

# AMENDED AGENDA

## PLANNING COMMITTEE MEETING



Date: Thursday 12 March 2009  
Time: 6.00 pm  
Venue: Town Hall, High Street,  
Maidstone

### Membership:

Councillors Lusty (Chairman), Ash, English,  
Harwood, Mrs Marshall, Moriarty,  
Nelson-Gracie, Paine, Paterson,  
Mrs Robertson, Mrs Stockell, Thick and  
J.A. Wilson

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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 Items withdrawn from the Agenda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 - 19 March 2009

**Continued Over/:**

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**Issued on 9 March 2009**

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.digitalmaidstone.co.uk](http://www.digitalmaidstone.co.uk)

**David Petford, Chief Executive, Maidstone Borough Council,  
Maidstone House, King Street, Maidstone Kent ME15 6JQ**

6.	Any items the Chairman regards as urgent including the urgent update report as it relates to items under consideration	
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.	
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24.	Chairman's Announcements	
25.	Update on Matters Referred to the Cabinet Members for Environment/Regeneration	

## **PART II**

**To move that the public be excluded for the items set out in Part II of the Agenda because of the likely disclosure of exempt information for the reasons specified having applied the Public Interest Test.**

	<b>Head of Schedule 12A and Brief Description</b>	
<b>26. Report of the Development Control Manager - Application Reference MA/07/0458, S106 Agreement, Maidstone Studios, Vinters Park, New Cut Road, Maidstone</b>	<b>3 – Financial/ Business Affairs</b>	<b>151 - 232</b>

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## MAIDSTONE BOROUGH COUNCIL

### PLANNING COMMITTEE

#### MINUTES OF THE MEETING HELD ON 19 FEBRUARY 2009

**PRESENT:** Councillor Lusty (Chairman) and Councillors Ash, Chittenden, English, Hinder, Mrs Marshall, Moriarty, Nelson-Gracie, Paine, Paterson, Mrs Stockell and Thick.

**ALSO PRESENT:** Councillors Marshall and Mrs Hinder.

**APOLOGIES:** Councillors Harwood, Mrs Robertson and J A Wilson.

#### 176. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:-

Councillor Chittenden for Councillor Harwood  
Councillor Hinder for Councillor J A Wilson

#### 177. NOTIFICATION OF VISITING MEMBERS

Councillor Mrs Hinder indicated her wish to speak on item 5 of Section B of the report of the Development Control Manager relating to application MA/08/2096.

Councillor Marshall indicated his wish to speak on item 9 of Section B of the report of the Development Control Manager relating to application MA/08/2268.

#### 178. ITEMS WITHDRAWN FROM THE AGENDA

MA/08/2247 – Erection of new boundary fence and creation of vehicle parking and turning area – Lower Gallants House, Lower Road, East Farleigh, Maidstone (Item 8 of Section B of the report of the Development Control Manager)

The Development Control Manager reported that application MA/08/2247 had been withdrawn by the applicant.

#### 179. URGENT ITEM

Update Report

The Chairman stated that, in his opinion, the update report of the Development Control Manager should be taken as an urgent item because

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

180. DISCLOSURES BY MEMBERS AND OFFICERS

Councillors Ash and Mrs Marshall disclosed personal interests in item 4 of Section B of the report of the Development Control Manager relating to application MA/08/1873. They stated that they were Members of Bearsted Parish Council, but they had not participated in the Parish Council's discussions on the application and intended to speak and vote when it was considered.

Councillor Hinder disclosed a personal interest in items 5 and 11 of Section B of the report of the Development Control Manager relating to applications MA/08/2096 and MA/09/0017 respectively. He stated that he was a Member of Boxley Parish Council, but he had not participated in the Parish Council's discussions on the applications and intended to speak and vote when they were considered.

Councillor Hinder also stated that his wife, Councillor Mrs Hinder, had registered to speak as a Visiting Member on item 5 of Section B of the report of the Development Control Manager relating to application MA/08/2096. However, he had not discussed the proposed development with her.

181. EXEMPT ITEMS

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

182. MINUTES

RESOLVED: That the Minutes of the meeting held on 29 January 2009 be approved as a correct record and signed.

183. MATTERS ARISING FROM THE MINUTES OF THE MEETING HELD ON 29 JANUARY 2009

Minute 174 – MA/07/0458 (Demolition of existing building and structures, erection of 142 dwellings and associated landscaping, formation of new car park to service Maidstone Studios, formation of new emergency access and associated works (re-submission of MA/06/1549)) – Section 106 Agreement - Maidstone Studios, Vinters Park, New Cut Road, Maidstone

The Development Control Manager advised the Committee that negotiations were continuing regarding the proposed amendment of the draft Section 106 Agreement in respect of application MA/07/0458.

184. REPORT OF THE DEVELOPMENT CONTROL MANAGER

The Committee considered the report of the Development Control

Manager on deferred items, development control and appeal decisions, together with the urgent update report, and took the decisions set out below:-

### **SECTION A – DEFERRED ITEMS**

- (1) MA/07/2624 – Removal of existing dwelling and the construction of six, four bedroom houses with garages and amenity space (re-submission of MA/07/1633) – 48 Lancet Lane, Maidstone

The Development Control Manager advised the Committee that he was still awaiting the ecological mitigation survey. The Committee expressed concern about the length of time that this application had been deferred.

- (2) MA/08/0333 – To increase the number of permitted caravan pitches from 10 to 20, involving revised access road and layout – The Finches, Chartway Street, Kingswood, Maidstone

The Development Control Manager advised the Committee that he was awaiting the information requested at the last meeting.

### **SECTION B – DEVELOPMENT CONTROL**

NOTE: The applications are Minuted in the order that they were discussed. The item numbers relate to Section B of the report of the Development Control Manager.

- B(3) MA/08/1560 - Erection of one detached two-storey office unit with associated works and car parking - Unit B, Block B, Honeycrest Industrial Park, Lodge Road, Staplehurst

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

Voting: 12 – For 0 – Against 0 – Abstentions

- B(6) MA/08/2159 - Conversion of redundant granary and piggery to Class B1 use - The Granary, Moat Farm, Collier Street, Tonbridge

The Committee considered the urgent update report of the Development Control Manager.

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

Voting: 12 – For 0 – Against 0 – Abstentions

- B(10) MA/08/2312 – Erection of cold store building and below ground surface water storage tank and change of use of land for the storage of seasonal and general agricultural workers’ caravans and limited occupation during winter period - Rumwood Green Farm, Sutton Road, Langley, Maidstone

Mr Przyjemski, for the applicant, addressed the meeting.

**RESOLVED:** That subject to the expiry of the consultation period on the underground water tank and the receipt of no representations raising new issues, the Development Control Manager be given delegated powers to grant permission subject to the conditions set out in the report.

**Voting:** 11 - For 0 – Against 1 – Abstention

- B(11) MA/09/0017 - Change of use of land to provide extension to and remodelling of existing Park and Ride car park site to provide approximately 150 (net) additional vehicle parking spaces for a temporary three year period - Park and Ride Site, Eclipse Park, Sittingbourne Road, Maidstone

The Committee considered the urgent update report of the Development Control Manager.

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

**Voting:** 11 – For 0 – Against 1 – Abstention

- B(1) MA/04/1304 – Variation of conditions 4 and 5 of the planning permission granted by the Secretary of State on 29 November 1977 to allow all aircraft operating from Headcorn Aerodrome to have a maximum all-up weight of 5,700kg (varied from the existing 12,000lbs) (condition 4) and to state that no aircraft other than propeller driven aircraft (but not including Gazelle type helicopters) shall land and take off at the Aerodrome (condition 5) - Headcorn Aerodrome, Shenley Road, Headcorn, Ashford

The Committee considered the urgent update report of the Development Control Manager.

Councillor Thomas of Headcorn Parish Council (against) and Ms Bloomfield, for the applicant, addressed the meeting.

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

**Voting:** 10 – For 2 – Against 0 – Abstentions

- B(2) MA/08/0639 - Retrospective application for change of use of redundant farm building to B1/C3 use - Blue House Farm, Warren Street, Maidstone

All Members stated that they had been lobbied.

Mr Bryson-Cannon, the applicant, addressed the meeting.

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

Voting: 10- For 0 - Against 1 - Abstention

Note: Councillor Moriarty was not present during consideration of this application.

- B(5) MA/08/2096 - Planning application for alterations to roof including increase in ridge height and insertion of rooflights to facilitate loft extension and incorporation of ground floor extension, integral garage and front canopy - Wayside, Weaving Street, Maidstone

Mrs Parker, an objector, Councillor Pepper of Boxley Parish Council (against) and Councillor Mrs Hinder addressed the meeting.

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

3. Notwithstanding the details shown on drawing number DL/1125 issue A sheet 2 of 5, the south west elevation facing "Weaving Springs" should be finished in a light coloured render, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, and shall be maintained as such thereafter.

Reason: In the interest of the amenity of the occupiers of the adjacent dwelling house to the south in accordance with policies H18 of the Maidstone Borough-Wide Local Plan 2000 and SP1 and QL1 of the Kent and Medway Structure Plan 2006.

Voting: 7- For 3 - Against 2 - Abstentions

- B(4) MA/08/1873 - An application for the variation of condition 2 of MA/08/0603 being change in opening times to 08.00am until 10.00pm Mondays to Saturdays, and 09.00am and 10.00pm on Sundays and Bank Holidays - 140 Ashford Road, Bearsted, Maidstone

The Committee considered the urgent update report of the Development Control Manager.

RESOLVED: That permission be granted with the informative set out in the report.

Voting: 12 – For 0 – Against 0 – Abstentions

B(7) MA/08/2204 - Erection of a single residential dwelling - Land adjacent 4 Bell Way, Kingswood, Maidstone

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

Voting: 11 – For 0 – Against 1 – Abstention

B(9) MA/08/2268 - Erection of a two storey rear extension and entrance porch – Little Goddington, Goddington Lane, Harrietsham, Maidstone

Councillor Mrs Willis of Harrietsham Parish Council (against), Mr Jack, the applicant, and Councillor Marshall addressed the meeting.

RESOLVED:

- (i) That permission be granted subject to the conditions set out in the report and the following additional condition:-

4. Prior to the commencement of the development hereby permitted, a scheme of landscaping, including details showing the retention of the existing mature vegetation on the site boundaries together with measures for the protection of retained planting in the course of development and a programme for the approved scheme's implementation and long term management, should be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the retention of the existing mature vegetation on site for the purpose of offsetting the visual impact of the development hereby permitted in accordance with policies ENV6, ENV28, ENV33 and ENV34 of the Maidstone Borough-Wide Local Plan 2000 and SP1, EN1, EN4, EN5, EN9 and QL1 of the Kent and Medway Structure Plan 2006; and

- (ii) That the Officers be requested to investigate making a Tree Preservation Order to protect the Horse Chestnut tree within the rear garden of the application site.

Voting: 12 – For 0 – Against 0 – Abstentions

**SECTION C – APPEAL DECISIONS**

The Committee considered the report of the Development Control Manager setting out details of appeal decisions which had been received

since the last meeting.

It was noted that the appeals against the Committee's decisions to refuse (contrary to the Officers' recommendations) applications MA/08/0405 (3-5 Brewer Street, Maidstone) and MA/08/1450 (40 Fauchons Lane, Bearsted) had been allowed with conditions. The Development Control Manager then submitted summaries of the Inspectorate's conclusions in respect of these appeals. Members indicated that, in future, such summaries should form part of the Development Control Manager's report. They also felt that there should be a periodic review of the results of appeals against decisions taken contrary to the Officers' recommendations.

RESOLVED: That the report be noted subject to the points raised during the discussion.

#### 185. PLANNING COMMITTEE - WEBCASTING

The Democratic Services Manager submitted a report setting out further information to assist Members in their consideration as to whether meetings of the Planning Committee should be webcast, including the additional advice received from the Head of Legal Services. It was noted, inter alia, that:-

- The Council had a duty of care to its employees and Members so any action proposed should not increase the risk of harm that was foreseeable. The Council had undertaken a Health and Safety risk assessment and had concluded that the risk associated with webcasting meetings was low.
- The Council's insurers had been approached about the proposal to webcast Planning Committee meetings and had confirmed that they did not have any concerns in this regard and that the Council's insurance would still apply.
- It was not possible to completely eradicate the risk that Members and Officers might be harassed as a result of a meeting being webcast, but webcasting might reduce any existing risk.
- The webcasting service that would be provided in respect of the Planning Committee would be the same as for the other Committees. Meetings would be transmitted live across the web and the webcasts would be uploaded to the archive the following day. For Planning Committee, it was the intention that the camera would react to the switching on of the microphone, thereby focusing on the speaker. However, in the case of the public speakers, the camera would change to a general shot.

RESOLVED:

- (i) That agreement be given to the public proceedings of meetings of the Planning Committee being webcast for a trial period of six months after which the operation of the service should be

reviewed;

- (ii) That a survey be undertaken of members of the public attending meetings of the Planning Committee and that their views on the webcasting of the proceedings be included in the review; and
- (iii) That subject to it being technically feasible, agreement be given to the meeting which will consider the Kent International Gateway planning application being webcast.

Voting:      7 – For            2 – Against            3 - Abstentions

186. UPDATE ON MATTERS REFERRED TO THE CABINET MEMBERS FOR ENVIRONMENT/REGENERATION

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

187. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that:-

- A list of Planning Officers' telephone extensions had been circulated to all Members.
- The Grand Designs television programme broadcast the previous evening had featured a replacement eco-home in Staplehurst. If Members were interested, he would find out if it would be possible to arrange a visit.

Members indicated that they would be interested in visiting the property.

188. DURATION OF MEETING

6.00 p.m. to 9.25 p.m.



