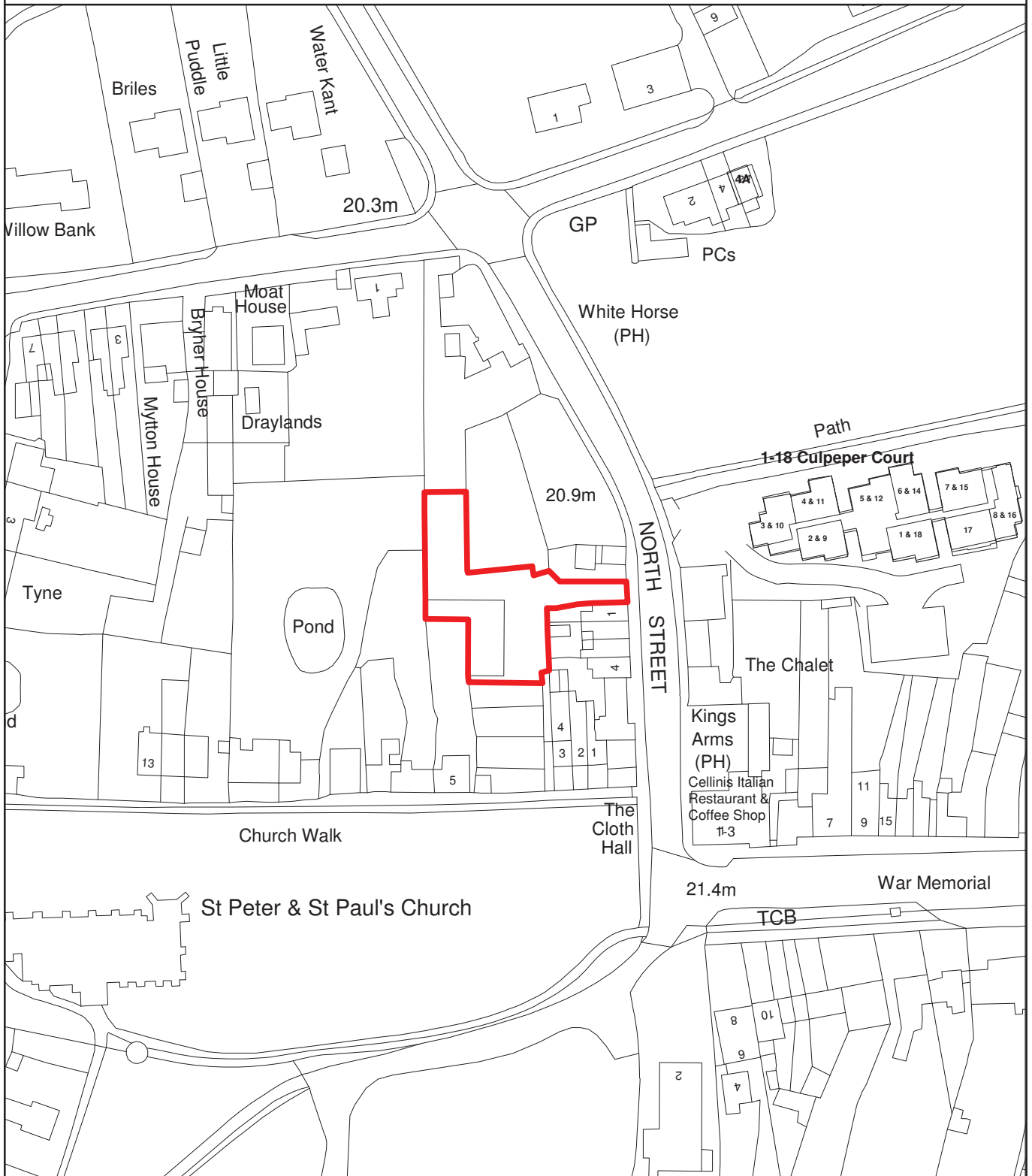
Agenda Item 15

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/0737

GRID REF: TQ8344

PARNHAM HOUSE, NORTH STREET,
HEADCORN.



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Rob Jarman
Head of Planning and Development

APPLICATION: MA/13/0737 Date: 26 April 2013 Received: 30 April 2013
APPLICANT: Mr Anthony Hayes
LOCATION: PARNHAM HOUSE, NORTH STREET, HEADCORN, KENT, TN27 9NN
PARISH: Headcorn
PROPOSAL: Variation of condition 7 of application MA/12/2075 (any activity in connection with the use of the premises shall only take place between the hours of 09:30-19:00 Monday - Saturday and 09:00-17:00 on Sundays and Bank Holidays) to change opening hours to 07:00-22:00 Monday to Friday, 09:30-19:00 on Saturday and 09:30-17:00 on Sundays and Bank Holidays as shown on details received 29/04/13.
AGENDA DATE: 8th August 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
- Government Policy: National Planning Policy Framework

2. HISTORY

- MA/12/2075 - 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 – approved/granted with conditions

3. CONSULTATIONS

3.1 **Headcorn Parish Council:** Wishes to see the application refused;

3.1.1 *"It is accepted by all parties that this site historically did not have activity beyond normal working hours and this current application is therefore a departure from the basis on which MBC originally allowed this application. We*

note the original advice from the planning officer regarding opening hours was not consistent with the hours of operation of the original use. It concluded that some extension to those hours was acceptable something which the residents and Headcorn PC did not find acceptable. If you also then factor in that this site has not been in use for circa 10 years, then surely the argument for restricting rather than extending opening hours is much stronger, we therefore expect MBC to honour their original recommendation on opening hours and not change condition 7.

3.1.2 The area to the rear of the residential properties in North Street is the most quiet and peaceful part of the conservation area, residents are used to the noise and activity at the front of their properties during the day time, which substantially reduces in the evenings, this existence of noise and activity should not be used as an excuse to introduce the same to the rear of these properties. Allowing the activity this gym will bring to Parnham House to be extended will turn what will be a just tolerable living condition in to an intolerable living condition.

3.1.3 Finally we are very suspicious of the motive for this application, what has changed in such a short time that makes the applicants business plan now not viable? We would suggest nothing could have changed in the financials of this development since the granting of permission of the original application. Therefore it is not unreasonable to conclude that the original hours of operation were simply used to get permission and once achieved the true ambitions for this development are now coming to light, we hope that MBC are not hood winked by these tactics."

3.2 Environmental Health Officer:

3.2.1 "When commenting on the previous application for this site, MA/12/2075, Environmental Health noted that the new owners of the facility need 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". I can find no record of any noise complaints regarding this site on Environmental Health and Environmental Enforcement's complaints system, and so I have no objections to the proposed extension of hours. However, I feel the starting time on Sundays and Bank Holidays should be restricted to after 09:30hrs. However, I also still feel that an informative regarding a noise policy for the users of the facility would be prudent in order to help minimise disturbance and preserve amenity for local residents.

3.2.2 The Environmental Health Officer has recommended an informative stating that the owners of the facility should be advised to have a noise policy for users of their car park and building in order to minimise unnecessary noise.

4. REPRESENTATIONS

4.1 4 neighbours have made representations raising concerns over;

- General noise and disturbance resulting from extended hours
- The use is not viable in this location
- Loss of privacy
- Highway safety
- Loss of property value
- Noise policy for gymnasium users is not enforceable
- Right of way over accesses

5. CONSIDERATIONS

5.1 Site description

5.1.1 '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.

5.1.2 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.

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

5.2 Proposal

5.2.1 Planning approval MA/12/2075 granted permission to change the use of the building to a gymnasium. Condition 7 of this permission states;

"Any activity in connection with the use of the premises shall only take place between the hours of 09:30-19:00 Monday - Saturday and 09:00-17:00 on Sundays and Bank Holidays;

Reason: To safeguard the enjoyment of their properties by nearby residential occupiers. This is in accordance with policy CF14 of the Maidstone Borough-Wide Local Plan 2000 and the National Planning Policy Framework."

5.2.2 The applicant now seeks to change these operating hours to as follows;

- 07:00hrs –22:00 hrs: Mondays to Fridays
- 09:30 hrs – 19:00 hrs: Saturdays
- 09:30 hrs – 17:00 hrs: Sundays and Bank Holidays

5.2.3 Please note that the applicant has agreed to change the hours of opening on Sundays and Bank Holidays to 09:30hrs to be more in line with the Saturday opening time, as recommended by the Council's Environmental Health Officer.

5.3 Relevant policy and guidance

5.3.1 The principle for 'Parnham House' to be used as a gymnasium has already been approved under planning permission MA/12/2075. This application is to consider the impact of the proposed change of operation hours only.