## MAIDSTONE BOROUGH COUNCIL

### PLANNING COMMITTEE

12 MARCH 2009

#### REPORT OF THE DEVELOPMENT CONTROL MANAGER

##### 1. SECTION A - DEFERRED ITEMS

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

##### 1.2. Description of Application Date Deferred

- |  |  |
|--|--|
| (1) <u>MA/07/2624 – Removal of existing dwelling and the construction of six, four bedroom houses with garages and amenity space (re-submission of MA/07/1633) – 48 Lancet Lane, Maidstone</u> | 28 April 2008<br>AND<br>18 September<br>2008 |
|--|--|

Deferred to seek the submission of an ecological report.

The application was reported back to the meeting of the Committee held on 18 September 2008 when it was deferred in order for the applicant to submit details of revised elevational treatments to the dwellings and additional elements of ragstone walling in accordance with the Inspector's decision together with details of additional landscaping to provide wildlife habitats and more enclosure.

- |  |                    |
|--|--------------------|
| (2) <u>MA/08/0333 – To increase the number of permitted caravan pitches from 10 to 20, involving revised access road and layout – The Finches, Chartway Street, Kingswood, Maidstone</u> | 29 January<br>2009 |
|--|--------------------|

Deferred for:-

- Details of screening of the caravans and of improved landscaping provision around the site; and
- The submission of an ecological survey of the site.

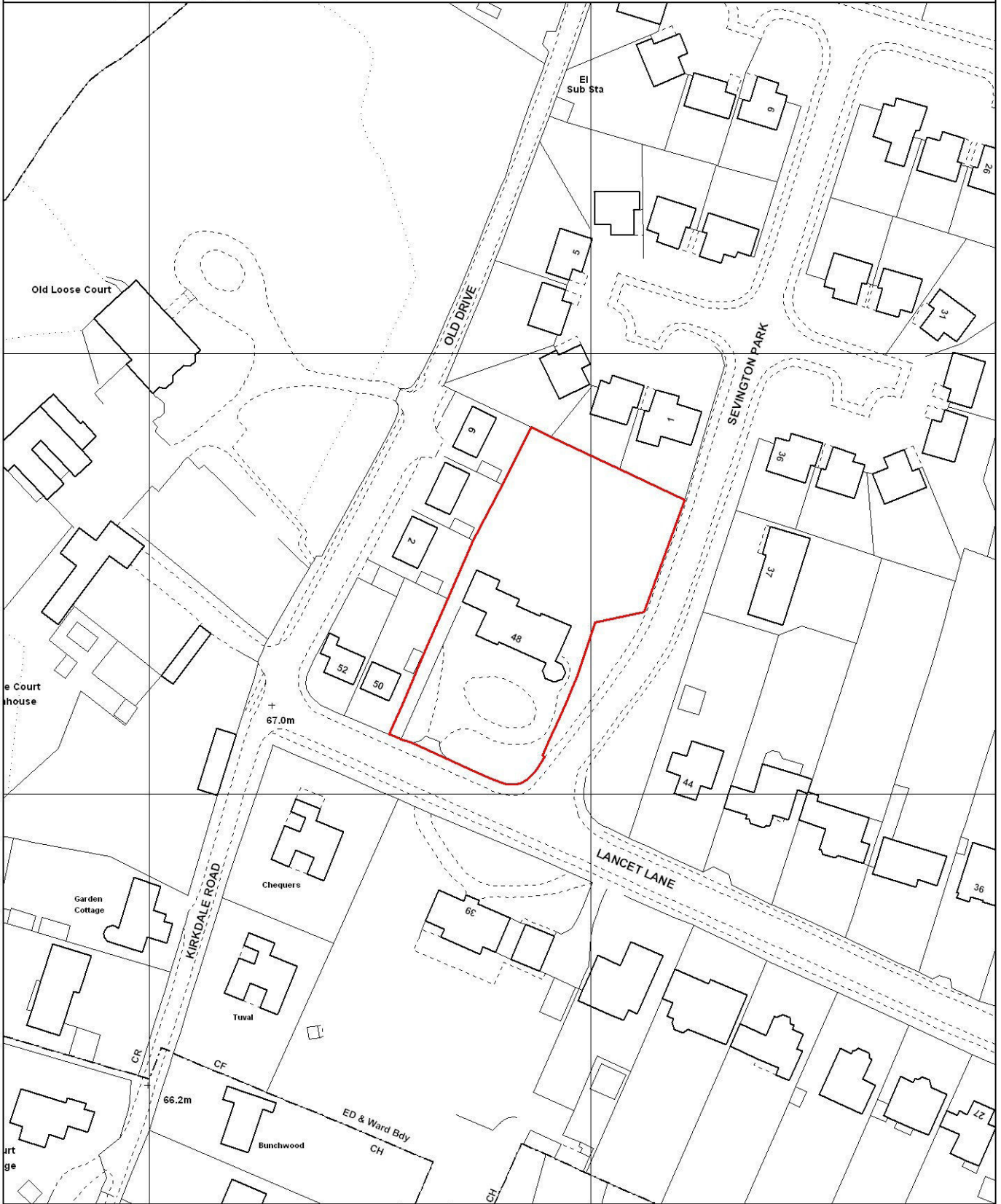
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# THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/07/2624

GRID REF: 7588-5283

48 LANCET LANE,  
MAIDSTONE



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**Alison Broom**  
Director of Prosperity and Regeneration

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APPLICATION: MA/07/2624 Date: 21 December 2007 Received: 21 July 2008

APPLICANT: Mid Kent Homes

LOCATION: 48, LANCET LANE, MAIDSTONE, ME159SD

PROPOSAL: Removal of existing dwelling and the construction of six, four bedroom houses with garages and amenity space. Resubmission of MA/07/1633, as shown on drawing numbers 001 Rev B, 002 Rev B, 003 Rev A, 005 Rev A, B001 Rev B, B002 Rev B, B003 Rev A, B004, D001 Rev A, D002 Rev B, E001, E002, Design and Access Statement and Arboricultural Assessment received on 21/12/07 and 7/1/08 and as amended by additional documents being 001 Rev C, 002 Rev C, 003 Rev B, 005 Rev B and 007 Planting List received on 10/3/08 as amended by drawing numbers 001 Rev D, 002 Rev D, 003 Rev C, D001 Rev B, D002 Rev C, E001 Rev B and E002 Rev A received on 21/4/08 and ecological surveys received on 21/7/08 and as amended by drawing numbers 001 Rev E, 002 Rev D, 003 Rev D, 004 Rev D, 005 Rev C, B001 Rev B, B002 Rev C, B003 Rev B, B004 Rev A, D001 Rev B, D002 Rev D, D003, E001 Rev B, E002 Rev B received on 5/1/08.

AGENDA DATE: 12th March 2009

CASE OFFICER: Peter Hockney

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

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

### **POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV6, T1, T13  
Kent & Medway Structure Plan 2006: SP1, SS5, EN9, QL1, HP2, HP4, TP3, TP19  
Village Design Statement: Not applicable  
Government Policy: PPS1, PPS3, PPG13

### **HISTORY**

MA/07/1633 – Removal of existing dwelling and the construction of six, four bedroom houses with garages and amenity space – REFUSED – APPEAL DISMISSED.

MA/06/0263 – Outline application for the erection of 1 no. detached dwelling with garage, with siting and means of access to be considered at this stage and all other matters reserved for future consideration – APPROVED.

MA/95/0981 – Demolition of existing house and erection of 3 no. five bedroom and 1 no. four bedroom detached dwellings with double garages – REFUSED.

MA/92/0115 – Outline application for demolition of existing house and erection of 5 no. new houses – REFUSED.

## **BACKGROUND**

Members may remember that this application has been deferred twice at Planning Committee.

The application was originally reported to Planning Committee on 28<sup>th</sup> April 2008 where it was deferred for the following reason:-

**“That consideration of this application be deferred to seek the submission of an ecological report.”**

The application was subsequently reported to Planning Committee on 18<sup>th</sup> September 2008 following the submission of the ecological report. In the period between April and September the appeal decision against the previous application MA/07/1633, was dismissed because the detailing of the proposal was considered to be out of character with the locality.

Councillors considered the application in light of the appeal decision and the submitted ecological report and the decision taken at the meeting on 18<sup>th</sup> September 2008 was to defer determination of the application for the following reason:-

**“That consideration of this application be deferred in order for the applicant to submit details of revised elevational treatments to the dwellings and additional elements of ragstone walling in accordance with the Inspector’s decision together with details of additional landscaping to provide wildlife habitats and more enclosure.”**

Following negotiations with the agents, further details were submitted on 26<sup>th</sup> February 2009 and I will examine these further amendments in the considerations section below.

For Members information I enclose the report for the Planning Committee of 18<sup>th</sup> September 2008 as Appendix 1 and the report for the Committee of 28<sup>th</sup> April 2008 as Appendix 2.

## **CONSIDERATIONS**

The appeal decision on MA/07/1633 was the centre of the previous Committee Report in September 2008 being a very strong material consideration. The key points of the Inspector's decision of the 10<sup>th</sup> June 2008 are set out below in bold with the elements negotiated indicated after (a copy of the Inspectors Decision is contained in Appendix 3). The item that lead to the deferral is included within the first bullet point below.

- **“The house designs lack distinctive features which characterise the Lancet Lane area, there is black timbering, white rendered walls and red brickwork/timber infilling carefully detailed and delineated as well as ragstone walling. The proposed houses would have areas of brickwork, tile hanging and render seemingly randomly placed”**:- The ragstone walling is being retained as part of the application without an additional access being created through it. Furthermore, the ragstone wall has been extended in length and turns the corner from Lancet Lane into Sevington Park at the same height, approximately 1.5 metres. This extended ragstone wall then drops to a height of 600mm to the front of plots 3-6 facing Sevington Park, which takes reference from the more open nature of Sevington Park.

The revised elevational treatment details have been submitted (in the details received on 26<sup>th</sup> February 2009) to all dwellings and these include brickwork, projecting tudor panelling and vertical tile hanging to plots 1 and 2, black timber boarding to the first floor and brickwork to the ground floor to plot 3 including black timber, render to plot 4, render and vertical tile hanging to plot 5 and black timber boarding and brickwork to plot 6. This mix takes reference from the character of the properties in the immediate area and would integrate and complement the street scenes.

- **“The side elevation of the house at plot 2, closest to the junction of Lancet Lane and Sevington Park, would be blank, bland and ugly and would be prominent in the street scene, its side access would create a large area of hard standing and would destroy the curved stone frontage walling”**:- The dwelling at plot 2 now has a double frontage with a projecting element, fenestration and a change in materials to provide visual interest and an active frontage on this important corner. The dwelling at plot 2 now shares an access with plot 1 of Lancet Lane maintaining the frontage walling.
- **“The wide entrances to plots 1 and 2 would create a large open hard surfaced area with little space for planting”**:- There would now only be one entrance for these properties which would be located off Lancet Lane and has been reduced in width with additional landscaping proposed.
- **“There are concerns regarding the remaining houses fronting Sevington Park, although to a lesser extent as they are out of direct view from Lancet Lane and Sevington Park has a more modern character. These concerns are**

**relate to the fact that the proposed driveways would be over-large areas of hardstanding leaving little room for necessary frontage planting”:-** The entrances to these properties have been reduced from three access points down to two. They have been reduced in width at their access points down to three metres and extensive frontage planting is proposed.

- **“The conclusion on the impact on the character and appearance of the area was that the proposal was an unsympathetically designed housing estate with inadequate room for frontage planting and over dominant areas of hardstanding”:-** The level of hard standing has been reduced significantly from the level on the dismissed proposal 445m<sup>2</sup> to 306m<sup>2</sup> the access points have been reduced from four down to three and the widths have been reduced to an average of 3 metres. The buildings themselves have been reduced in width and therefore the bulk by a total of 8.7 metres. The level of landscaping, including frontage planting has been increased.
- **“The proposal would exceed the maximum parking standards so would be harmful to the sustainable objectives set out in the Development Plan and national planning guidance”:-** The level of car parking has been reduced to two spaces per dwelling and is at an acceptable level.

The second part of the reason for second deferral (September 2008) relates to the provision of additional landscaping to provide a wildlife habitat, which was not an issue at the appeal, and more enclosure. Agreement has been reached with Kent Highways to use the verge area in Sevington Park towards the junction with Lancet Lane for additional landscaping. The proposed landscaping and management in this area would take the form of a suitable reptile habitat in accordance with the recommendations in the ECOSA ecological survey being the creation and management of areas of long grassland throughout the summer months, whilst retaining the existing trees on the highway verge.

I consider that the details submitted have met the reasons for deferral and the scheme is now acceptable. Amendments have been made to conditions 2 and 7 to reflect the details recently submitted. I am requesting Delegated Powers to permit as the consultation period expires on 13<sup>th</sup> March 2009.

## **RECOMMENDATION**

Subject to the expiry of the consultation period:

I BE DELEGATED POWERS TO GRANT PLANNING PERMISSION subject to the following conditions:



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

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

2. Prior to the commencement of the development, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted and full details of the construction of the ragstone wall shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials and details;

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

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

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety in accordance with policy QL1 of the Kent and Medway Structure Plan (2006).

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development within Schedule 2, Part 1, Class(es) A, E and F shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by existing and prospective occupiers.

5. No development shall take place until an independently verified report has been submitted to and approved in writing by the Local Planning Authority showing that the development achieves a score of Level 2 or better for each residential unit under 'The Code for Sustainable Homes'. Each residential unit shall be provided

strictly in accordance with the approved report before it is occupied.

Reason: To ensure a sustainable and energy efficient form of development in accordance with policy NR1 of the Kent and Medway Structure Plan (2006) and Kent Design 2000 and PPS1.

6. The tree protection measures outlined in the submitted Arboricultural Implications Assessment by Quaife Woodlands dated July 2007 shall be fully implemented prior to any clearance or demolition works on site and maintained throughout the construction until the completion of the development;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development in accordance with policy ENV6 of the Maidstone Borough Wide Local Plan (2000) and QL1 of the Kent and Medway Structure Plan (2006).

7. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping including details of the reptile habitat on adjacent highway land, 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 including not regularly cutting or mowing the grass which will form the reptile habitat. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted in accordance with policies ENV6 of the Maidstone Borough Wide Local Plan (2000) and QL1 of the Kent and Medway Structure Plan (2006).

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the 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 of the Maidstone Borough Wide Local

Plan (2000) and QL1 of the Kent and Medway Structure Plan (2006).

9. Prior to the commencement of the development, details of all fencing, walling and other boundary treatments shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers in accordance with policy QL1 of the Kent and Medway Structure Plan (2006).

10. Before the development hereby permitted is first occupied, the proposed window(s) in the first floor of the north facing flank wall of plot 6 and in the first floor of the west facing flank wall of plot 1 shall be obscure glazed and shall subsequently be maintained as such 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 in accordance with policy QL1 of the Kent and Medway Structure Plan (2006).

11. No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in the in the first floor of the north facing flank wall of plot 6 and in the first floor of the west facing flank wall of plot 1 facing wall(s) of the building hereby permitted;

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of their occupiers in accordance with policy QL1 of the Kent and Medway Structure Plan (2006).

12. Prior to the commencement of any works on the site, including clearance a detailed mitigation strategy shall be submitted to, and approved in writing by the Local Planning Authority with regard to bats and widespread reptiles and their habitats. All works shall then proceed in accordance with the approved strategies and the recommendations contained within section 4.3 of the ecological surveys carried out by ECOSA Ltd dated July 2008 with any amendments agreed in writing by the Local Planning Authority and maintained thereafter;

Reason: To ensure no damage occurs to protected species or their habitat during any clearance or construction work and that adequate alternative habitats are available following the completion of development in accordance with policy EN8 of

the Kent and Medway Structure Plan (2006).

**Informatives set out below**

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.

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

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.

# THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/07/2624

GRID REF: 7588-5283

48 LANCET LANE,  
MAIDSTONE



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**Alison Broom**  
Director of Operations

APPLICATION: MA/07/2624 Date: 21 December 2007 Received: 21 July 2008

APPLICANT: Mid Kent Homes

LOCATION: 48, LANCET LANE, MAIDSTONE, ME159SD

PROPOSAL: Removal of existing dwelling and the construction of six, four bedroom houses with garages and amenity space. Resubmission of MA/07/1633, as shown on drawing numbers 001 Rev B, 002 Rev B, 003 Rev A, 005 Rev A, B001 Rev B, B002 Rev B, B003 Rev A, B004, D001 Rev A, D002 Rev B, E001, E002, Design and Access Statement and Arboricultural Assessment received on 21/12/07 and 7/1/08 and as amended by additional documents being 001 Rev C, 002 Rev C, 003 Rev B, 005 Rev B and 007 Planting List received on 10/3/08 as amended by drawing numbers 001 Rev D, 002 Rev D, 003 Rev C, D001 Rev B, D002 Rev C, E001 Rev B and E002 Rev A received on 21/4/08 and ecological surveys received on 21/7/08.

AGENDA DATE: 18th September 2008

CASE OFFICER: Peter Hockney

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

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

### **POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV6, T1 and T13

Kent & Medway Structure Plan 2006: SP1, SS5, EN9, QL1, HP2, HP4, TP3, TP19

Village Design Statement: Not applicable

Government Policy: PPS1, PPS3, PPG13

### **HISTORY**

MA/07/1633 – Removal of existing dwelling and the construction of six, four bedroom houses with garages and amenity space – REFUSED – APPEAL DISMISSED.

MA/06/0263 – Outline application for the erection of 1 no. detached dwelling with garage, with siting and means of access to be considered at this stage and all other matters reserved for future consideration – APPROVED.

MA/95/0981 – Demolition of existing house and erection of 3 no. five bedroom and 1 no. four bedroom detached dwellings with double garages – REFUSED.

MA/92/0115 – Outline application for demolition of existing house and erection of 5 no. new houses – REFUSED.

### **BACKGROUND**

Members will remember that this application was reported to Planning Committee on 28<sup>th</sup> April 2008 with a recommendation for approval with conditions. A copy of the previous report is attached as Appendix 1 to this report. A decision was taken at that meeting to defer determination of the application for the following reason:-

**“That consideration of this application be deferred to seek the submission of an ecological report.”**

This ecological report has now been submitted and has been consulted on, the details of responses are outlined below.

In addition, the appeal decision for MA/07/1633 (Removal of existing dwelling and the construction of six, four bedroom houses with garages and amenity space) has been received. The Inspector upheld the decision of the Council (a refusal under delegated powers) and dismissed the appeal, this becomes a material consideration in the determination of this application. A copy of the Inspectors decision is attached as Appendix 2 to this report.

### **FURTHER CONSULTATIONS**

Natural England have responded following the submission of the ecological survey and raise no objections, stating that the proposed mitigation for bats, reptiles and breeding birds set out in the report are sufficient to mitigate against any potential impacts on the populations.

Kent Wildlife Trust have responded stating they have no objections to the application and have no reason to question the findings and recommendations contained in its reports and recommend conditions be imposed to ensure the recommended mitigation and compensation measures are carried out. However, they raise concern regarding the level of tree loss as it may lead to a reduction in biodiversity.

### **FURTHER REPRESENTATIONS**

13 letters of objection including one from the North Loose Residents Association have been received on the following grounds:-

Reiterating the objections raised in previous letters of objection (which can be found in the previous report).

Protected species would be damaged if the development went ahead.  
Adverse impact on wildlife that is not protected due to the loss of large garden.  
The dismissal of the appeal relates to a very similar development and this should be refused.  
If permission is granted all the recommendations contained in the report shall be conditioned.

### **ECOLOGICAL SURVEY CONSIDERATIONS**

As stated above, this application was deferred by members in order for an ecological survey to be undertaken. This survey was carried out by ECOSA Ltd and the following results recorded.

#### Bats

The results were that there were two species of bats using the site, although the site is only being used as low status, single bat roosts.

Recommendations are included to ensure that the bats and the roosting opportunities are maintained through the demolition and following the construction of the new properties.

#### Reptiles

A single sub-adult slowworm was recorded on the site and it is considered that the grounds of 48 Lancet Lane does not provide a significant element of this populations habitat requirements.

A mitigation strategy is recommended to ensure that any reptiles are removed from the site and place in a suitable habitat in the local area.

#### Breeding Birds

Several species of breeding bird were recorded with three species located on the BTO red list and two on the amber list. The habitat on site is sufficient to provide suitable nesting habitat for one or two breeding pairs of each species only.

Recommendations are included that any demolition or site clearance works shall be undertaken outside of the breeding bird season which extends from March to August, inclusive.

#### Conclusion

It is clear that the survey has discovered some presence of protected species and that mitigation measures and strategies are included within the report. These measures



have been accepted by Natural England who raise no objections. Kent Wildlife Trust are also happy with the findings of the report. Whilst I note the concerns raised by neighbours and the Kent Wildlife Trust regarding the general loss of habitat for wildlife I do not consider that this carries sufficient weight to justify a refusal of the application.

### **APPEAL DECISION CONSIDERATIONS**

There was a previous application for residential development refused on this site under reference MA/07/1633. This application was refused for two reasons:-

1. **"The proposal represents poor design due to the large areas of hardstanding, lack of space for boundary planting, insufficient visual interest in the elevational treatments, and cramped appearance resulting from the scale, bulk and insufficient separation between the dwellings, being contrary to guidance contained in PPS1, and policies QL1, HP4 and SP1 of the Kent and Medway Structure Plan 2006."**
2. **"The car parking provision for plots 1,3 and 6 exceeds the maximum standard set out in the adopted Vehicle Parking Standards, encouraging greater use and dependency of the car which would not comply with sustainable development objectives. The proposal is therefore contrary to guidance given in PPS3, policies SP1 and TP19 of the Kent and Medway Structure Plan 2006 and policy T13 of the Maidstone Borough Wide Local Plan 2000."**

The Planning Inspector, considered the appeal against the two reasons for refusal quoted above.

With regard to the first issue the Inspector notes that the two dwellings facing Lancet Lane, plots 1 and 2 would be further forward than the existing property and would be clearly visible in the street scene. This situation would demand a high quality of the design of the properties, which the proposal does not include. I will indicate the Inspectors specific points below (in bold) and analyse the changes from the refused application to the current application.

- **The side elevation of the house at plot 2, closest to the junction of Lancet Lane and Sevington Park, would be blank, bland and ugly and would be prominent in the street scene, its side access would create a large area of hard standing and would destroy the curved stone frontage waling** – The dwelling at plot 2 now has a double frontage with a projecting element, fenestration and a change in materials to provide visual interest and an active frontage on this important corner. The dwelling at plot 2 now shares an access with plot 1 of Lancet Lane maintaining the frontage walling.

- **The wide entrances to plots 1 and 2 would create a large open hard surfaced area with little space for planting** – There would now only be one entrance for these properties which would be located off Lancet Lane and has been reduced in width with additional landscaping proposed.
- **There are concerns regarding the remaining houses fronting Sevington Park, although to a lesser extent as they are out of direct view from Lancet Lane and Sevington Park has a more modern character. These concerns are relate to the fact that the proposed driveways would be over-large areas of hardstanding leaving little room for necessary frontage planting** – The entrances to these properties have been reduced from three access points down to two. They have been reduced in width at their access points down to three metres and extensive frontage planting is proposed.
- **The house designs lack distinctive features which characterise the Lancet Lane area, there is black timbering, white rendered walls and red brickwork/timber infilling carefully detailed and delineated as well as ragstone walling. The proposed houses would have areas of brickwork, tile hanging and render seemingly randomly placed** – the ragstone walling is being retained as part of the application. The dwellings still retain a mix of materials to add visual interest, however, it is being sought to get some further timber detailing included and additional elements of ragstone walling following the Inspectors decision.
- **The conclusion on the impact on the character and appearance of the area was that the proposal was an unsympathetically designed housing estate with inadequate room for frontage planting and over dominant areas of hardstanding** – The level of hard standing has been reduced significantly from the level on the dismissed proposal 445m<sup>2</sup> to 306m<sup>2</sup> the access points have been reduced from four down to three and the widths have been reduced to an average of 3 metres. The buildings themselves have been reduced in width and therefore the bulk by a total of 8.7 metres. The level of landscaping, including frontage planting has been increased.
- **The proposal would exceed the maximum parking standards so would be harmful to the sustainable objectives set out in the Development Plan and national planning guidance** – The level of car parking has been reduced to two spaces per dwelling and is at an acceptable level.

### Conclusion

Overall I consider that the submitted ecological survey and report provides sufficient mitigation for the protected species on the site. Whilst it is acknowledged that the large garden of the existing single property could provide a wider range of habitats for wildlife than the smaller gardens of six properties this would not be a ground that could sustain a reason for refusal.

The proposed development has been altered and has overcome the reasons for refusal on the previous application and the reasons that the Inspector had for dismissing the appeal subject to the receipt of timber detailing to be included in the finishes of the properties and additional elements of ragstone walling.

The proposed development is acceptable and my recommendation is for approval with conditions.

### **RECOMMENDATION**

Subject to the receipt of acceptable finishes to the dwellings and ragstone walling:

I BE DELEGATED POWERS TO GRANT PLANNING PERMISSION subject to the following conditions:

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

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

2. Prior to the commencement of the development, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

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

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

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety in accordance with policy QL1 of the Kent and Medway Structure Plan (2006).

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development within Schedule 2, Part 1, Class(es) A, E and F shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by existing and prospective occupiers.

5. No development shall take place until an independently verified report has been submitted to and approved in writing by the Local Planning Authority showing that the development achieves a score of Level 2 or better for each residential unit under 'The Code for Sustainable Homes'. Each residential unit shall be provided strictly in accordance with the approved report before it is occupied.

Reason: To ensure a sustainable and energy efficient form of development in accordance with policy NR1 of the Kent and Medway Structure Plan (2006) and Kent Design 2000 and PPS1.

6. The tree protection measures outlined in the submitted Arboricultural Implications Assessment by Quaife Woodlands dated July 2007 shall be fully implemented prior to any clearance or demolition works on site and maintained throughout the construction until the completion of the development;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development in accordance with policy ENV6 of the Maidstone Borough Wide Local Plan (2000) and QL1 of the Kent and Medway Structure Plan (2006).

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

Reason: No such details have been submitted in accordance with policies ENV6 of the Maidstone Borough Wide Local Plan (2000) and QL1 of the Kent and Medway Structure Plan (2006).

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the 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 of the Maidstone Borough Wide Local Plan (2000) and QL1 of the Kent and Medway Structure Plan (2006).

9. Prior to the commencement of the development, details of all fencing, walling and other boundary treatments shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers in accordance with policy QL1 of the Kent and Medway Structure Plan (2006).

10. Before the development hereby permitted is first occupied, the proposed window(s) in the first floor of the north facing flank wall of plot 6 and in the first floor of the west facing flank wall of plot 1 shall be obscure glazed and shall subsequently be maintained as such 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 in accordance with policy QL1 of the Kent and Medway Structure Plan (2006).

11. No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in the in the first floor of the north facing flank wall of plot 6 and in the first floor of the west facing flank wall of plot 1 facing wall(s) of the building hereby permitted;

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of their occupiers in accordance with policy QL1 of the Kent and Medway Structure Plan (2006).

12. Prior to the commencement of any works on the site, including clearance a detailed mitigation strategy shall be submitted to, and approved in writing by the Local Planning Authority with regard to bats and widespread reptiles and their habitats. All works shall then proceed in accordance with the approved strategies and the recommendations contained within section 4.3 of the ecological surveys carried out by ECOSA Ltd dated July 2008 with any amendments agreed in writing by the Local Planning Authority and maintained thereafter;

Reason: To ensure no damage occurs to protected species or their habitat during any clearance or construction work and that adequate alternative habitats are available following the completion of development in accordance with policy EN8 of the Kent and Medway Structure Plan (2006).