5.3.2 The relevant local and national policy guidance was set out in the previous report for MA/12/2075, and I do not consider it necessary to go through it all again. However, as an overview of the relevant policy and guidance, the National Planning Policy Framework (NPPF) states that there should be a presumption in favour of sustainable development whilst protecting existing communities. In addition, the NPPF also seeks to support the rural economy, *"...in order to create jobs and prosperity by taking a positive approach to sustainable new development."*

5.3.3 Moreover, 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.

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

- It does not under-mine 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 Assessment

- 5.4.1 The main issue to consider under this application is whether or not the proposed extension to the hours would result in unacceptable harm to the amenity of the near-by residential properties.
- 5.4.2 The parameters of the previous hours of use condition imposed under MA/12/2075 were set in line with what the applicant had stated; and was to prevent the potential for vehicles to be coming and going from the site in the early hours of the morning. I am of the view that the proposed extension of these hours now for consideration would continue to prevent this.
- 5.4.3 The applicant's associated car park is a good distance from neighbouring properties; and it is adjacent to an existing (larger) car park that uses the same access from North Street. This existing car park already generates a certain level of vehicle movements along this access, and these movements are not restricted to certain times of the day. Putting it into context, the gymnasium approved is not of a large scale with only eight further parking spaces being provided; and it will make use of an existing vehicle access that already serves a car park. I cannot argue that the additional vehicle movements and general comings and goings of patrons using 'Parnham House', for the proposed opening hours, would be any more significantly disturbing to neighbours when compared to existing uses around the site and what the site was previously in use as.
- 5.4.4 Noise from within the building will continue to be mitigated against by a condition stating that all openings are to be shut during hours of operation; and the applicant will also continue to be reminded by way of an informative to have due consideration for local residents, and as far as is practicable to reduce the transmission of amplified sound. I am also satisfied that the air conditioning units, as approved under MA/12/2075, would continue to not have a significant noise impact on the occupants of nearby residential properties.
- 5.4.5 The applicant has also produced a 'noise policy' for patrons of the gymnasium. This document will be presented to Planning Committee Members prior to the meeting, and it demonstrates how due consideration for the amenity of local residents could be put into practice. Please note that no formal reconsultation was undertaken on this matter as it does not form a key part of the application and cannot be formally conditioned.

5.4.6 If the situation changes in terms of the possible future impact upon local residents with regards to noise, the occupants of 'Parnham House' would have to comply with Environmental Health legislation; and the Council's Environmental Health Team have the powers to take action if deemed necessary and justified.

5.4.7 With everything considered, I am of the view that the proposed change in operational hours for 'Parnham House' would not have a significant detrimental impact upon the residential amenity of any neighbouring property and so would not be contrary to policy CF14 of the Maidstone Borough-Wide Local Plan 2000. In my opinion, it would be unreasonable to refuse this application on these grounds.

5.5 Other Matters

5.5.1 The principle has been accepted for the building to be used as a gymnasium and for it to be extended. This application is concerned only with the change of the operational hours set under MA/12/2075. I do not therefore consider it necessary or reasonable to further discuss the issues of highway safety; parking provision; loss of privacy; ecology; private rights of way; landscaping; drainage/flooding; alternative sites for a gymnasium in Headcorn; and visual impact.

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 any applicant has the right to apply to vary or remove conditions imposed on planning permissions. The hours of operation now put forward have been considered in the same way as if they had of been proposed under MA/12/2075. Moreover, loss of property value, or the fact that the application site (which is previously developed land) has not been in use for a period of time cannot be material planning considerations in the determination of this application.

6.2 Therefore, for the reasons outlined above, it is considered that the proposal is acceptable and in accordance with the Development Plan and the National Planning Policy Framework, and so I 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 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, which shall include, inter alia, bat tubes, have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development and mitigate against any loss of bat habitat.

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.

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.

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.

6. Any activity in connection with the use of the premises shall only take place between the hours of 07:00-22:00 Monday-Friday, 09:30-19:00 on Saturdays, and 09:30-17:00 on Sundays and Bank Holidays;

Reason: To safeguard the enjoyment of their properties by nearby residential occupiers.

7. 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 under MA/12/2075;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

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 out 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.

The operator is advised to encourage members of the gym to use other modes of transport other than the private motor car.

If protected species, including bats, are found during the course of works, all works should cease and appropriate mitigation be implemented.

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 there are no overriding material considerations to indicate a refusal of planning consent.

Reference number: MA/13/0737

As stated in the case officer's report (para 5.4.5), the applicant has produced an example of a 'noise policy' for patrons of the gymnasium. This document (as attached) demonstrates how due consideration for the amenity of local residents could be put into practice.

1 further neighbour representation has been received objecting to the proposal on the issues of noise and disturbance. The impact of the proposal on local residents in terms of general noise and disturbance has been dealt with in the main report.

My recommendation is unchanged.

Noise Policy

As the gym is in a residential area we should all be mindful of the impact of noise to our neighbours and try to minimise it as much as possible:

- All doors and windows must be kept closed
- The main entrance door should be closed as soon as possible after use
- The volume level of music played within the building should be kept within the predefined permitted levels
- When arriving or leaving by motor vehicle music volumes should be kept low until out of the vicinity of the gym
- When arriving or leaving please do so quickly and quietly, please avoid having extended conversations in the car park
- Vehicle engines should not be run any longer than necessary
- Air conditioning should be switched off when the building is unoccupied



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Wak Cottage

3. 1. 2013

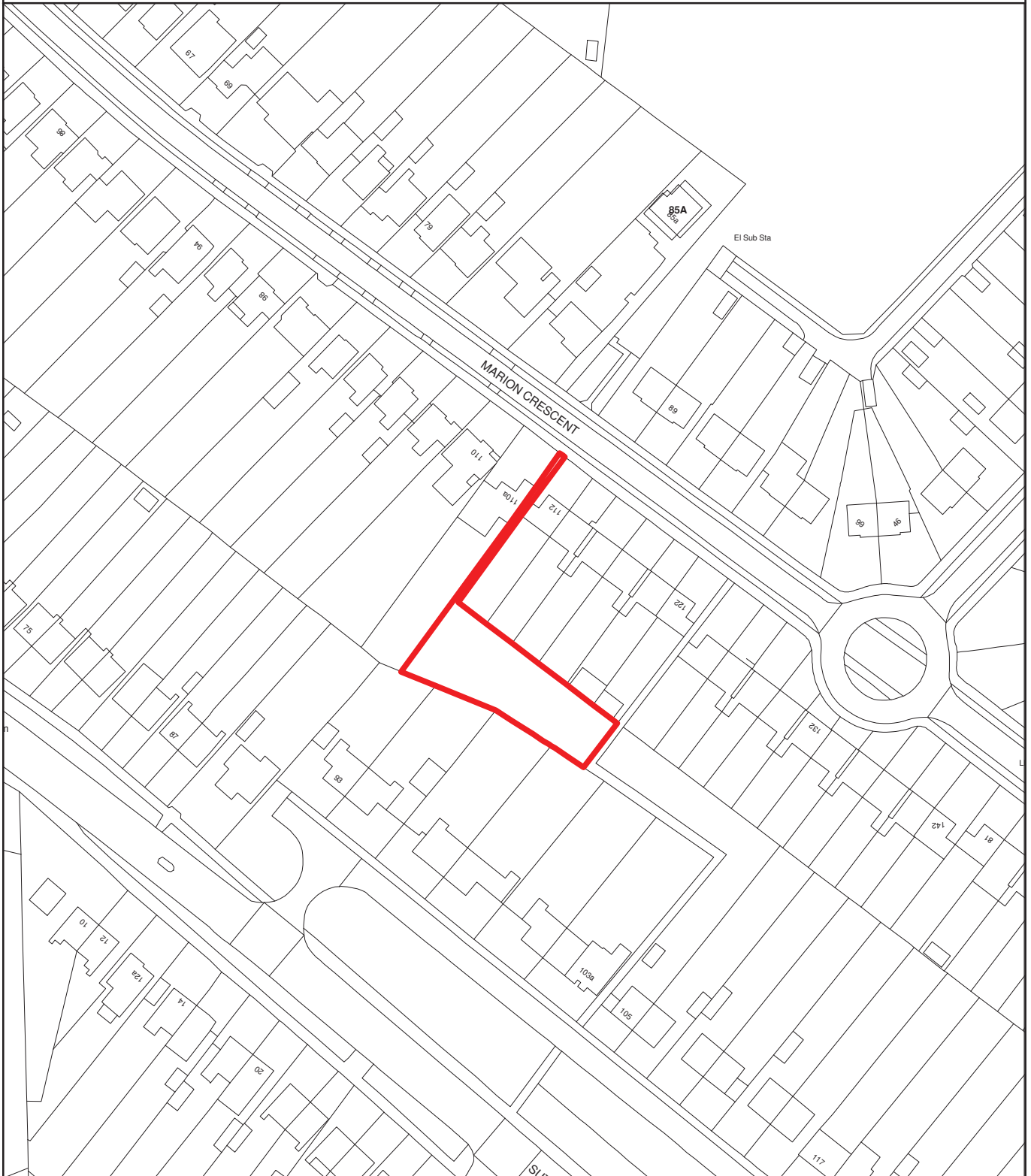
Agenda Item 16

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/0791

GRID REF: TQ7753

110A MARION CRESCENT,
MAIDSTONE.



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Rob Jarman
Head of Planning and Development

APPLICATION: MA/13/0791 Date: 14 May 2013 Received: 14 May 2013
APPLICANT: Mr Mark Richards
LOCATION: 110A, MARION CRESCENT, MAIDSTONE, KENT, ME15 7DU
PARISH: Maidstone
PROPOSAL: A re-location of the dwelling previously permitted under reference MA/12/1538 as shown on site location plan and drawing no. 1202/AB/01B received on 2/5/13.
AGENDA DATE: 8th August 2013
CASE OFFICER: Geoff Brown

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

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

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, T13
- Village Design Statement: N/A
- Government Policy: NPPF

2. HISTORY

MA/12/2291 - Erection of 1No. dwelling [ie a proposed new dwelling on the easternmost part of the application site] - Refused

MA/12/1538 - Erection of a dwelling with access and associated works – Permitted

MA/09/2002 - Planning permission for erection of 1no. dwelling with access and associated works – Permitted

MA/07/1963 - Outline planning permission for demolition of existing house and erection of three detached, four bedroom houses and one pair of semi detached three bedroom houses with layout, scale and access to be considered at this stage and all other matters reserved for future consideration – Refused

3. CONSULTATIONS

3.1 N/A

4. REPRESENTATIONS

4.1 COUNCILLOR YATES has requested committee consideration as "Access to the property is inadequate."

4.2 LETTERS OF OBJECTION HAVE BEEN RECEIVED FROM 5 LOCAL HOUSEHOLDS. The summarised points of objection are:

a) The development causes unacceptable overlooking of neighbouring properties. Trees and vegetation have been removed and is ineffective in preventing the loss of privacy. Trees have been wrongly plotted on the plans.

b) The white cladding used on the house is out of keeping with the character of the area.

c) Lighting on the property adversely affects wildlife.

d) The development has lead to increased vehicle congestion.

e) Emergency access is inadequate.

f) There is no need for a house here.

g) Planning notices were removed.

h) There has been a lack of consultation with neighbours.

i) The Council has failed to respond to objections and take action.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The application site is located within the defined urban area off the south side of Marion Crescent. It involves a roughly rectangular piece of garden land to the rear of housing that fronts Marion Crescent and Sutton Road.

5.1.2 A new dwelling has been erected on the site following the granting of permissions outlined above, most particularly MA/12/1538. Off street parking for a single vehicle exists on the Marion Crescent road frontage. A pedestrian access

path then leads southwards between 110A and 112 to serve the house located on the aforementioned garden land to the south of Nos. 112 and 114.

5.2 Proposal

- 5.2.1 This application seeks approval for an alteration in the position of the dwelling previously approved under reference MA/12/1538. An enforcement investigation carried out as the dwelling was being constructed revealed that the building was not being constructed in the approved position: hence the need for this application.

The proposed dwelling is the same as approved under MA/12/1538 except that it has moved northwards by approx. 2m so that it is now approx. 3.5m from the boundary with Nos. 112 and 114 (to the north east) and approx. 3m from the boundary with 110A (to the north west). The new house is designed as a three bedroomed detached dwelling of conventional design facing north west. The house has a fully gabled roof. Materials involve red and yellow brickwork and white cladding under a tiled roof.

5.3 Considerations

- 5.3.1 Permission has already been granted for a new dwelling in this location, with this general layout and of this same design. The only issue here is whether the revised location has any adverse planning impact.
- 5.3.2 Looking at the impact on the character of the area, the shift in the position of the house is minor in this context and, in my view, has no discernible effect; particularly as this is a site tucked away behind built frontages. The site is well screened from the main public views and, in any event, the design and materials used are appropriate and reasonably in tune with character of the area. The use of horizontal white cladding board is not uncommon in the Maidstone area.
- 5.3.3 I note the comments of neighbours but I cannot agree that the development has a significant adverse impact on neighbouring properties. Other houses are too far away to endure any significant loss of outlook or light and the orientation of the proposed dwelling is such that there is no significant loss of privacy: the property essentially faces north west/south east thereby avoiding direct views to other dwellings and private garden areas. Only one window is shown at first floor level in the flanks and that is obscure glazed.
- 5.3.4 In my view there are no trees on the site of significant amenity value. The large conifer on the southern boundary would be removed and was shown to be removed in the previous scheme. It seems to me that the plotting of trees and shrubs on the submitted drawing broadly matches the situation 'on the ground'

and lack of detail does not matter given my view that the trees are of no amenity value and are not needed to provide a privacy screen given the distances involved and the orientation of the new house.

- 5.3.5 Neighbours complain as to the lighting of the house and the impact on wildlife but this is an urban area and I do not consider it reasonable to seek to restrict peoples' lighting preferences.
- 5.3.6 The access and parking arrangements are the same here as previously approved: it is not reasonable to seek to review those issues in this application. Councillor Yates regards the access arrangements as inadequate (presumably with regard to the access path between houses) but emergency access is not a planning issue. In any event, the house sprinkler system installed means that the building regulations are satisfied.
- 5.3.7 Whether a house is needed here or not is not a planning matter. The orange site notice was removed and the case officer replaced it. Notification letters were sent to all properties around the site that may be directly affected. In terms of actions taken by the Council, the enforcement team investigated potential breaches of planning control and informed the applicant that the shift in the position of the house required a fresh consent: hence this application.

6. CONCLUSION

- 6.1 Consideration of this application needs to focus on the planning impact of the shift in position of the house. In my view, this shift has no adverse impact and I recommend that the application be approved. The property is already built and occupied and I am satisfied with the detailing of the scheme: there is therefore no need for the normal range of pre-commencement conditions.

7. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

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

Reason: To safeguard the character, appearance and amenity of the surrounding area.

2. The first floor bathroom window on the northeast side of the dwelling shall be maintained with obscure glazed to the satisfaction of the Local Planning Authority;

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers.

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 are no overriding material considerations to indicate a refusal of planning consent.

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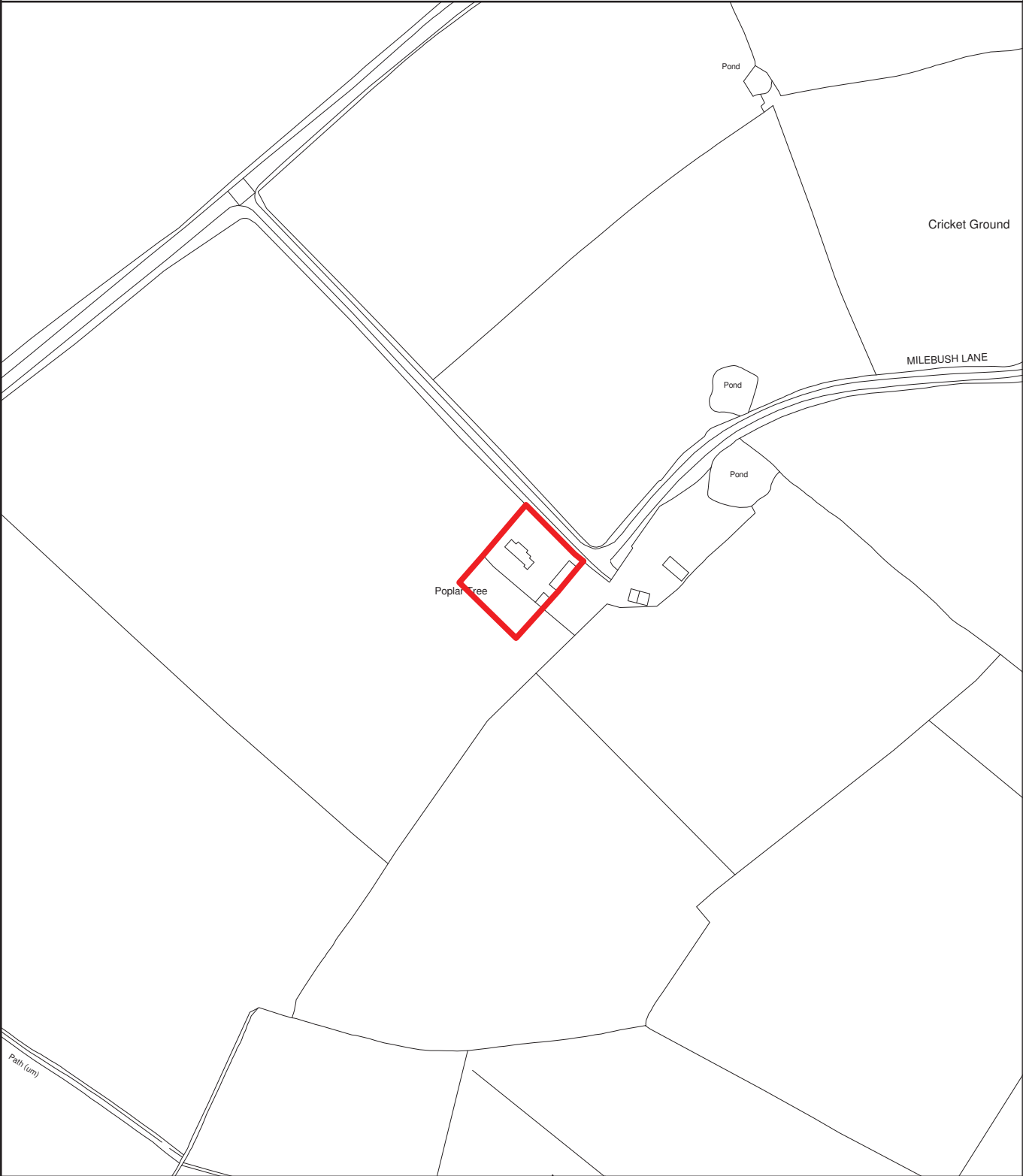
23.07.2013

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/0928

GRID REF: TQ7546

POPLAR TREE, MILEBUSH LANE,
MARDEN.