**Informatives set out below**

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.

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

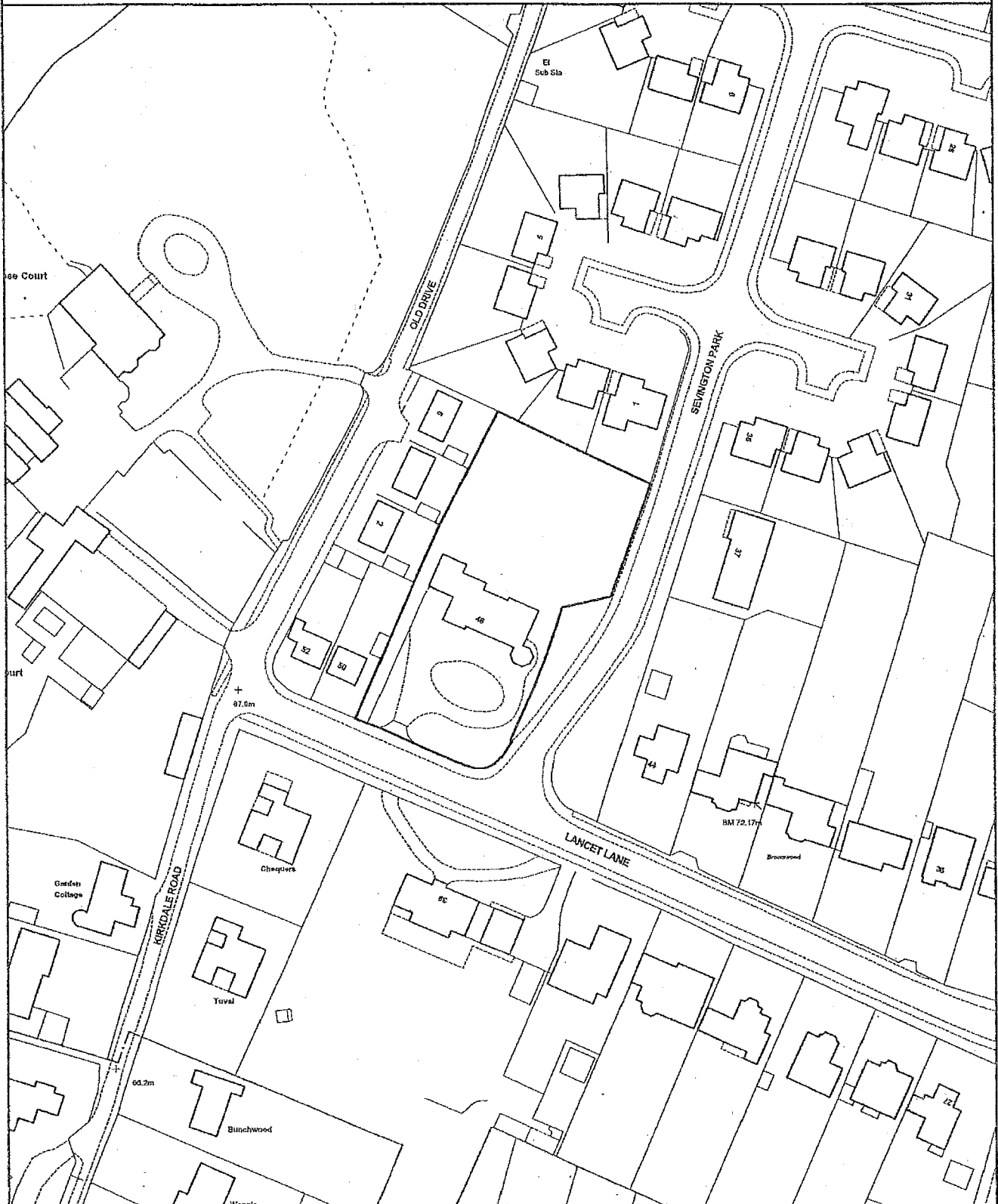
The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and Kent Structure Plan 1996) and there are no overriding material considerations to indicate a refusal of planning consent.

# THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/07/2624

GRID REF: 7588-5283

48 LANCET LANE,  
MAIDSTONE



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**Alison Broom**  
Director of Operations

APPLICATION: MA/07/2624 Date: 21 December 2007 Received: 10 March 2008

APPLICANT: Mid Kent Homes

LOCATION: 48, LANCET LANE, MAIDSTONE, ME159SD

PROPOSAL: Removal of existing dwelling and the construction of six, four bedroom houses with garages and amenity space. Resubmission of MA/07/1633, as shown on drawing numbers 001 Rev B, 002 Rev B, 003 Rev A, 005 Rev A, B001 Rev B, B002 Rev B, B003 Rev A, B004, D001 Rev A, D002 Rev B, E001, E002, Design and Access Statement and Arboricultural Assessment received on 21/12/07 and 7/1/08 and as amended by additional documents being 001 Rev C, 002 Rev C, 003 Rev B, 005 Rev B and 007 Planting List received on 10/3/08.

AGENDA DATE: 28th April, 2008

CASE OFFICER: Peter Hockney

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

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

### **POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV6, T1 and T13  
Kent & Medway Structure Plan 2006: SP1, SS5, EN9, QL1, HP2, HP4, TP3, TP19  
Village Design Statement: Not applicable  
Government Policy: PPS1, PPS3, PPG13

### **HISTORY**

MA/07/1633 – Removal of existing dwelling and the construction of six, four bedroom houses with garages and amenity space – REFUSED – APPLICATION UNDER APPEAL.

MA/06/0263 – Outline application for the erection of 1 no. detached dwelling with garage, with siting and means of access to be considered at this stage and all other matters reserved for future consideration – APPROVED.

MA/95/0981 – Demolition of existing house and erection of 3 no. five bedroom and 1 no. four bedroom detached dwellings with double garages – REFUSED.



MA/92/0115 – Outline application for demolition of existing house and erection of 5 no. new houses – REFUSED.

### **CONSULTATIONS**

Southern Water have no objections to the application subject to the imposition of a condition relating to surface water drainage.

EDF Energy have no objections to the application.

KCC Highways have no objections to the application in terms of all highway matters subject to the imposition of conditions.

MBC Environmental Enforcement have no objections to the application subject to the imposition of informatives.

MBC Landscape Officer have made no comments. However, the following comments were provided on application MA/07/1633:-

"I have studied the plans and Arboricultural Implications report by Quaife Woodlands submitted with this application. I have also inspected most of the trees on site in relation to the previous application MA/06/0263. A Tree Preservation Order is present on the site (TPO No. 8 of 1992), which includes a Group of 11 Leyland Cypress that form a hedge and seven individual trees.

This proposal would result in the removal of the Group of Cypress and trees T4, T5, T6 and T7. Trees T1, T2 and T3 would be retained and the measures for their protection recommended within the Quaife Woodlands report are satisfactory.

Of the trees proposed for removal, the best quality tree on the site is the Norway Maple, designated T5 in the TPO. It is a mature Norway Maple, which Quaife Woodlands have assessed as a Category B1 tree. This proposal necessitates the removal of the tree and whilst I would like to see it retained, it is not considered to be of sufficient quality or safe useful life expectancy to merit its long term retention. If the application were refused on the grounds that this tree should be retained, I do not consider that the decision would be upheld at appeal. The other Norway Maple (T4) is a variegated form, but approximately half of the tree has now reverted to non-variegated foliage. The Whitebeam (T6) is now a poor specimen due to competition from surrounding trees and the Eucalyptus (T7) is a young tree planted as a replacement for the original tree that was felled following storm damage. This could easily be moved elsewhere on the site or replaced with another tree of similar size. The group of conifers fronting Sevington Park provide a useful screen but when they were protected, they had not been managed as a hedge (which is why the Landscape Officer at the time included this conifer hedge in the TPO and not others on the site). They have

since been topped and it would be difficult to justify their retention and continued protection.

I therefore raise no objection to the proposal on arboricultural grounds, provided that tree protection measures and all works in the vicinity of retained trees are carried out strictly in accordance with the recommendations contained in the Arboricultural Implications report by Quaife Woodlands and in accordance with BS5837(2005) and current best practice guidelines. I would also like to see a plan of proposed drainage and service routes together with an arboricultural method statement for their installation in the vicinity of retained trees.

This proposal will remove a large number of trees and although none are of particularly good quality as individuals, their removal will change the 'treed' character of this prominent corner site and I would therefore recommend that if you are minded to grant consent, it is subject to standard landscaping conditions, including the submission of a scheme of landscaping for approval by the Landscape Officer."

### **REPRESENTATIONS**

Cllr Bruce Pollington has called the application to committee if we are minded to recommend approval, stating:-

"This application is out of keeping with the street scene, the previous reasons for refusal namely

'The cramped appearance resulting from the scale, bulk and insufficient separation between the dwellings, being contrary to guidance contained in PPS1, and policies QL1, HP4 and SP1 of the Kent and Medway Structure Plan 2006.' has not been addressed"

26 letters of objection have been received on the following grounds:-

- Loss of privacy
- Loss of light
- Increased level of traffic and congestion
- Lack of adequate off street parking leading to increased on street car parking creating an additional hazard
- The development would be too dense
- A cramped appearance of the development being out of character with the street scene
- An environmental survey of wildlife should be submitted
- Loss of trees
- The loss of the existing house on the plot
- Increased level of hardstanding would increase flooding problems
- A precedent will be set for future developments

## **SITE LOCATION AND DESCRIPTION**

The site is located in a residential area within the urban area of Maidstone. It is located at the junction of Lancet Lane and Sevington Park with a frontage to both roads. A large detached dwelling set within a spacious garden with access onto Lancet Lane currently occupies the plot.

The site area is approximately 0.27ha and contains a number of trees which are covered by a Tree Preservation Order.

Adjacent to the site to the east is an area of highway verge separating the boundary to part of the site and Sevington Park.

## **PROPOSED DEVELOPMENT**

The application is a full application for the demolition of the existing dwelling and the erection of six detached two storey dwellings with either integral or attached single garages.

Plots 1 and 2 would face onto Lancet Lane and would have a shared access. Plots 3 and 4 would have a shared access from Sevington Park and plots 5 and 6 would have individual accesses onto Sevington Park.

The proposed development would include four different house types. Plot 1 would be a two storey dwelling with an attached single garage, it would be 5 metres to the eaves and 9.5 metres to the ridge. The dwelling at plot 2 would again be two storey with an attached single garage and be 5 metres to the eaves and 9.5 metres to the ridge. However, plot 2 would have a significant level of fenestration in the side elevation facing Sevington Park to add additional interest and a double frontage.

Plots 3, 5 and 6 would be two storey dwellings with integral single garages. They would be 5 metres to the eaves and 8.3 metres to the ridge. Plot 3 would be a handed version of those at plots 5 and 6. The dwelling at plot 4 would again be a two storey dwelling with an integral single garage and would measure 5 metres to the eaves and 8.3 metres to the ridge.

## **BACKGROUND**

The site had a previous application, MA/07/1633 for a similar development refused on the following grounds:-

The proposal represents poor design due to the large areas of hardstanding, lack of space for boundary planting, insufficient visual interest in the elevational treatments, and cramped appearance resulting from the scale, bulk and insufficient separation

between the dwellings, being contrary to guidance contained in PPS1, and policies QL1, HP4 and SP1 of the Kent and Medway Structure Plan 2006.

The car parking provision for plots 1,3 and 6 exceeds the maximum standard set out in the adopted Vehicle Parking Standards, encouraging greater use and dependency of the car which would not comply with sustainable development objectives. The proposal is therefore contrary to guidance given in PPS3, policies SP1 and TP19 of the Kent and Medway Structure Plan 2006 and policy T13 of the Maidstone Borough Wide Local Plan 2000.

This application is currently under appeal.

### **PRINCIPLE OF DEVELOPMENT**

The site is previously developed land within the urban area of Maidstone. It is a sustainable location and conforms to both national and local policies for new residential development.

The existing dwelling on the site is not a listed building and not within a Conservation Area. Whilst it is attractive and prominent within views along Lancet Lane, its retention could not be sought under adopted planning policies and a reason for refusal on the loss of the dwelling could not be sustained.

The site is approximately 0.27 hectares and the proposal for six dwellings equates a density of approximately 22 dwellings per hectare. This is below the minimum standard set by the Government within PPS3, which states a minimum of 30-50 per hectare. However, in this specific case and in this location it is considered that a lower density would be acceptable in order to maintain the spacious character and appearance of the area.

No reason for refusal was attached to the previous application in terms of the principle of residential development or the proposed density.

### **DESIGN AND VISUAL IMPACT CONSIDERATIONS**

The site does not fall within a Conservation Area and is not within a character area subject to a character area assessment.

The first reason of refusal related to the issue of poor design specifically indicating "due to the large areas of hardstanding, lack of space for boundary planting, insufficient visual interest in the elevational treatments, and cramped appearance resulting from the scale, bulk and insufficient separation between the dwellings".

The current application has sought to address this reason for refusal. The level of proposed hardstanding has been significantly reduced to increase the space available

for landscaping. There has been changes and alterations to the design of the dwellings which has led to each dwelling that fronts onto Sevington Park being separated by a gap in excess of 3 metres. The dwellings facing Lancet Lane are separated by a gap at first floor level in excess of 7 metres which allows views through the properties.

The changes in the design of the dwellings and the layout of the development has resulted in more space around the buildings which allows for an increased level of landscaping. The arrangement of plots 5 and 6 specifically have allowed for the introduction of a beech hedge along the frontage with Sevington Park.