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Rob Jarman
Head of Planning and Development

APPLICATION: MA/13/0928 Date: 23 May 2013 Received: 4 June 2013

APPLICANT: Mr & Mrs J.P. Blackmore

LOCATION: POPLAR TREE, MILEBUSH LANE, MARDEN, TONBRIDGE, KENT, TN12 9AS

PARISH: Marden

PROPOSAL: Erection of single storey extension to existing garage as shown on drawing nos: 7501/01, 01 rev A, 02, 02 revA and site location plan drawing no: 705/LOC.

AGENDA DATE: 8th August 2013

CASE OFFICER: Graham Parkinson

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

- It is contrary to views expressed by the Parish Council
- The applicant is a Councillor

1. **POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV28, H33
- Residential extensions SPD adopted 2009
- Government Policy: NPPF

2. **HISTORY**

- 2.1 MA/05/0919 - Replacement of concrete panel flat roofed garage by one of traditional construction - approved/granted with conditions.
- 2.2 MA/04/0580 - Demolition of existing conservatory and erection of two storey front and side extensions – approved/granted with conditions.
- 2.3 MA/03/2450 - Two storey front and side extension, which includes the removal of the conservatory – refused.
- 2.4 MA/99/1503 - Erection of single storey extension to utility/breakfast room on south-eastern flank, and replacement of flat roof with pitched roof to utility/breakfast room – approved/granted with conditions.

2.5 MA/12/1249- Erection of single storey infill extension, front porch and enlargement of single storey rear extension - APPROVED- 2nd August 2012

3. CONSULTATIONS

3.1 Marden Parish Council – Recommends refusal on the following grounds:

- Proposed building extends the built frontage of the main dwelling in a very rural position.
- No objection to the principle or size of the extension but would prefer proposed extension be at the rear of the building therefore limiting impact on the street scene and countryside.
- Also concerned that garden curtilage appears to have been extended.

4. REPRESENTATIONS

4.1 None received.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The site is occupied by a detached house occupying an isolated position in open countryside just to the north west of a sharp bend in Milebush Lane. Immediately in front of the house but set back from the road is an existing detached double garage. The site is not subject to any specific policy designation in the Maidstone Boroughwide Local Plan 2000.

5.1.2 A public footpath runs to the south of the site with the wider area rural in character.

5.2 Proposal

5.2.1 The intention is extend the existing detached garage on its south west elevation. The existing double garage is just under 6 metres square. The proposed addition will extend its length by just under 5.5 metres while having the same width, eaves height and roof profile. The eaves height is just over 2.3 metres with a ridge height of 5.5 metres.

5.2.2 The extension will house a playroom, study and shower room.

5.3 Discussion:

- 5.3.1 The key issues raised by the proposal are considered to be its impact on the rural character and setting of the wider area.

5.4 Principle of Development

- 5.4.1 The proposed extension will not be physically attached to the main dwelling. Nevertheless, given the close proximity of the garage to be extended to the main dwelling and that additional accommodation is proposed, it is considered appropriate to apply the tests set out Policy H33 of the adopted local plan which seeks to avoid the creation of additions of a size tantamount to new dwellings, retain the scale and form of the existing house, prevent out of character development and to safeguard the outlook and amenity of nearby development.
- 5.4.2 The adopted residential extensions SPD also sets out limits on extending dwellings in the countryside. The scale of single storey extensions should remain subordinate to the existing dwelling and then should be sited and designed to ensure no harm to the character or openness of the countryside.
- 5.4.3 Though this property has been previously extended it is considered that the key test is whether the proposed addition to the detached garage will materially add to the impression of built mass to the detriment of the rural character of the area or openness of the countryside.

5.5 Visual Impact

- 5.4.1 The existing garage is located in a relatively well screened location, hidden from view from the road by an existing dense hedge along the road frontage. Only the gable end is currently exposed to view from Mile Bush Lane or from the nearby public footpath to the south.
- 5.4.2 The proposed addition exactly replicates the height, eaves level and roof profile of the existing garage and in design terms represents an acceptable example of domestic architecture in keeping with this rural location. It is also considered that the garage, even as enlarged, will remain as a subordinate feature compared to the scale and impact of the existing house.
- 5.4.3 Regarding any material impact on the rural character of the area, though the addition will feature in views of the site from Mile Bush Lane and nearby public footpath, given the height and width of the addition, it is considered that any material impact on the rural character of the openness of the area will be marginal. As such the

concerns of the Parish Council relating to an adverse impact on the street scene and rural character of the area cannot be supported.

5.5 Residential Amenity

- 5.5.1 There are no nearby houses overlooking or abutting the site and as such no harm to residential amenity is identified.

5.6 Other Matters

- 5.6.1 Concerns that the site curtilage has been extended without planning permission are noted. Nevertheless site inspection and reference to aerial photographs did not reveal any clear evidence to support this. At this stage no further action is therefore anticipated.

6. CONCLUSION

- 6.1 The addition will feature in views of the site from Mile Bush Lane and the nearby public footpath. However, given the height and width of the addition, which on its own or in combination with the extended garage, will continue to be seen as a subordinate feature when viewed against the backdrop of the main dwelling, it is considered that any impact on the rural character or the openness of the area will be marginal. As such the proposal is felt to be acceptable in its impact and it is recommended that planning permission be granted as a consequence.

7. RECOMMENDATION

GRANT PLANNING PERMISSION subject to 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. External materials used in the development hereby permitted shall match the existing building.

Reason: In the interests of visual amenity.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: 7501/01, 01 rev A, 02, 02 revA and site location plan

drawing no: 705/LOC.

Reason: To ensure the quality of the development is maintained and to prevent harm to visual amenity.

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 there are no overriding material considerations to indicate a refusal of planning consent.

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21. 6. 2013



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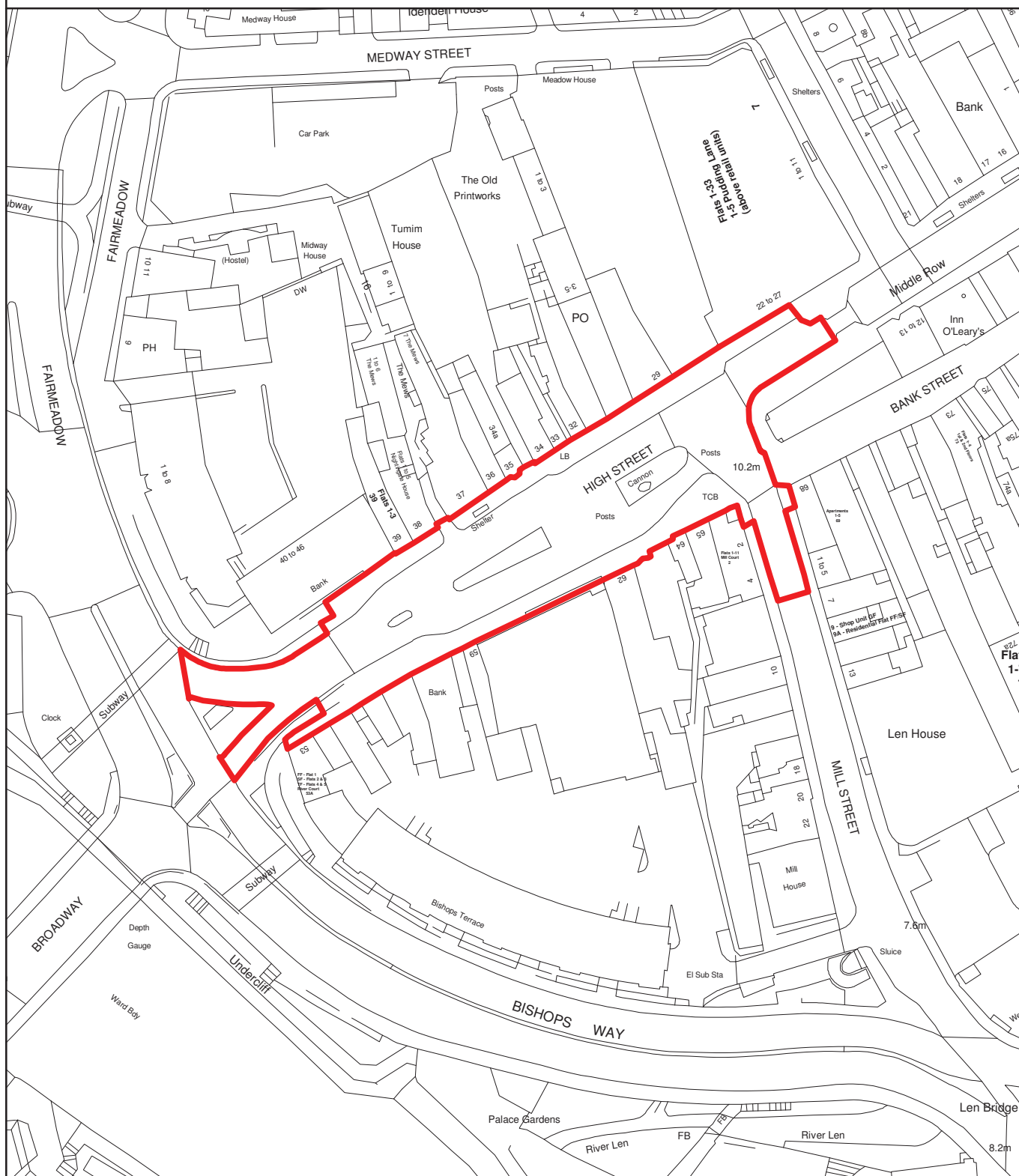
21. 6. 2013

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/0939

GRID REF: TQ7555

LOWER HIGH STREET,
MAIDSTONE.



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Rob Jarman
Head of Planning and Development

APPLICATION: MA/13/0939 Date: 23 May 2013 Received: 13 June 2013
APPLICANT: MBC
LOCATION: LOWER HIGH STREET, MAIDSTONE, KENT
PARISH: Maidstone
PROPOSAL: Advertisement consent to display two flags on flagpoles next to the cannon as shown on plan numbers 301, 302 and Application Form received 24th May 2013 and plan number 321 received 13th June 2013.
AGENDA DATE: 8th August 2013
CASE OFFICER: Kevin Hope

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: ENV8
- Village Design Statement: N/A
- Government Policy: National Planning Policy Framework 2012

2. HISTORY

- 2.1 MA/ 10/0691 - Planning application for the provision of new ramps, steps and landing areas on the south side of Bishops Way to improve pedestrian connection from the High Street to the Bridge and the closure of one existing subway, relocation of the cannon and its placement on a new plinth, removal of 3 existing Plane Trees and 1 Field Maple and their replacement with 8 Cherry and 7 Hornbeam Trees, provision of illumination for the Queen's Monument, the relocated cannon and other listed buildings and ancillary works thereto, in connection with other works (which do not require the benefit of planning permission) including the realignment and re-paving of carriageways and pedestrian areas and crossing points, the relocation of 'bus stops and shelters, taxi ranks, loading bays and disabled parking bays and the removal/relocation and/or provision of new street furniture

including benches, lighting, leaning-posts, telephone boxes, removal of planters and shrubs and the relocation of the existing CCTV pole by the cannon – Approved with conditions.

MA/13/0344 – Relocation of cannon and plinth together with the installation of illuminate lighting and the planting of 8 new trees – Approved with conditions.

MA/ 13/0345 - Listed building consent is sought for the relocation of cannon and plinth together with the installation of illuminate lighting – Approval with conditions resolved at planning committee (Awaiting formal response on decision from GOSE).

3. CONSULTATIONS

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

"The proposed flags are acceptable in their impact. I raise no objection to this application on heritage grounds".

3.2 **Kent Highway Services:** Raises no objections with the following comments:-

"I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

The applicants should be advised that a licence will be required from Kent County Council for any sign/furniture/awning within or overhanging the highway".

4. REPRESENTATIONS

4.1 No representations have been received.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The application site comprises the lower section of the High Street to the south west of its junction with Mill Street. This location is currently undergoing significant ground works forming part of the Town Centre redevelopment. Phase One of this project has been recently completed within the upper High Street and Jubilee Square, the application site now comprises Phase Two. These works

include improvements to the public realm and increased pedestrian space including seating areas and the re-siting of the cannon.

- 5.1.2 There are a number of Grade II listed buildings in this section of the High Street which front on to this site. The Maidstone Centre Conservation Area also extends to include the application site. The site falls within the Tertiary Shopping Area comprising a mix of businesses.

5.2 Proposal

- 5.2.1 Advertisement consent is sought to display two flags on flagpoles next to the cannon.
- 5.2.2 The flagpoles would be constructed from white fibreglass and would have a total height of 7m. The flagpoles would fix to stands constructed within the paving which would be below the surface level. Details of this were included within the host planning permission (MA/ 10/0691) for the town centre redevelopment.
- 5.2.3 Each proposed flag would measure 3.6m in length by 0.9m in width and would hang from the banner arm such that its base would be 3.1m above ground level. The flags would be made from polyester and would not be of a fixed design. A number of different flags would be produced to enable the promotion of Maidstone as well as numerous different events/occasions. As such, the colour of the text and background would change and cannot be specified. However, it is noted that none of the advertisements would be illuminated.

5.3 Assessment

- 5.3.1 The National Planning Policy Framework requires consideration to be given to the issues of visual amenity and public safety, which is consistent with the considerations outlined under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007. The most relevant policy under the Maidstone Borough Wide Local Plan 2000 is Policy ENV8 which permits new advertisements provided that, in terms of scale and design, they would not be detrimental to the character and appearance of the surrounding area.

5.4 Visual Impact

- 5.4.1 In terms of visual amenity, the key issue to consider is whether the proposed flags would cause visual harm to the surrounding area given that this site is within a Conservation Area and surrounded by a number of Grade II listed structures. The proposed flags would be clearly visible in views along Maidstone High Street, and from the junctions with Mill Street, Bank Street and Bishops Way. However, I consider that the flagpoles are of minimal mass with the flags

representing a lightweight addition that would not appear unduly out of place in the context of the many advertisements along the colourful, busy, retail frontages of the High Street. In addition to this, a previous application for advertising consent for identical advertising flagpoles was recently permitted at Jubilee Square and the Museum under application MA/12/1851.

5.4.2 The resulting public space within the Lower High Street will be more spacious once the current works are completed involving an improved public area with the cannon formally a centre piece. The two flags proposed would be centrally positioned fronting the road and within a gap between the new trees to be planted. I consider this position is appropriate in the context of this area and would preserve the setting of the nearby listed buildings. This would also be acceptable in terms of its impact upon the surrounding Conservation Area. The Conservation Officer has also raised no objections to this proposal.

5.5 Public Safety

5.5.1 The flagpoles are positioned on the pedestrianised area of the High Street. They are grouped with the seating area, trees, bins and other street-furniture, but have ample space around them to allow the safe passage of wheelchairs and prams as well as pedestrians. The flags would be a sufficient height above ground to prevent interference.

5.5.2 Due to their height and non-illuminated nature, I do not consider that the flags would affect highway safety.

5.5.3 Due to the nature of this proposal and its proximity to the surrounding buildings, there would not be any detrimental impact upon neighbouring residential amenity.

6. CONCLUSION

6.1 Taking all of the above into account, it is considered overall that the proposals comply with Development Plan policy and the Central Government guidance as set out in the National Planning Policy Framework. I therefore recommend approval with conditions as below.

7. RECOMMENDATION

I therefore recommend the application is Approved subject to conditions:

1. (i) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

(ii) No advertisement shall be sited or displayed so as to-

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

(iii) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

(iv) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

(v) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: In accordance with the provisions of Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. The advertisement(s) for which consent is hereby granted must be removed in accordance with condition 1 (iii) within five years of the date of this consent;

Reason: In accordance with the provisions of Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

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

Plan numbers 301, 302 and Application Form received 24th May 2013 and plan number 321 received 13th June 2013.

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

Informatives set out below

The applicants should be advised that a licence will be required from Kent County Council for any sign/furniture/awning within or overhanging the highway

and in this regard they should contact KCC Highways & Transportation on 08458 247800.

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.