The proposed properties have sufficient fenestration and visual interest to their front elevation. The critical dwelling in terms of elevational treatments is that at plot 2 on the corner of Lancet Lane and Sevington Park. Previously this dwelling had a bland side elevation facing the junction with a couple of small windows. The current proposal incorporates six windows within this elevation which would result in a development that has a double frontage and would not have a blank flank elevation facing the junction of Lancet Lane and Sevington Park.

The alterations to the design and layout of the development has overcome the first ground of refusal on application MA/07/1633.

#### **IMPACT ON RESIDENTIAL AMENITY**

The closest dwelling to the development would be number 2 Old Drive located to the west of the site. This property would be approximately 21 metres away from the proposed dwelling at plot 4, 21 metres was the distance quoted in the old Kent Design Guide, and the current Kent Design Guide does not offer a minimum distance to secure privacy levels and recent developments are often closer than 21 metres between properties. The other dwellings in Old Drive are in excess of 21 metres from the proposed development. There is significant planting on the boundary between the proposed development and the dwellings in Old Drive and this combined with the distance would maintain privacy levels. The distances between these properties also ensures there would be no loss of light or an overwhelming impact on the residents.

The only first floor window in the flank elevation of plot six serves an en suite bathroom, which is not a habitable room. This could be conditioned to be obscure glazed with no additional openings. Therefore there would be no impact on privacy levels enjoyed by the occupiers of numbers 1, 2 and 3 Sevington Park. The minimum distance of nine metres ensures there would be no loss of light or an overwhelming impact on the residents.

The gap of approximately 6 metres between the dwelling at Plot 1 and number 50 Lancet Lane is sufficient to prevent any loss of light or overwhelming impact from the rear projection. Only bathroom windows would face onto number 50, thereby maintaining the level of privacy enjoyed by the occupiers.

Other properties in Lancet Lane and Sevington Park are separated from the proposed development by roads and therefore no significant impact on residential amenity would occur.

I conclude that there would be no adverse impact on residential amenity of occupiers of neighbouring properties. There was no reason for refusal relating to residential amenity on the previous application.

### **HIGHWAY AND PARKING CONSIDERATIONS**

The proposed development would have a shared access onto Lancet Lane serving plots 1 and 2 with another shared access onto Sevington Park serving plots 3, 4 and 5. With Plot 6 having an individual access drive onto Sevington Park.

The access points would not cause any highway hazard from vehicular movements onto or from Lancet Lane or Sevington Park. The traffic generation from the proposed development would not be significant and could be accommodated within the surrounding road network.

The proposal includes two spaces for each dwelling which conforms to the Kent County Council maximum vehicle parking standards July 2006. This level is acceptable and appropriate and overcomes the second ground of refusal on the previous application.

Kent County Council Highways have no objections to the application in terms of all highway matters.

### **LANDSCAPE CONSIDERATIONS**

The application is accompanied by the same arboricultural report submitted with MA/07/1633. The proposed development would result in the loss of the same trees as previously proposed.

Although the Landscape Officer has not commented on this application the landscape issues are the same as those on the previous application. No objections were raised with regard to the loss of the trees on the site and a landscaping scheme condition was recommended. The current layout offers a greater opportunity for landscaping and is required as a condition.

### **OTHER ISSUES RAISED**

The applicant has confirmed that the development could be constructed to a Level 2 Code for Sustainable Homes and this is sought by way of a condition.

Concern has been raised regarding wildlife on the site. There is no evidence to suggest that any protected species are located on the site and there was no reason for refusal on MA/07/1633 regarding the lack of an ecological survey. Furthermore, the Planning Inspectorate has not requested an ecological study as part of the appeal submissions.

The argument of precedent is weak in planning terms as each application is determined on its own merits and could not be sustained as a reason for refusal.

### **CONCLUSION**

The current application has overcome the previous reasons for refusal on MA/07/1633 and the changes have not resulted in any further unacceptability within the development.

Therefore the proposed development is acceptable subject to the imposition of the conditions outlined below.

### **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. Prior to the commencement of the development, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

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

3. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order, with or without modification) or

not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety in accordance with policy QL1 of the Kent and Medway Structure Plan (2006).

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development within Schedule 2, Part 1, Class(es) A, E and F shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by existing and prospective occupiers.

5. No development shall take place until an independently verified report has been submitted to and approved in writing by the Local Planning Authority showing that the development achieves a score of Level 2 or better for each residential unit under 'The Code for Sustainable Homes'. Each residential unit shall be provided strictly in accordance with the approved report before it is occupied.

Reason: To ensure a sustainable and energy efficient form of development in accordance with policy NR1 of the Kent and Medway Structure Plan (2006) and Kent Design 2000 and PPS1.

6. The tree protection measures outlined in the submitted Arboricultural Implications Assessment by Quaife Woodlands dated July 2007 shall be fully implemented prior to any clearance or demolition works on site and maintained throughout the construction until the completion of the development;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development in accordance with policy ENV6 of the Maidstone Borough Wide Local Plan (2000) and QL1 of the Kent and Medway Structure Plan (2006).

7. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's



implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted in accordance with policies ENV6 of the Maidstone Borough Wide Local Plan (2000) and QL1 of the Kent and Medway Structure Plan (2006).

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the 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 of the Maidstone Borough Wide Local Plan (2000) and QL1 of the Kent and Medway Structure Plan (2006).

9. Prior to the commencement of the development, details of all fencing, walling and other boundary treatments shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers in accordance with policy QL1 of the Kent and Medway Structure Plan (2006).

10. Before the development hereby permitted is first occupied, the proposed window(s) in the first floor of the north facing flank wall of plot 6 and in the first floor of the west facing flank wall of plot 1 shall be obscure glazed and shall subsequently be maintained as such 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 in accordance with policy QL1 of the Kent and Medway Structure Plan (2006).

11. No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in the in the first floor of the north facing flank wall of plot 6 and in the first floor of the west facing flank wall of plot 1 facing wall(s) of the building hereby permitted;

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of their occupiers in accordance with policy QL1 of the Kent and Medway Structure Plan (2006).

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

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.

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

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/07/2624:**

Amended plans were received on 21 April 2008 reducing further the areas of hard surfacing. The amended layout:

- Reduces the width of the turning head in front of plot 2 from 3.4m to 2.4m;
- Introduces a curve to the driveway in front of plot 3 so that the hardstanding does not run along the front boundary of the site;
- Reduces the area covered by hardstanding to the front of plot 5;
- Reduces the shared driveway serving plots 3, 4 and 5 from 4.2 to 3.2m in width; and
- Reduces the width of the driveway to plot 6 from 3.3m to 2.4m

These amendments allow for greater areas of landscaping along the site frontage and to front garden areas. This, together with the dense shrub planting in the highway verge adjacent to the south and west boundary of the site, would significantly soften the proposed development and reflect the verdant character of the area.

These plans are considered to address previous concerns relating to the large areas of hardstanding shown on plans submitted in respect of application MA/07/1633, currently under appeal (block plan appended).

**Officer Recommendation**

My recommendation remains unchanged.



# Appeal Decision

Site visit made on 20 May 2008

by David Vickery DIPT&CP MRTPI

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2, The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 6372  
email: enquiries@plins.gsi.gov.uk  
Decision date:  
10 June 2008

**Appeal Ref: APP/U2235/A/08/2067000**  
**48 Lancet Lane, Maidstone, Kent ME15 9SD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mid Kent Homes against the decision of Maidstone Borough Council.
- The application Ref MA/07/1633, dated 24 May 2007, was refused by notice dated 13 January 2008.
- The development proposed is the removal of the existing dwelling and the construction of six 4-bed houses with garages and amenity space.

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## Decision

1. I dismiss the appeal.

## Main issues

2. The two main issues in this case are the effect of the proposal on the character and appearance of the surrounding area; and whether excessive car parking has been provided which would be harmful to sustainable development objectives.

## Reasons

### *The First Issue – Character and Appearance*

3. This is a prominent site on the corner of Sevington Park, a modern housing development, and Lancet Lane, an area of older housing. Lancet Lane is a very pleasant residential area with mainly very large 1930s style detached houses in substantial grounds. The road is wide and has grass verges in several places (including near this site), and there are many trees and frontage shrubs and hedges which give a verdant character. The site lies at the western end of the road (a dead end). Although there are two adjacent modern mock-Georgian houses (Nos. 50 and 52) they are set back and screened by vegetation so that they are not seen in the wider street scene from the east.
4. The two proposed Lancet Lane houses (plots 1 and 2) would be further forward than the existing property and those to the east, and so would be very clearly visible in the street scene. Thus, this site demands the highest quality of design in order to integrate with the existing urban form. Unfortunately it fails to achieve this objective in a number of vital respects.

5. These two frontage houses would fail to draw on and gain inspiration from the existing built form, and I agree with the Council's analysis of these deficiencies. The side elevation of the plot 2 house would be blank, bland and ugly and would be very prominent in street views. Its side access would create a large area of hard standing and would also destroy the curved stone frontage walling which, with its companion wall opposite, leads the eye into Sevington Park. The single garage would look out of place in this prominent entrance position.
6. The wide driveway to plot 1 would create a large, open hard surfaced area with little space for planting, which is one of the key characteristics of the area. It would be used by parked cars which would dominate the frontage. The side driveway to plot 2 would similarly prevent planting to soften the development. The two houses would be close together, and their height at their closest point would together create a cramped, constrained appearance. I also have concerns about the use of half-hips to the roof of the plot 2 house – all the nearby roofs that I saw were full hips.
7. I also agree with the Council's concerns about the remaining houses, albeit to a lesser extent. My concerns are less here because they are out of direct view from Lancet Lane and because Sevington Park has a different, more modern character. Nonetheless, it still is a very pleasant and green road with many trees and hedges. The proposed driveways to the plots would suffer from the same problems as the Lancet Road houses – over-large areas of hardstanding leaving little room for necessary frontage planting, despite the retained trees in the verge, where parked cars would dominate the street scene.
8. Given that Sevington Park comprises more modern houses closer together, I do not share the Council's concerns about the closeness of the dwellings here, especially as the retained frontage trees will partially screen these four houses.
9. I agree with the Council that the proposal would be acceptable in terms of the loss of the trees protected by the Tree Preservation Order, for the reasons it states. But this makes it even more important that there is sufficient room for frontage (and boundary) planting, which this proposal would not have.
10. The house designs lack the distinctive features which characterise the Lancet Lane area – for instance, I saw black timbering, white rendered walls and red brickwork/timber infilling – all of which are carefully detailed and delineated. These houses (including the four on Sevington Park) would have areas of brickwork, tile hanging and render seemingly randomly placed.
11. This would be an unsympathetically designed housing estate with inadequate room for frontage planting and over-dominant areas of hard surfacing and parked cars. It would appear out of place in a residential area of great charm and would fail to improve that area's character and quality.
12. I conclude that the proposal would seriously harm the character and appearance of the surrounding area. It would be contrary to relevant policies in the Development Plan, particularly policies QL1, HP4 and SP1 of the Structure Plan, and to national planning guidance such as that in Planning Policy Statement 3.

**The Second Issue – Car Parking**

13. There is no doubt that plots 1, 3 and 6 would exceed the maximum standards for car parking set out in the Development Plan as they would provide four rather than three (maximum) spaces for these four bedroomed houses. These standards have been set not only to avoid design problems of the type I have previously described, but also to encourage sustainable transport choices and to prevent the excessive use of the private car which leads to a number of environmental and climate change concerns. This is clearly set out in the Development Plan and in government guidance such as Planning Policy Statement 3 and Planning Policy Guidance Note 13.
14. From what I saw and from the evidence submitted, the site appears to be in a reasonably sustainable location, with some services and schools within walking distance. The appellant has not set out any compelling evidence as to why the maximum standard should be exceeded.
15. I conclude that the proposal would exceed the maximum parking standards set out in the Development Plan, and so would be harmful to the sustainable objectives set out there and in national planning guidance. In particular, it would be contrary to policy T13 in the Local Plan.
16. In reaching the conclusion on which my decision is based, I have taken account of all other points raised, but none has outweighed the considerations I have mentioned. I observed the area during school collection time, but I saw that most parents parked at the top end of the road (to the east) and that this did not affect the site. This site would provide its own car parking and I agree with the Council that the traffic generated by it would not be sufficient to cause highway safety concerns, despite any temporary narrowing of the road caused by parked cars for the school.
17. For the reasons given above I conclude that the appeal should be dismissed.