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WILKOMMEN

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BIENVENUE

Co-op

Standard Bank

McColl's

RBS

RBS

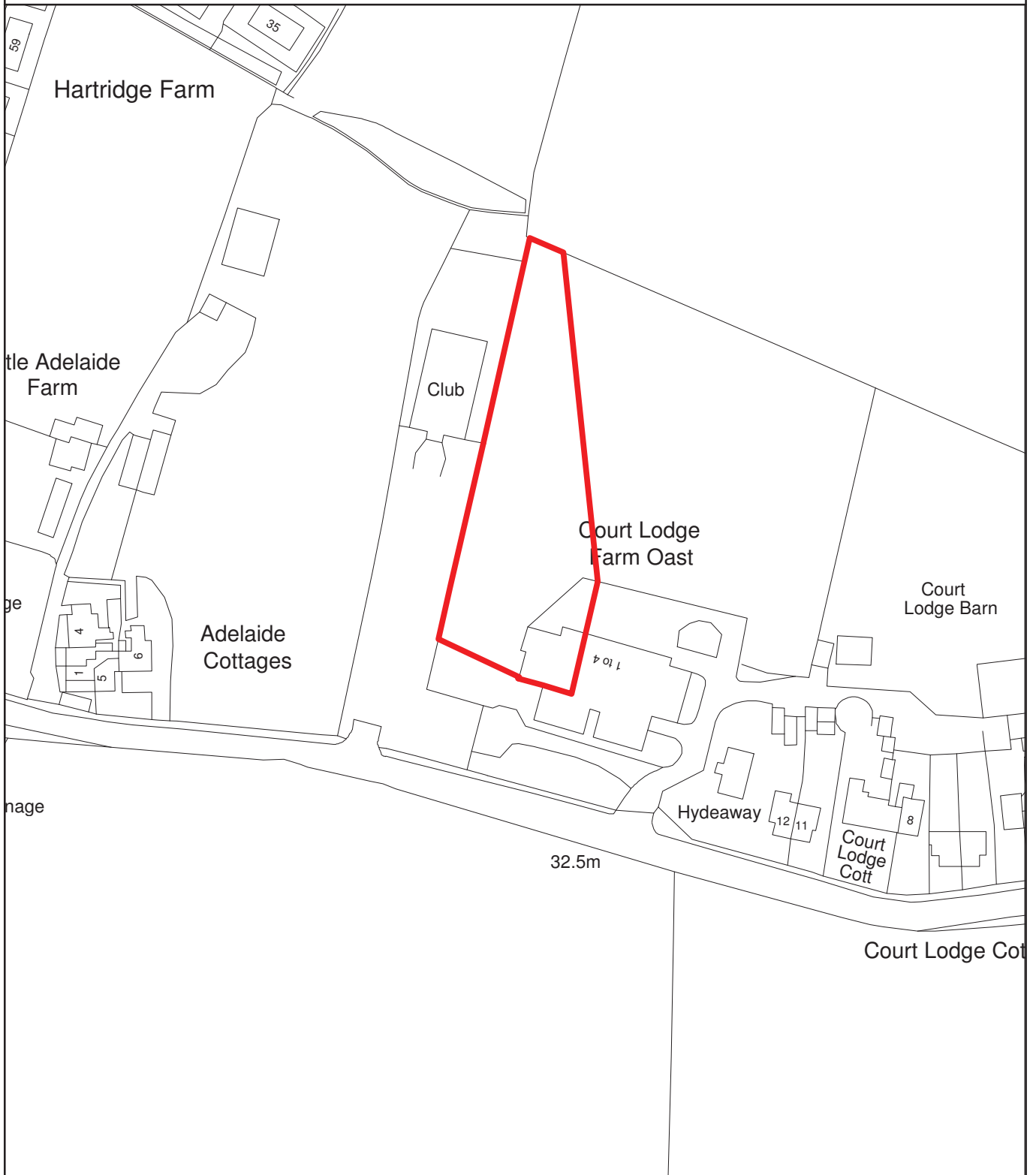
Agenda Item 19

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/1072

GRID REF: TQ7353

4 COURT LODGE FARM OAST,
LOWER ROAD, EAST FARLEIGH.



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Rob Jarman
Head of Planning and Development

APPLICATION: MA/13/1072 Date: 8 June 2013 Received: 17 June 2013

APPLICANT: Mr Frank Pennal

LOCATION: 4, COURT LODGE FARM OAST, LOWER ROAD, EAST FARLEIGH,
MAIDSTONE, KENT, ME15 0JL

PARISH: East Farleigh

PROPOSAL: Erection of stockproof fence as shown on the site location/block
plan received 17th June 2013.

AGENDA DATE: 8th August 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 the Parish Council.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV35, H33
- Village Design Statement: Not applicable
- Government Policy: National Planning Policy Framework 2012, PPS5 Planning and the Historic Environment – Practice Guide
- Other: Maidstone Borough Council Residential Extensions Supplementary Planning Document 2009

2. HISTORY

MA/80/0644 Conversion of 8 kiln oasthouses into four residential dwellings
(approval of details) – APPROVED

MA/79/0600 Outline application for conversion of oasthouse to four
dwellings – APPROVED SUBJECT TO CONDITIONS

3. CONSULTATIONS

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

- 3.1.1 *"Having examined the microfiche for application MA/80/0644, the original application for the oast conversions, Council has found that permission was granted with conditions. One of the conditions stated the content of an agent's letter, dated 27th June 1980, which specified that there would be no physical divisions between any of the properties (i.e.: fences) other than the overall boundary of the development. It was thus intended that the gardens would retain their rural appearance. It was stated that this would be enforced in all future sales contracts.*

So, Council would like to see this application refused, the conditions stated under MA/80/0644 upheld and enforcement action taken to reinstate the conservation area back to its original state with the removal of physical divisions. Council would also like to be kept informed of enforcement progress."

- 3.2 The Maidstone Borough Council Conservation Officer raises no objection to the proposal, and makes the following detailed comments:

- 3.2.1 *"This low fence will have no adverse impact on the setting of the conservation area."*

4. REPRESENTATIONS

- 4.1 A site notice was displayed at the site on 1st July 2013 and the application was advertised by means of a press advert which expired on 21st July 2013.
- 4.2 No neighbour representations were received as a result of the publicity procedure.

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 The proposal site comprises the north west part of an eight kiln oasthouse which was converted to residential use as four independent dwellings under the scope of MA/79/0600 (outline planning permission) and MA/80/0644 (details). The oast building fronts onto Lower Road, but the proposal site is located in the rear of the building. The garden of the property extends northwards from the rear of the building gently down the valley towards the River Medway.
- 5.1.2 The site is located in open countryside with the Maidstone Borough-Wide Local Plan 2000 designation of being within the Medway Valley Area of Local Landscape Importance (ALLI). The oasthouse is within the East Farleigh (Lower Road) Conservation Area, however the northern boundary of the conservation area runs along the rear of the building and the majority of the garden

associated with the site is located outside of the heritage asset. The East Farleigh Village Hall and associated car parking is located to the west of the site.

5.2 Development

- 5.2.1 The application is retrospective, and seeks planning permission for the erection of a fence along the south and east garden boundary. The fence is a simple post and rail fence with stockproof wire fencing with a height of 1m. The fence is entirely located outside the conservation area.
- 5.2.2 The erection of a fence of this height would not normally require planning permission, however, condition 7 attached to MA/79/0600 removed permitted development rights, including those pertaining to fences, walls and other means of enclosure, in respect of the properties resulting from the conversion of the oasthouse. The purpose of the condition was to secure the character and appearance of the oasthouse and the surrounding countryside.
- 5.2.3 The current application was submitted in response to an enforcement investigation (ENF/12719).

5.3 Principle of Development

- 5.3.1 The proposal site is located in open countryside and as such new development is subject to policies of restraint, in this case primarily under ENV28, which seeks to protect the open countryside and restricts new development to specified cases and ENV35, which seeks to maintain the character of the ALLI.
- 5.3.2 In cases such as this, development serving existing residential properties in the open countryside is assessed under the scope of Local Plan policy H33, which requires that householder development is appropriate in design and scale to the original dwellinghouse, and do not cause harm to residential amenity. In addition, proposals should be in accordance with the considerations and guidelines set out in the Supplementary Planning Document: Residential Extensions (SPD), which require boundary treatments in the open countryside to maintain openness, and encourages the use of wooden post and rail fences.
- 5.3.3 In addition to the above, proposals which would have an impact upon heritage assets are considered in the context of central government planning policy as set out in PPS5 Planning and the Historic Environment – Practice Guide.

5.4 Visual Impact

- 5.4.1 Whilst I note the comments of the Parish Council, in my opinion the spirit of the condition restricting permitted development rights is to seek to prevent

inappropriate alterations to the oasthouse, and in respect of boundary treatments, to prevent the introduction of intrusive urbanising features such as close boarded fencing.

5.4.2 The fence is a modest structure of rural appearance, and to my mind is in keeping with the rustic setting and does not cause harm to the setting of the oasthouse or the conservation area, or that of the character, appearance or openness of the ALLI. The view that the visual impact of the development is acceptable is confirmed by that of the Maidstone Borough Council Conservation Officer, whose comments are set out above.

5.5 Other Matters

5.5.1 The development does not have any implications for highway safety or landscaping. The site is not known to be within an area recorded by the Environment Agency as being prone to flood. The proposal would not result in harm to residential amenity.

5.5.2 Given the retrospective nature of the application, it is not considered necessary or appropriate to impose any conditions to the approval.

6. CONCLUSION

6.1 For the reasons stated above it is considered that the proposal is in accordance with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and central government planning policy as set out in the National Planning Policy Framework 2012 and PPS5 Planning and the Historic Environment – Practice Guide, and I therefore recommend the application for approval.

7. RECOMMENDATION

GRANT PLANNING PERMISSION

Note to Applicant

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

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

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

In this instance:

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

The application was approved without delay.

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

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



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10. 7. 2013

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 8th August 2013**

APPEAL DECISIONS:

- 1. – MA/11/1588 -** Extension and alterations to create three apartments as shown on design and access statement and acoustic assessment received 12/09/2011, heritage statement received 23/12/2011, addendum to heritage statement received 21/02/2012 and drawing nos. 1269.01 and 1269.03 received 26/03/2012.

APPEAL: DISMISSED

72, BANK STREET, MAIDSTONE, KENT, ME14 1SN

(DELEGATED POWERS)

- 2. – MA/11/1589 -** Extension and alterations to create seven apartments as shown on Design and Access statement, Acoustic assessment, received 22/09/2011, heritage statement received 23.12.2011 addendum to heritage statement received 21/02/2012 and drawing nos. 1269.01 and 1269.02revA and images 1269.05, 1269.06 and 1269.07 received 26/03/2012.

APPEAL: DISMISSED

72, BANK STREET, MAIDSTONE, KENT ME14 1SN

(DELEGATED POWERS)

Agenda Item 22

Maidstone Borough Council

Planning Committee

Thursday 8 August 2013

Report of Head of Planning and Development

Report prepared by Steve Clarke

LOCATION: PLOT 4, ECLIPSE PARK, SITTINGBOURNE ROAD, MAIDSTONE, KENT, ME14 3EN.

PROPOSAL: MA/12/2314: Erection of Class A1 retail development (with ancillary cafe) and associated servicing, car parking, landscaping and access arrangements

1: Background

1.1 This application was reported to the Council's Planning Committee on Thursday 6 June 2013. Having considered the application and report, Members resolved as follows:

1. That subject to the Heads of Terms of a Section 106 legal agreement (to be negotiated with the applicants in consultation with the Council's retail consultants, a representative of Maidstone Town Centre Management and the Political Group Spokespersons) to secure contributions for public realm improvements to mitigate the impact of the development on Maidstone Town Centre and contributions to mitigate the impact of the development on the local community, if appropriate, being reported to the Planning Committee for approval, permission be granted subject to conditions and informatives to be drafted by the Officers and agreed by the Committee.
2. That the application be referred to the Secretary of State for consideration under the Town and Country Planning (Consultation) (England) Direction 2009.

1.2 I can advise Members that the application was formally referred to the Secretary of State via the National Planning Casework Unit. The National Planning Casework Unit notified the Council by letter dated 24 July 2013 that the Secretary of State will not intervene and 'call-in' the application. It is therefore returned for this Committee to determine the matter.

1.3 The purpose of this report is to update Members on the negotiations relating to the proposed Section 106 agreement Heads of Terms and the proposed conditions and informatives.

2 Heads of Terms

2.1 As Members will be aware, for any section 106 obligation to be acceptable, it has to meet the following tests set out at Paragraph 204 of the National Planning Policy Framework and regulation 122 of the CIL Regulations 2010:

‘ Planning obligations should only be sought where they meet all of the following tests:

- 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.’

It must also satisfy one of the descriptions of a planning obligation set out in section 106 of the Town and Country Planning Act 1990. Planning obligations can:

- (a) restrict the development or use of the land in a specified way;
- (b) require specific operations or activities to be carried out in, on under or over the land
- (c) require the land to be used in a specific way; or
- (d) require a sum or sums to be paid to the authority on a specified date or dates, or periodically.

So first of all the LPA must establish what is the harm caused by the development which has to be mitigated before permission can be granted, then it must establish how the proposed obligation will overcome that harm.

2.2 Members will be aware that the Council does not have an adopted Supplementary Planning Document (SPD) relating to s106 Contributions and neither is there an adopted CIL Schedule in place in the Borough. Any negotiation and decision to accept a contribution must be taken with this in mind.

2.3 Members may recall that at the Planning Committee on 6 June 2013 the application was recommended for refusal on the following four grounds

1: In the opinion of the local planning authority, the applicants have not satisfactorily demonstrated sufficient flexibility in coming to the conclusion that there are no more sequentially preferable sites for the proposed development or better located out of centre sites. It is therefore considered that the sequential test as set out at paragraph 25 of the National Planning Policy Framework 2012 and Policy R2 of the Maidstone Borough-wide Local Plan 2000 has not been met. To permit the development would therefore be contrary to the advice at paragraph 27 of the National Planning Policy Framework 2012 and Policy R2 of the Maidstone Borough-wide Local Plan 2000.

2: The proposed development in cumulation with the proposed retail development at Newnham Court would in the opinion of the local planning authority, have a

significant adverse impact on the vitality and viability of Maidstone Town Centre. It is therefore considered that the proposed development would fail the impact test as set out at paragraph 26 of the National Planning Policy Framework 2012. To permit the development would therefore be contrary to the advice at paragraph 27 of the National Planning Policy Framework 2012 and Policy R3 of the Maidstone Borough-wide Local Plan 2000.

3: The proposed building is considered to be of poor design. The prominent and exposed siting and overall height and mass of the building, together with the largely unrelieved north, east and west elevations, would introduce a visually intrusive and discordant feature that would be harmful to the character and visual amenity of the area and which would not be successfully integrated into the existing natural and built environment of the area. To permit the development therefore would be contrary to the advice in paragraphs 58, 61 and 64 of the National Planning Policy Framework 2012.

4: Granting permission for a Class A1 retail unit on this site would result in the loss of a well located, sustainable and designated employment site with an extant permission for Grade A Class B1 office development. In the opinion of the local planning authority to permit the development in advance of the completion of a review of such sites as required by paragraph 22 of the National Planning Policy Framework would be premature.

- 2.4 In terms of using a s106 obligation to mitigate harm in accordance with the relevant tests and the s106 of The Act, Members did not support reasons 3 and 4 relating to the design of the building and the loss of the employment site respectively and in any event in my view no obligation could be reasonably expected to address these and meet the relevant tests.
- 2.5 Similarly, the first ground of refusal which relates to the sequential test is also not a reason on which harm can be mitigated by a s106 agreement, if the principle of development has been accepted.
- 2.6 This leaves the second ground of refusal, which related to the impact of the proposed development on the viability and vitality of the Town Centre.
- 2.7 This issue was considered as part of the assessment of the application and set out in the previous report to the Committee. It was concluded by the Council's consultants that there would be an impact on town centre comparison goods trading of some 2.13% on the store's opening in 2015 falling to 2.09% by 2017.
- 2.8 In monetary terms, the forecast impact of 2.13% in 2015 is due to a reduction in town centre comparison goods sales of £8.56m. The forecast impact of 2.09% is from a reduction in town centre comparison goods sales of £9.21m.
- 2.9 These figures were greater than the impact set-out in the applicant's assessment for both dates. In monetary terms, the applicant's assessment

of a forecast impact of 1.37% in 2015 is due to a reduction in town centre comparison goods sales of £3.8million in 2015 and £4.13 million in 2017.

- 2.10 I would stress to Members that the above figures were produced using analysis that makes different assumptions as to the impact and baseline figures.
- 2.11 In reaching their 'minded to approve the application' decision (subject to satisfactory negotiation of the s106 details and conditions) on the 6 June, Members accepted that there would be some impact on the Town Centre but considered that with mitigation achieved through an appropriate s106 obligation, that harm could be addressed and the development would thus be acceptable.
- 2.12 In addition, Members were concerned to ensure that if appropriate, any adverse impact of the development on the immediate locality should also be mitigated. These concerns related primarily to offsetting the impact on the local natural environment arising from the development.
- 2.13 The applicants have offered £140,000, an increase on the originally offered sum of £50,000, to be used on projects which mitigate the impact of the development including a contribution of £20,000 a year for two years (a total of £40,000) to be allocated to the Maidstone Town Team for projects to improve the vitality of the Town Centre. They have also indicated that they are willing to enter into an obligation to keep its Fremlin Walk store or an alternative store within Maidstone Town Centre open for a minimum five year period (save where prevented from doing so by matters beyond the reasonable control of Next).
- 2.14 Dealing with the 'keep open' obligation, I do not consider this is either appropriate or meets the relevant NPPF and section 106 tests. It is unenforceable. It should be noted that Next indicated in its application that it intends to keep a town centre store open in any event, as part of its business plan.
- 2.15 The key in seeking to mitigate any potential impact on the Town Centre is to ensure that it remains as an attractive destination and this includes measures to maintain/increase footfall in the town centre.
- 2.16 As Members will be aware, phase 1 of public realm improvements to the High Street have been completed and that phase 2 is under way. As part of the background to inform this project, an economic impact assessment was undertaken on behalf of the Council by Colin Buchanan in 2010. This provided a cost-benefit analysis of the whole High Street project. The report concluded that following completion of the project (a total expenditure across both phases of £4.1million), it would generate over a 10 year period some £3million of user benefits, £4.5million additional

sales/year, a net increase of 72 jobs in the daytime economy and 19 jobs in the evening economy. It also concluded that retail rents were also likely to increase. Overall the report concluded that taking into account employment as well as user benefits, the project will generate £3 for the Maidstone economy for every £1 invested into the scheme.

- 2.17 In the section of the High Street that has already been completed and despite the current economic climate, there is evidence that vacancy rates are lower than elsewhere in the Town Centre, with a number of units recently let or with indications that they are in the process of being occupied.
- 2.18 I consider that the benefits of public realm improvement in helping to maintain interest and vitality in the Town Centre are clear and that potentially the use of any contribution secured through a s106 obligation towards future public realm projects would be appropriate and meet the relevant tests.
- 2.19 Turning to the possible use of any financial contribution, a number of potential public realm improvement projects are being considered in the Town Centre but will be subject to a similar impact assessment as the High Street Project. Potential future projects include Gabriels Hill, Week Street and Earl Street and could also include Market Buildings and Rose Yard as connecting links between the High Street and Fremlin Walk/Earl Street. However, no consideration has been given for any project to proceed at the current time.
- 2.20 Members may also be aware of the Town Team. This group, established following the Portas Review and on which the Council and Town Centre Management are represented, seeks to promote the Town Centre. It focuses on four key areas; Marketing, Events, Regeneration and Culture with an overall committee but also individual groups focusing on the key areas. For example one of the key areas of work for the Team has been to promote events and the use of Jubilee Square, with the aim of making Maidstone a more attractive destination and to increase 'dwell-time' for visitors to the Town. The use of any contribution in conjunction with the Town team to promote the vitality and viability of the Town Centre as a destination, to increase footfall and 'dwell-time' and hence spend to offset the impact of the development would also in my view be appropriate.
- 2.21 As stated above, the applicants have offered the sum of £140,000 as a contribution to mitigate the impacts of the development.
- 2.22 In the absence of a specific S106 Contributions SPD and a CIL Schedule, I consider that the sum offered is appropriate, reasonable and necessary, overcoming the potential ground for refusal mentioned above. The contribution would be used as part of the funding towards further public

realm improvement works in the Town Centre, with £40,000 (£20,000 a year for two years) used to support the work of the Town Team in promoting the Town Centre and their projects to increase its attractiveness as a destination which would offset the potential draw of the store at Eclipse Park.