*David Vickery*

INSPECTOR

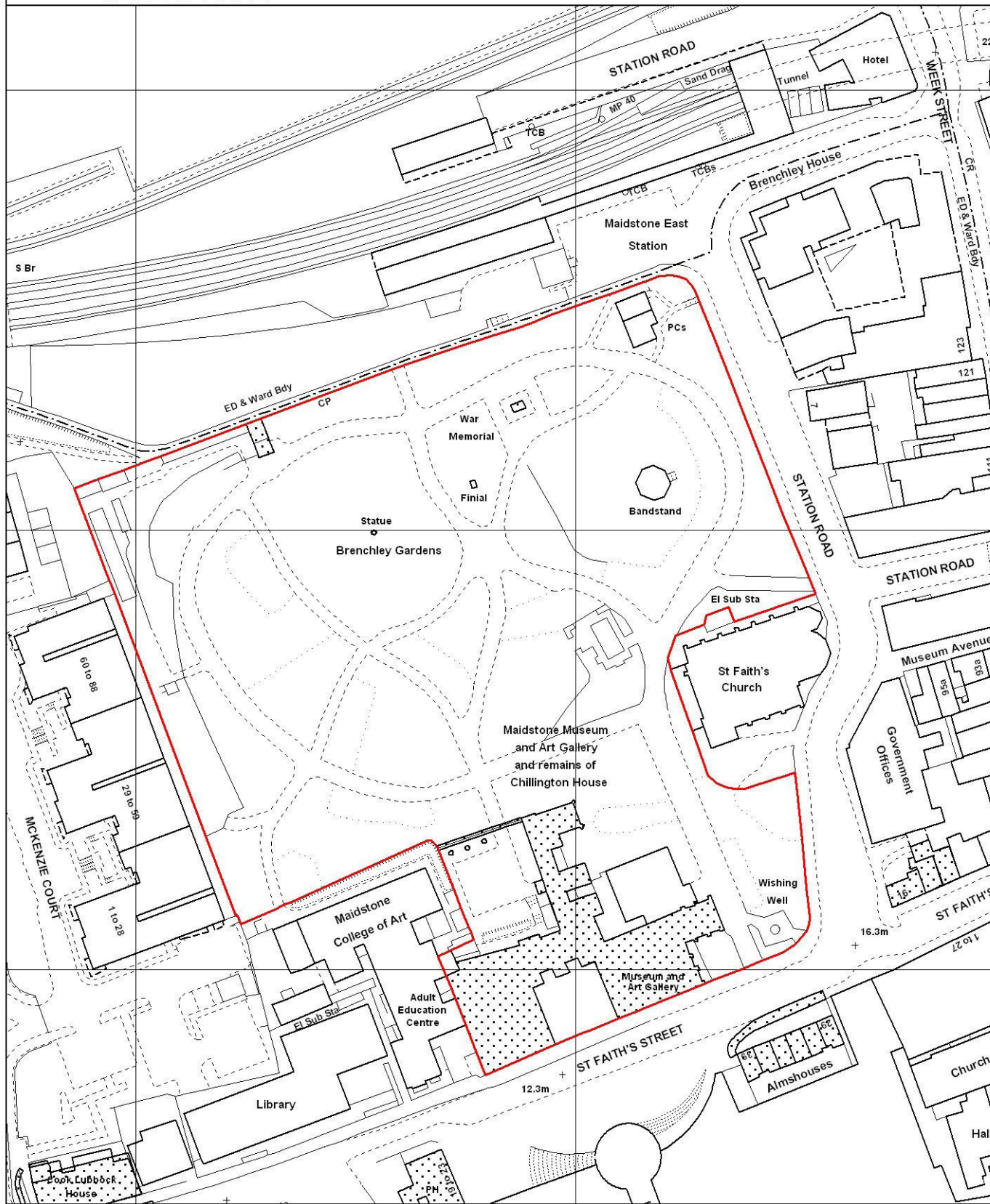
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# THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/08/2292

GRID REF: 7588-5607

## BRENCHLEY GARDENS, STATION ROAD, MAIDSTONE



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**Alison Broom**  
Director of Prosperity and Regeneration

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APPLICATION: MA/08/2292 Date: 10 December 2008 Received: 26 January 2009

APPLICANT: Maidstone Borough Council

LOCATION: BRENCHLEY GARDENS, STATION ROAD, MAIDSTONE, KENT, ME14 1QJ

PROPOSAL: Reinstatement of railings and brick piers, provision of new curved steps with handrails, laying of new paths around bandstand and upgrade public conveniences to include improved access as shown on drawing numbers 1628/9, 1628/8 and design and access statement received on 19/11/2008 and drawing number 1a received on 26/01/2009.

AGENDA DATE: 12th March 2009

CASE OFFICER: Andrew Jolly

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

- The applicant is Maidstone Borough Council

### **POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV22  
Kent & Medway Structure Plan 2006: QL1, QL2, QL6, QL8, QL11  
Government Policy: PPS1, PPS6, PPG15

### **HISTORY**

08/0383- Erection of metal palisade railings on top of existing brick wall- Withdrawn

### **CONSULTATIONS**

English Heritage: No objections

KCC Highways: Not objection

Maidstone Borough Council Conservation: 'No objection to the principle of the railing. Evidence in the top of the wall shows they previously existed and a short return section survives adjacent to Saint Faiths Church. Previous correspondence has ensured the railings would be constructed in iron. A condition requesting the colour scheme for the railings is required'.

## **REPRESENTATIONS**

CPRE: Wishes to see the application approved. 'Maidstone Borough Council is praised for its efforts to improve its park areas. Also propose that the loss of hedge should be compensated for additional planting in the park'.

## **CONSIDERATIONS**

### **Site and surrounding area**

The application site is Brenchley Gardens located in the Chillington House Conservation Area. It also falls within an Area of Archaeological Potential. Brenchley Gardens is located in the town centre between Maidstone East Station and Maidstone Museum and the rear entrance to Fremlins Walk. Brenchley Gardens are bounded by a stone wall of varying heights. The stone wall on the east boundary is one metre in height from ground level with dividing brick piers.

The street scene is of varied appearance. To the north is Maidstone East Station. To the east are flat roofed modern offices. To the south is Saint Faiths Church and the grade II\* listed Maidstone Museum and Art Gallery.

### **Proposal:**

This application proposes the following alterations to Brenchely Gardens:-

- The provision of perimeter railings to the top of the existing one metre high brick wall located on the east boundary of the gardens. The proposed railings would be in black iron with ornate spears to the top. The railings would project a maximum total of 2.4 metres from ground level and the vertical spacing between the railings would be approximately 100mm.
- The widening of the eastern entrance steps at the northeast section of the gardens onto Station Road by introducing new curved steps with handrails. The steps would be a maximum wide of 4metres and a maximum total height of 1 metre.
- The laying of new paths within the gardens around the bandstand and public toilets. The paths would be laid with resin bounded aggregate.

### **Policy assessment:**

Policy ENV22 of the Maidstone Borough-Wide Local Plan 2000 is applicable with applications to develop existing open areas within urban areas and village settlements, and states the borough council will have regard to:

*(1) the visual contribution which the existing site and the proposed development will make to the urban or village landscape; and*

- (2) the need to uphold and improve the appearance of the locality, with particular emphasis in more densely developed areas; and*  
*(3) the need to conserve wildlife habitats.*

The key issues relate to the impact upon the character and appearance of the surrounding Conservation Area and Brenchley Gardens.

#### Visual appearance

The railings would be a reinstatement of the perimeter railings that were removed during the Second World War due to the national requirement for metal. The railings would be constructed of black wrought iron and sufficiently detailed to match the short section of existing railing in existence adjacent to Saint Faiths Church. As such the railings would visually enhance the locality in accordance with criteria one and two of policy ENV22. The proposed curved access steps and new paths within the gardens would not appear significantly incongruous within their setting as they would replace similar steps and incorporate existing naturally trodden routes within the gardens.

Given the comments from the Conservation Officer and English Heritage, the impact upon the Conservation Area and the setting of the Grade II\* Listed Building would be acceptable. With regards to the impact upon the street scene, this is of a varied nature, mixing a range of designs, and it is considered that the impact upon the street scene is acceptable.

#### Impact upon neighbouring amenity

There are no dwellings located in proximity to the application site and due to the nature of the development and the separation distances involved there would be no detrimental amenity impacts with regard to outlook, light or privacy as a result of this application.

In terms of noise and disturbance, no change of use is proposed and this is already a publicly useable area, where significant noise and disturbance already occurs. The reintroduction of the iron railings would improve views into and across the gardens from the surrounding area which is hoped would alleviate anti social behaviour and assist in protecting the surrounding buildings and monuments within the gardens.

#### Access

The proposed curved steps into the gardens would improve access and egress from the north east, adjacent Maidstone East Station. The proposed footpaths would take advantage of naturally trodden routes which cut across the grass to the bandstand area. The new paths would improve access to the bandstand and public toilets and allow for the re-growth of trodden grass as people would be encouraged to use the paths rather than cut across the grass. The improvements in access would encourage wider public activity within the gardens, which would in turn benefit the Maidstone Museum and Art gallery adjacent. Although the curved steps would not allow access to

wheel chair users, they would replace existing steps and alternative entrances to the gardens are already accessible to wheel chair users.

KCC Highways have no objection to the proposal.

The proposed paths within the gardens would not be located in proximity to any trees and the removal of the hedgerow within the gardens, adjacent the east boundary wall, does not form part of this application.

**Conclusion:**

Overall it is considered that the proposal would improve the vitality and viability of Brenchley Gardens and would make a significant contribution to the overall quality of the area and visually enhance the appearance of the gardens. I consider that the proposal accords with all the relevant policies and is acceptable in all other respects and it is therefore recommended that planning permission be granted subject to the imposition of suitable safeguarding conditions.

**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. Prior to the commencement of the development, written details and samples of the materials to be used in the construction of the brick piers and curved steps hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development in accordance with policy ENV22 of the Maidstone Borough-Wide Local Plan, policy QL1, QL2, QL6, QL8 and QL11 of the Kent and Medway Structure Plan and PPG15.

3. Prior to the commencement of the development, details of the colour of the external finish of the railings shall be submitted to and approved in writing by the Local Planning Authority. The approved colour scheme shall be thereafter maintained in the approved colour;

Reason: In the interests of visual amenity in accordance with policy ENV22 of the Maidstone Borough-Wide Local Plan, policy QL1, QL2, QL6, QL8 and QL11 of the Kent and Medway Structure Plan and PPG15.

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.

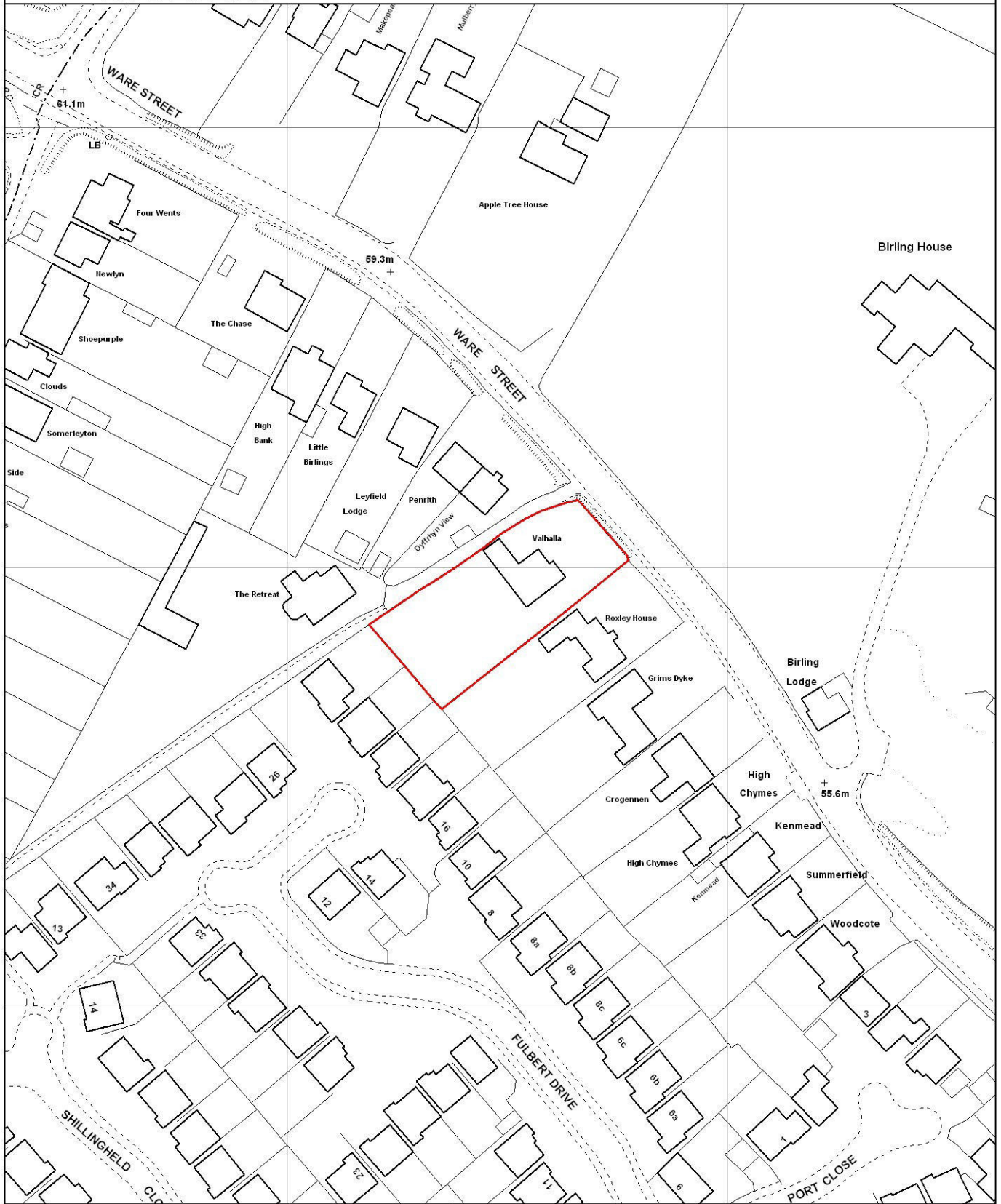
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# THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/08/2426

GRID REF: 7894-5639

**PLOT 1, VALHALLA, WARE STREET,  
THURNHAM**



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**Alison Broom**  
Director of Prosperity and Regeneration

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APPLICATION: MA/08/2426 Date: 9 December 2008 Received: 6 February 2009

APPLICANT: Mr G Hill, Clarendon Homes

LOCATION: PLOT 1 VALHALLA, WARE STREET, THURNHAM, MAIDSTONE, KENT, ME14 5LA

PROPOSAL: Creation of vehicle crossover and provision of hard standing as shown on an Ordnance survey based site location plan received on 11/12/08, a Cross-Section - Driveway drawing and an OS Sitemap received on 22/01/09, a letter from the applicant dated 20/01/09 and a 1:200 scale block plan received on 06/02/09.

AGENDA DATE: 12th March 2009

CASE OFFICER: Louise Welsford

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

- It is contrary to views expressed by the Parish Council
- Councillor Horne has requested it be reported for the reasons set out in the report

### **POLICIES**

Kent & Medway Structure Plan 2006: QL1.  
Government Policy: PPS1.

### **HISTORY**

The most relevant history is:

MA/07/2285 Demolition of existing bungalow and erection of two detached dwellings – REFUSED

This application was refused for the following reason:

“The proposed development by virtue of its scale, extent of built development and hardstanding would not represent good design and would also result in an overprovision of car parking that would have a detrimental impact on the character and appearance of the surrounding area contrary to policies QL1 of the Kent and Medway Structure Plan (2006) and guidance contained within PPS1 and PPS3”.

MA/08/0141 Erection of two detached houses and garages - APPROVED

Copies of the delegated and Committee reports for these applications are attached as Appendices.

Application MA/89/0827, for the erection of a bungalow on the site was refused and an appeal dismissed. Further discussion is provided in the considerations below.

## **CONSULTATIONS**

**Thurnham Parish Council:** Objects to the application and supports the objections raised in the letter from Councillor Horne.

**Kent Highway Services:** No objections, as the site lies within a 30m.p.h. limit. Recommends conditions and informatives.

**Maidstone Borough Council Landscape Officer:** (verbal comments): Recommends a condition regarding tree protection measures and details of the method of construction of the driveway.

## **REPRESENTATIONS**

**Councillor Horne** has objected to the proposal on the following grounds:

"This is a proposal to open a second access onto Ware Street and create additional car parking to the front of Plot 1.

The result of the proposal will be to open a new access onto Ware Street, demolish some 5ms of the existing stone boundary wall, root out most of the existing hedgerow and alter the new tree planting.

Planning History: I think that it is necessary to consider this application in the light of the current planning history.

Under MA/07/2285 the application was refused on the grounds that the proposed development by virtue of its scale, extent of the built development and hardstanding would not represent good design and would also result in a the overprovision of car parking and would have a detrimental impact on the character and appearance of the surrounding area contrary to Policies QL1 of the Kent and Medway Structure Plan (2006) and guidance contained within PPS1 and PPS3.

Under MA/08/0141 a second and contested application was allowed upon conditions. Conditions 3 and 4 based upon Policy QL1 of the Kent and Medway Structure Plan (2006) required full details of the boundary treatment to be agreed in advance with the Authority, and that no development should take place until there had been an approved scheme of landscaping, including the reinforcement of the hedge to the front of the property and fruit trees and a programme for retention and implementation. All these details are shown on the submitted plans.

The Officer recommendation was based upon: *It is considered that these alterations have created a development which sits well within the site and maintains an acceptable level of soft landscaping. Therefore, the reasons for the previous refusal have been adequately addressed.*

All these matters were particularly mentioned and required by Members when allowing this second or appeal decision.

It was on these grounds that the LGO upheld no objection to the decision.

Again, it is to be noted that the buildings plots were brought forward to increase parking space to the rear. Accordingly, the building line has been brought further into Ware Street.

To permit the current application would nullify the Officer justification for the second or appeal application.

Therefore, to be logical, if your recommendation is to permit the current application it would revert to the ante status quo and should also recommend the demolition of the existing on site works.

This would be in accordance with the Report of the Local Government Ombudsman.

If you are minded to grant this application, simpliciter, then I wish the matter to go to the Committee.

I would then request that the previous decisions and this letter are available in full to Members.

I understand from the Cabinet Member for Regeneration that the Planning Officer now has responsibility for a case file "from the cradle to the grave". Accordingly, I should be pleased to have your report on the alleged discrepancy of the ridge heights at this site. Further, that this will be a matter considered within your report".

Subsequent comment:

"If Officers are minded to grant approval for this application, then I would wish you to refer this matter to the Planning Committee. I do so on the grounds that this marks an unwarranted deviation from the previous and subsequently approved planning permission".

Objections have been received from **four neighbouring properties**, upon the following grounds:-

- Too much parking/hardstanding
- Planning history
- Impact upon the street scene
- Loss of green space
- Overdevelopment
- Overbearing, due to levels
- Noise, disturbance and fumes
- Detrimental to the use of the front garden of "Roxley House".
- Highway safety
- Impact upon proposed landscaping
- The development on site is not in accordance with the approved plans
- Unnecessary
- Plot 2 may follow
- Original scheme would not have been permitted if this had been included

CPRE have objected to the proposal. The main issue raised is the impact upon the character and appearance of the street scene/area.

## **CONSIDERATIONS**

### Site and Situation

The application site is a plot of land, located just within the urban area of Maidstone. Originally containing one dwelling, planning permission has recently been granted for the redevelopment of the site to contain two dwellings. Two houses are under construction. The approved vehicular access to the houses was via a public footpath (already used by vehicular traffic) to the north western boundary of the site, leading to two parking spaces for each dwelling (one each within a garage and one outside of it). The street scene is made up predominantly of detached properties, being set at a higher level than the road, often with low retaining walls with landscaping on top of them to the front boundary. Most properties have a driveway leading on to Ware Street, and also a soft landscaped area (e.g. lawn etc).

### Proposal

Planning Permission is sought for the construction of a vehicular access onto Ware Street for the property upon Plot 1 only, with a hardsurfaced parking and turning area. The driveway would be 2.4m in width, with a block paved surface. The works would involve the removal of a section of bank and hedgerow, as the road is at a lower level than the site.

### Planning Considerations

#### Main Issue – Impact upon the character and appearance of the Streetscene

In my view, the key issue relates to the impact upon the character and appearance of the street scene. As stated, the street scene is made up of predominantly detached dwellings and it is important to note that almost all of the properties upon the south western side of this part of the street have front accesses onto Ware Street. Indeed, it is considered fair to state that access drives onto Ware Street are characteristic of this part of Ware Street. Although Plot 1 appears to have a smaller front garden than most of the properties in this part of the street, I do not consider that the extent of hardsurfacing proposed would be significantly out of character with the street, since several of the other properties have quite extensive hardsurfacing areas.

In particular, 'Leyfield Lodge' has a very wide hardsurfacing area across its frontage and there is a prominent parking area to the front of 'The Chase', which has low walls to its sides. Also, two adjoining driveways at 'High Chymes' and 'Kenmead' have resulted in a wide expanse of hardsurfacing and large break in soft landscaping. The proposal seeks an access width of only 2.4m, which is understood to be the minimum

access width acceptable to Kent Highways and only one additional space (with turning area) would be created. Most properties in this area can easily accommodate more than one car to a front parking area.

### Impact upon landscaping

The proposal would result in the loss of some hedging to the frontage, but to my mind, because of all of the existing access drives, the overall visual impression of the street is already one of small sections of hedging and low walls, broken by accesses. The proposal would not be out of character with this pattern, nor is the position such as to create an undue concentration of accesses in such very close proximity, in my opinion. I accept that the loss of a part of the hedging and bank is regrettable, but over 6m of hedging is shown to remain and I do not consider that the proposal would result in such significant harm to the character or appearance of the street scene such as to justify a refusal, because of the character and appearance of the existing streetscene, where there are examples of prominent hardstanding areas and landscaping is not considered to be wholly high quality nor totally screening. Given that the existing trees are to remain, with the hedging and two proposed trees, it is my opinion that there would be insufficient space remaining to provide any significant compensatory landscaping. However, whilst landscaping is clearly an important feature of this street, not all of the properties have dense landscaping, nor solid hedging all along frontages, and, as stated, because of the mixed nature of the surroundings, it is considered that the site would not stand out in the streetscene and that the reduction in landscaping would not be of such a scale as to justify a refusal which would sustain at appeal.

I note also that upon the original permission for the two houses (reference MA/08/0141), Members resolved to amend Condition 4 relating to landscaping, to include the reinforcement of the hedge to the front of the site and fruit trees. However, as stated, the access would only be 2.4m wide, with over 6m of the hedging to remain and, as stated, due to the layout and appearance of the street, I do not consider that the loss of this section of banking and hedging would be so detrimental to the street scene as to justify a refusal which would sustain at appeal. There would also still be over 50m<sup>2</sup> of remaining front garden area in which to provide soft landscaping including trees.

The existing trees close to the boundary with Roxley House are shown to remain and the Landscape Officer considers that they are unlikely to be lost as a result of the development, subject to a condition regarding tree protection measures and details of the method of construction of the driveway.

Two trees were proposed to the front of Plot 1 under the landscaping scheme for the new dwellings, these being a Bird Cherry and a Crab Apple. Due to the position of the trees, it is considered appropriate to attach a condition requiring their species to be swapped over, so that the larger tree, the Bird Cherry, would not be where the canopy would be as likely to overhang the driveway, to minimise the need for pruning. I

understand that the Landscape Officer is of the opinion that the siting of the driveway would be unlikely to result in conditions which would preclude the growth of the trees, and the species and number of trees to the front of Plot 1 would remain as per the previous application, which would, in my view, result in a satisfactory appearance to the streetscene.

#### Car parking / previous reason for refusal

I have perused the planning history for the site. I note that application reference MA/07/2285 was refused due to the extent of hardstanding and over provision of car parking. However, the original scheme showed eight spaces, with the approved scheme providing four (with a further space estimated to be available upon the turning area in both applications). Only one new space is now proposed, such that the proposal would still result in less car parking spaces than were originally refused for the two plots (5 as opposed to 8). Also, the new hardsurfacing would be to the front and would not therefore result in an increase to an existing large expanse of hardsurfacing, but instead two separate areas, which I consider would have less impact due to the house and garden being situated between them.

#### Highway Safety

In terms of highway safety, although the road is a busy road, it is fairly straight outside the site, giving reasonable visibility and the speed limit is only 30mph, such that it is anticipated that vehicles would typically be travelling at relatively low speeds. Importantly, it is noted that the Highways Engineer (Kent Highways) has not objected to the proposals on highway safety grounds. A drawing has been provided, showing 43m visibility splays. I do not consider that the access would be positioned so close to the adjoining accesses such as to significantly affect the use of those accesses. Taking all of these points into account, it is concluded that the impact upon highway and pedestrian safety is acceptable.

A letter of representation refers to the appeal dismissed for the site under reference MA/89/0827. This appeal was dismissed for two reasons, one being highway safety (insufficient visibility). However, it is considered that the schemes are significantly different, as the proposed access would be in a different place, and also it would be further from the bend in the road to the north, referred to in the appeal decision (see appendices). Moreover, visibility requirements have been significantly reduced over time, most notably through the "Manual For Streets", and, importantly, as stated, Kent Highways have not objected to the proposal.

#### Other Issues

It is considered that the development would not result in an unacceptable level of noise, disturbance or fumes, due to the scale of the development. Indeed, the driveway would not be situated adjacent to any main patio area for any property, nor

significantly close to any main habitable rooms, nor would it pass alongside any dwelling. In a row of houses within an urban area, it is considered wholly usual that one front parking and turning space may be provided.

The fact that the development may be unnecessary and a deviation from the previously approved scheme is not in itself considered to warrant a refusal, in the absence of any significant identifiable harm.

It is stated that Plot 2 may follow. However, each case must be assessed upon its own merits and that is what I have done in this case.

I do not consider that the development would have an overbearing impact upon the occupiers of 'Roxley House', as, whilst the front garden of Plot 1 is raised above the level of 'Roxley House's' front garden, only a surface is proposed, rather than any bulk or mass such as may result from a building. That property's front garden is also already overlooked from the footpath in the street to the front.

Any discrepancies between the houses as built and the approved plans are considered to be enforcement issues, as this application relates only to a new access and driveway.

It is noted that the parking area to the rear has been surfaced with tarmac, which the planning history indicates has not been approved. (Details of block paving were provided and were considered satisfactory under reference MA/08/1287, although not formally approved under that reference, as the details of another condition were refused). Again, this is considered to be an enforcement issue, however, I do consider it appropriate to attach an informative regarding this matter, to remind the applicant of the need to comply with the condition.

I do not consider the parking condition (to retain the parking area in future) suggested by Kent Highways to be necessary, as the dwellings were permitted with parking to the rear, which clearly therefore was considered adequate. Also, the "wheel washing" condition relating to the construction phase I consider to form an informative.

## **CONCLUSION**

The development is considered to have an acceptable impact upon the streetscene and highway safety and to comply with Development Plan Policy. Approval is therefore recommended.

## **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. Prior to the commencement of the development, a 1:100 scale plan of the proposed hardsurfacing area shall be submitted to the Local Planning Authority, which shall follow the details submitted and the hardsurfacing area, including the turning head, shall not exceed 2.4m in width. The development shall be constructed in accordance with the approved plan;

Reason: The submitted drawing is not sufficiently accurate and to provide a satisfactory appearance to the development, in accordance with Policy QL1 of the Kent & Medway Structure Plan 2006.

3. Before the access hereby permitted is first brought into use the area between the nearside carriageway edge and lines drawn between a point 2.0m back from the carriageway edge along the centre line of the access and points on the carriageway edge 43m from and on both sides of the centre line of the access shall be cleared of obstruction to visibility at and above a height of 900mm above the nearside carriageway level and thereafter maintained free of obstruction at all times.

Reason: In the interests of highway safety, in accordance with Policy QL1 of the Kent & Medway Structure Plan 2006.

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

Reason: In the interests of highway safety, in accordance with Policy QL1 of the Kent & Medway Structure Plan 2006.



5. Trees 3 and 4 shown upon the block plan received on 06/02/09 shall be a Bird Cheery (Tree 3) and a Crab Apple (Tree 4) unless otherwise agreed in writing by the Local Planning Authority;

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

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

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

7. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction-Recommendations'. No work shall take place on site until full details of protection, together with full details of the method of construction of the driveway, 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. The driveway shall be constructed in accordance with the approved method and details;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development, in accordance with Policy QL1 of the Kent & Medway Structure Plan 2006.

### **Informatives set out below**

Adequate precautions should be taken in order to prevent the discharge of surface water, loose material etc., from the drive area onto the public highway.

Please advise the applicant that this permission does not convey any approval for the required vehicular crossing or any other works within the highway which a licence must be obtained. Applicants should telephone 08458 247800 in order to obtain the necessary Application Pack.