- 2.23 As part of their resolution at the meeting on 6 June Members requested officers to secure contributions to mitigate the impact of the development on the local community, if appropriate.
- 2.24 A number of suggestions have been put forward by the Mid Kent Downs Countryside Project which is backed by Kent County Council. The project is working with local residents to undertake a number of environmental improvement projects in the Penenden Heath area which have been costed and have an implementation programme, with the works scheduled to take place prior to April 2016. The projects local to the site include the following. A programme of works at Heath Wood, Shaw Close and at Penenden Heath itself has been set-out amounting to some £30,000 in total.
- 2.25 In justification it is stated that the direct impact of the Eclipse Park will relate to more than just Heath Wood and Shaw Close as the species impacted (breeding birds, reptiles etc.) will range across all contiguous habitat within the area. This is in line with the Environment White Paper of 2011 which states that larger, better connected greenspaces should be the target to achieve a more robust outcome for wildlife in the future. By enhancing greenspace connectivity in the Penenden Heath area to some of the habitats that are immediately adjacent to Eclipse Park there is an increased likelihood that these mitigation measures will actually achieve positive outcomes for wildlife in the vicinity of the development.
- 2.26 Members will be aware that the site currently has an extant outline planning permission for a B1 office development of a greater potential floor area (up to 6400m² gross external floorspace) and has been the subject of various outline approvals for employment development since 2002.
- 2.27 It is a fact therefore that development has previously been approved on this site and it is also a fact that no s106 contributions to mitigate the environmental impact of development on the local area were considered necessary to make that development acceptable in planning terms. The currently proposed development will not in my view cause any more environmental impact than the development previously approved.
- 2.28 Highway improvements in the vicinity of the site approved as part of other development proposals on Eclipse Park have recently been undertaken and as stated in the original committee report; the traffic generated by the proposed development would be lower than the consented B1 office development and not peak hour based. At weekends when traffic

associated with the store would be higher, the offices at Eclipse Park and their associated traffic would be not be occupied to off-set this.

- 2.29 I would advise Members therefore, that whilst it is clear that the proposed local projects are likely to be deliverable and have been costed, I do not consider that they are necessary to make the development acceptable in planning terms or that they are directly related to the development. On this basis two of the three relevant tests are not met and an obligation cannot be sought.
- 2.30 I consider therefore that the proposed contribution should only be used to mitigate the impact of the development on the Town Centre. I consider that the sum offered is appropriate, reasonable and necessary and that it should be used as a contribution towards the implementation of future public realm improvements with £40,000 of the contribution being used to fund the programme of the Maidstone Town Team which seek to improve Maidstone Town Centre as a destination and hence its vitality.

Conditions and informatives

- 3.1 A schedule of suggested conditions and informatives has been drawn up by the applicants in consultation with officers. This is attached at Appendix One. I consider that the conditions suggested are appropriate and meet the six tests set out in Circular 11/95. The key condition is that which restricts the floorspace within the store devoted to fashion sales (proposed condition 14) and this is in line with the figures set out in the application. Store trading hours and delivery times have also been considered and are set out at conditions 15 and 16 respectively.
- 3.2 I do not recommend any further conditions.
- 3.3 The list of suggested informatives set out in the document at Appendix One is also considered acceptable. No further informatives are recommended.

Conclusion

- 4.1 The proposed contribution of £140,000 is acceptable and considered necessary and appropriate as are the projects it would be allocated to.
- 4.2 The proposed 'keep open' obligation is not considered appropriate or enforceable.
- 4.3 The schedule of conditions is also appropriate and will ensure particularly that the net retail sales areas devoted to fashion and 'home ware' goods will be restricted to the areas specified in the application.

Recommendation

Members resolve that the Head of Planning and Development be given delegated powers to grant permission:

A: Subject to the prior completion of a s106 legal agreement in such terms as the Head of Legal Services may advise to secure:

1. A contribution of £140,000 to offset the impact of the development on the Town Centre with £100,000 being used towards public realm improvement projects in the town centre and £40,000 to fund the programme of the Maidstone Town Team.

B: Subject to the conditions and informatives set out in the schedule at Appendix One to this report.

APPENDIX ONE

MAIDSTONE COUNCIL REF: MA/12/2314
SUGGESTED PLANNING CONDITIONS and INFORMATIVES

Conditions

TIME LIMIT

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

PRE COMMENCEMENT OF EACH PART OF THE DEVELOPMENT THEREOF

2 External Materials

Prior to installation of materials to be used in the construction of the external surfaces of the building hereby permitted, details and samples of these external surfaces shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out in accordance with the approved details before the first occupation of the building.

3 External Lighting

Prior to installation of any external lighting, all details shall be submitted to and approved in writing by the Local Authority. These works shall be carried out in accordance with the approved details before the first occupation of the building. This information shall include a layout plan with beam orientation and a scheme of equipment in the design (luminaire, type, mounting height, aiming angle and luminaire profiles). This scheme shall include a schedule of proposed hours of use for the different components of the submitted light scheme. The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation.

4 Drainage

The development shall not commence until details of foul and surface water drainage have been submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details.

5 Landscaping

Notwithstanding the details shown a detailed landscaping scheme shall be submitted prior to the completion of groundworks and drainage works and approved by the local planning authority. The submitted details shall include:-

(i) The planting of a range of evergreen and deciduous species selected for their robust habit and fruiting and flowering characteristics such that the planting will be appropriate for the intensively used car park environment whilst also enhancing the site's nature conservation value;

(ii) The provision of knee railings adjacent to the parking bays adjacent to the landscaped beds;

(iii) The provision of a native hedge and tree planting along the boundary of the application site.

These works shall be carried out in accordance with the approved details before the first occupation of the building.

6 Cycle Facilities

Details of the cycle storage facilities shall be submitted to the Local Planning Authority. These facilities shall be approved in writing by the Local Planning Authority prior to installation. These works shall be carried out in accordance with the approved details before the first occupation of the building.

7 Boundary Treatments

Prior to the erection of any fencing, walling and other boundary treatments, details shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out in accordance with the approved details before the first occupation of the building.

8 Floor Levels

The development shall not commence until, details of the proposed slab levels of the building 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.

PRE-OCCUPATION

9 Parking & Delivery Areas

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.

10 Green Travel Plan

Prior to the first occupation of any part of the development hereby permitted, a Green Travel Plan which shall include measures for its implementation, monitoring, review and subsequent enforcement, shall be submitted to and approved by the local planning authority in consultation with the highway authority and shall thereafter be implemented in accordance with the details of the plan upon first occupation the development.

11 BREEAM

The retail unit shall achieve a Very Good BREEAM Retail 2008 rating. A final certificate shall be issued to the Local Planning Authority for written approval to certify that at a Very Good BREEAM Retail 2008 rating has been achieved within 6 months of the first occupation of the development.

12 Renewable Energy

Details relating to on-site renewable energy generation shall be submitted and approved by the Local Planning Authority. These details shall demonstrate that at least 10% of the site's energy consumption will be derived from on-site renewable energy sources.

POST-COMPLETION WORKS/ONGOING COMPLIANCE

13 Site Contamination

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

14 Retail Floorspace Restriction

The net internal sales area of the store hereby permitted shall not exceed 3,320 sq metres (net) of which no more than 1,479 sq metres (net) shall be used for the sale of fashion goods and no more than 1,841 sq metres (net) shall be used for the sale of home goods. No more than 198 sq metres (net) shall be used as a café and this will be ancillary to the main retail use.

15 Trading Hours

The use hereby permitted shall only open to customers within the following times:

09.00 to 22.00 Monday to Saturday and up to 6 hours between 10.00 and 18.00 on Sunday and Bank Holidays. The café cannot be open outside of the store opening hours.

16 Delivery Hours

Deliveries shall only take place or be accepted at the store within the following times:

07:00 to 22:00 Monday to Saturday or between 09:00 and 18:00 on Sundays/Bank/Public Holidays.

17 Landscape Maintenance

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.

18 Approved Plans

The development shall be carried out in accordance with: Plans numbered: 5320/LP01 Rev B, 5320/P21 Rev B, 5320/P101 Rev G, 5320/P102 Rev G & 5320/P112 Rev D as submitted on 8th February 2013.

Informatives

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

- A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd. Anglo Street James House, 39A Southgate Street, Winchester, SO23 9EH.
- Where it is proposed to store more than 200 litres (45 gallon drum = 205litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.
- Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental/unauthorised discharge to ground. The areas for storage should not drain to any surface water system.
- 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.
- 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 0730 and 1900 Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.
- 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.
- You are advised that if during the course of development protected species are found on site, all works should cease until appropriate mitigation works have been agreed and any necessary licenses obtained in accordance with the requirements of The Wildlife and Countryside Act 1981 (as amended), The Natural Environment and Rural Communities Act 2006 (NERC Act) and The Conservation of Habitats and Species Regulations 2010 (Habitats Regulation 2010).
- If site clearance works take place during the bird breeding season (March to August), such work should be undertaken in consultation with and under the supervision of a trained ecologist as it is an offence to disturb active nests and nesting birds