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

The applicant is reminded of the need to comply with all of the conditions of planning permission MA/08/0141. In particular, it is noted that the parking area to the rear has been surfaced with tarmac, which has not been approved (Application MA/08/1287 for the discharge of conditions was refused and therefore it appears that no hardsurfacing details pursuant to condition 10 have been approved). This situation should be addressed immediately, or it may be necessary for enforcement action to be considered.

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.

# Delegated Report

VALHALLA, WARE STREET, WEAVERING, MAIDSTONE, ME145LA

Demolition of existing bungalow and erection of two detached dwellings as shown on drawing number 4572/07 and 2 unnumbered drawings received on 5/11/07.

Publicity Expiry Date: 07-Dec-2007

**Has statutory consultation and neighbour notification been properly carried out? Yes**

Has the application been properly advertised? N/A	
<input type="checkbox"/> the decision would not conform to the provisions of the Development Plan	<input type="checkbox"/> was accompanied by an EIA
<input type="checkbox"/> would affect a public right of way	<input type="checkbox"/> is a major development
<input type="checkbox"/> is of wide public interest	<input type="checkbox"/> affects a conservation area
<input type="checkbox"/> affects a listed building	
Is it necessary to consult the Sec. of State (GOSE) before determining this application? No	
<input type="checkbox"/> T&CP (Shopping Development) (England & Wales) (No 2) Direction 1993	specified retail developments over 2,500m <sup>2</sup>
<input type="checkbox"/> Circular 14/97 'Planning & Historic Environment' Appendix A	specified listed building consent applications
<input type="checkbox"/> T&CP (Development Plans & Consultation) (Departures) Direction 1999	specified major departures from Development Plan
<input type="checkbox"/> Circular 9/98 T&CP (Playing Fields) (England) Direction 1998	loss of specified playing fields
<input type="checkbox"/> Circular 8/00 T&CP (Residential Development on Greenfield Land) (Eng) Direction 2000	more than 150 dwellings or 5 hectares of housing
Do the matters considered in this report raise any unique Human Rights issues? No	

## POLICIES

Maidstone Borough-Wide Local Plan 2000:

Kent & Medway Structure Plan 2006: QL1, HP2, HP4

Village Design Statement:

Government Policy: PPS1, PPS3, PPG13

## HISTORY

No relevant history

## CONSULTATIONS

Newspaper Advertisement Expiry Date: N/A

Parish Council: Thurnham Parish Council wish to see the application REFUSED on the following grounds:-

The proposal would be an overdevelopment of the site not in keeping with its surroundings.

Unnecessary loss of trees.

Concern regarding the access.

Neighbours: Thirteen letters of objection have been received on the following grounds:-

Loss of light

Loss of privacy

Adverse impact on the street scene

Loss of property value

Conflict with the public footpath

No right of access to the rear of the plots

Inappropriate housing in terms of the proposed mix

Excessive size of the garaging

Noise disturbance from car parking area

A petition signed by 22 people objecting to the application.

Other: CPRE Maidstone raise concern regarding the design of the proposed development and its density.

Cllr Horne has objected to the application on the grounds of conflict on the footpath, impact on the character of the area and loss of a starter home.

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**Disabled Considerations:** None

**Environmental Health Considerations:** The Environmental Health Manager has no objections to the application subject to the imposition of conditions and informatives.

**Highways Considerations:** KCC Highways have no objections to the application in terms of all highway matters.

**Public Safety Considerations:** None

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## **CONSIDERATIONS**

Site Visited: 23/11/07

The application site relates to a detached bungalow and garden on the south side of Ware Street. The site is within the Parish of Thurnham but is located within the urban boundary of Maidstone.

The application is for the demolition of the existing bungalow and the erection of two detached dwellings with a detached garage building and associated hardstanding. The proposed dwellings would be two storey 4.8 metres to the eaves and 7.6 metres to the ridge. There would be a gap of approximately 1.9 metres between the two proposed properties.

The site is a brownfield site and is located within the urban area and therefore the principle of residential development is acceptable.

The character of Ware Street is of properties with plots that are relatively spread out with significant gaps between them. Although the proposed development would maintain significant gaps between the adjacent properties of Dyffrhyn View and Roxley House the gap between the properties would be small in comparison and therefore would give a cramped visual appearance detrimental to the character and appearance of the surrounding area. Furthermore the built development and hardstanding to the rear would provide a total of twelve car parking spaces (a significant overprovision for two dwellings), which would again harm the pattern and layout of the surrounding area.

The proposed properties would be over 7 metres from the adjacent property of Dyffrhyn View. This distance would be sufficient to prevent any significant loss of light or overwhelming impact on the occupiers from the dwelling at plot 2. The proposed property at plot 1 would be 2.5 metres to the garage of Roxley House and nearly 7 metres from the main property element.

There are no windows proposed in the flank elevations facing the properties either side and therefore no significant loss of privacy would occur to the occupiers. The properties to the rear would be in excess of 40 metres from the proposed development thereby safeguarding the existing privacy levels.

Loss of property value is not a planning issue, neither is the right of access over the drive.

No comments have been received from KCC footpaths advice regarding the impact on the footpath. However, there are other instances within the Borough where vehicular accesses and public footpaths coincide for example in New Barns Road Penenden Heath.

There would be approximately 12 metres distance between the garage parking areas and the properties to the rear in Fulbert Drive and therefore no adverse impact on the residential amenity of the occupiers from noise.

Overall my recommendation is for refusal.

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**RECOMMENDATION**

My recommendation is for refusal (R)

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**DECISION****Conditions or reasons for refusal**

1. The proposed development by virtue of its scale, extent of built development and hardstanding would not represent good design and would also result in an overprovision of car parking that would have a detrimental impact on the character and appearance of the surrounding area contrary to policies QL1 of the Kent and Medway Structure Plan (2006) and guidance contained within PPS1 and PPS3.

**Informative****REASON FOR APPROVAL (if appropriate)**

Agreed by PPO R. Tamm Date 21/12/07

**THE MAIDSTONE BOROUGH COUNCIL**  
**PLANNING APPLICATION NUMBER: MA/08/0141**      **GRID REF: 7895-5639**  
**VALHALLA, WARE STREET, WEAVERING,**  
**THURNHAM**



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**Steve Goulette, Assistant Director**  
**Regulatory and Environmental Services**

APPLICATION: MA/08/0141 Date: 18 January 2008 Received: 24 January 2008  
APPLICANT: Clarendon Homes Ltd.  
LOCATION: VALHALLA, WARE STREET, WEAVERING, MAIDSTONE, ME145LA  
PROPOSAL: Erection of two detached houses and garages (resubmission of MA/07/2285) as shown on drawings, design and access statement and landscaping schedule received on 24/01/08.  
AGENDA DATE: 13th March 2008  
CASE OFFICER: Mark Pullin

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

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

### **POLICIES**

Maidstone Borough-Wide Local Plan 2000: N/A  
Kent & Medway Structure Plan 2006: HP4 and QL1.  
Village Design Statement: N/A  
Government Policy: PPS1, PPS3 and PPG24.

### **HISTORY**

07/2285 Demolition of existing bungalow and erection of two detached dwellings, refused, 21/12/07.

The above application was refused for the following reason:-

"The proposed development by virtue of its scale, extent of built development and hardstanding would not represent good design and would also result in an overprovision of car parking that would have a detrimental impact on the character and appearance of the surrounding area contrary to policies QL1 of the Kent and Medway Structure Plan (2006) and guidance contained within PPS1 and PPS3."

### **CONSULTATIONS**

KCC Highways – Raise no objections to the application subject to conditions.

Maidstone Borough Council Environmental Health – No objections raised.

ZCRD

## **REPRESENTATIONS**

Cllr Horne – Requests the application be reported to committee if minded to approve for the following reasons:-

- The application will distort the street scene and have an adverse effect on the character of the area.
- Ridge height, fenestration and massing comparable to dwellings on opposite side of the street.
- Mature trees to the rear of the property were previously felled by the applicant.
- Ware Street suffering from increased traffic
- Access would not be onto land owned by Kent Highways but over private land and further encroachment onto footpath KH119.
- Lack of safe pedestrian facilities.
- Provision of bungalows makes an important contribution to the special need housing stock for the elderly.

3 letters of objection received from local residents raising the following points: -

- Overdevelopment of the site.
- Overshadow 'Dyffrhyn View'
- Block view and light from Kitchen and Dining Room of 'Dyffrhyn View'
- Density would be out of keeping with the densities of surrounding dwellings.
- Loss of one well maintained house is not good for the environment
- Not enough parking created for the size of the dwellings
- Access to the parking area is across private land and is a narrow route which would be dangerous.
- Replacement planting shown on the plans does not compensate for loss of planting previously on site.
- Few differences to the original refused scheme
- Fenestration arrangements would cause problems for future occupiers of the dwellings.
- Moving the catslide roof to the centre of the site would increase the bulk of the dwellings.
- Increased traffic along the footpath

## **CONSIDERATIONS**

### **Site and Surroundings**

The application site is located within the defined settlement boundary of Maidstone in a residential part of Bearsted. Ware Street has a mixed street scene in terms of design, form and ages of properties and the properties on the south western side are set at a higher level than the highway. Set backs are key characteristics of the street along with mature planting and landscaping creating a semi-rural feel. The application site is



currently occupied by a detached bungalow with a double garage and 2 further off road parking spaces on a driveway to the front. The remainder of the curtilage is lawn and planting. Boundary treatment is a mix of planting and fencing approximately 1-2 metres in height.

### Proposal

The proposal is for the erection of two detached houses and garages (resubmission of MA/07/2285). The dwellings are set approximately 13-15 metres from the pavement edge and between 9.5-11 metres in depth. The front elevations would have a gable feature and pitched roof dormer window on a set back section of the roof. Both dwellings would have a living room, dining room, kitchen / breakfast room, study and utility room at ground floor level and 5 bedrooms, 2 en-suite bathrooms and one family bathroom at first floor level. The materials of the external surfaces of the dwellings would be stock facing brickwork with contrasting feature bricks and clay plain tiles on the roof and dormer.

The garage block would be located to the rear of the dwellings and would measure 6.5 metres in depth and 7.5 metres in width. An area of hard standing would be provided in front of the garages to provide a turning area to further parking spaces. Thus the overall parking would be 2 spaces for each of the 2 dwellings. The materials of the external surfaces of the garage would be redland duo plain roof tiles and facing brickwork to match the dwelling.

The plans show much of the existing planting would be retained and 2 additional trees planted in the rear gardens of the dwellings. The plans also show patio areas to the rear of each dwelling and garden paths running in the front and rear gardens.

### Issues

#### Principle of the Development

The site is located within the urban boundary on previously developed land. Both national guidance and local policy encourages the development of this type of land. The wider area is predominantly residential and therefore the proposal would be in keeping with the existing use in the locality and the principle of the development is therefore considered acceptable. PPS3 requires consideration to be given to the scale, density, layout and access arrangements, plus to whether the site lies in a sustainable location.

#### Sustainability

The site lies within the urban boundary of Maidstone adjacent to Ware Street, which is a fairly busy local route connecting Bearsted to Grove Green and junction 7 of the M20. The site is also located adjacent to a public footpath connecting the site with Grove Green Local Centre approximately 500m south west of the site and therefore close to

various services and facilities. There are also public transport routes close by with Bearsted railway station being in walking distance. As such the site is considered to constitute a sustainable location. A condition is recommended to ensure the applicant submit details illustrating how the development could achieve a minimum level 2 on the Code for Sustainable Homes.

### Density

The density of the proposal would be 20 dwellings per hectare which is slightly lower than government guidance for developments within the urban boundary but comparable to the densities of surrounding dwellings.

### Impact upon street scene and design

The proposed dwellings would be set back from the highway by approximately 12-15 metres. Most of the dwellings on the south western side of Ware Street are set back a similar distance and therefore the development would generally follow the building line in this section of Ware Street. The recessed sections of roof with the dormer windows would reduce the massing at roof level and help to create a gap between the proposed properties at first floor level of approximately 8 metres. There would also be a gap of between 6- 8 metres retained between plot 2 and Dyffrhyn View and a gap of 3 metres at ground floor level and 7 metres at first floor level between plot 1 and Roxely House. These distances are considered sufficient to maintain the character and appearance of the locality.

The street scene is mixed and therefore the scale, height and fenestration detailing of the proposed dwellings would not appear out of keeping with the existing built form in the immediate area. The mix of materials on the front elevations would also soften the appearance of the built form and create an interesting frontage complementing the character of the locality.

The handing of the dwellings from the scheme originally submitted creates a greater gap between the properties due to the presence of the recessed roof elements. The garage has been reduced in size and the level of hard standing both within the plots and adjacent to the garage has also been reduced. It is considered these alterations have created a development which sits well within the site and maintains an acceptable level of soft landscaping. Therefore the reasons for the previous refusal have been adequately addressed.

### Residential Amenity

Roxley House is set to the south east of the application site. The side flank of Roxley House at first floor level is sited 7 metres from the side flank of plot one with the ground floor of Roxley House being set 3 metres from plot one. There are no windows

servicing habitable rooms in the side flank of Roxley House at either first floor or ground floor level and the proposed dwelling in plot one would not project further than the rear elevation or notably further than the rear elevation. Therefore the proposal would not result in any detrimental impacts with regards to outlook, daylight or privacy to this dwelling.

Dyffrhyn View is set to the north west of the application site. There would be a gap of 6-7 metres between this dwelling and plot 2 and the windows serve non-habitable rooms and are secondary windows. The proposed dwelling in plot 2 would also not project further than the front elevation of Dyffrhyn View and only marginally further than the rear elevation. Therefore taking into consideration the siting of the dwellings and arrangement of windows there would not be detrimental impacts to the outlook or daylight enjoyed by the dwelling.

The rear garden of Roxley House is located to the south of the application site and therefore due to this orientation and the path of the sun there would be no overshadowing caused by the proposal over the rear garden of Roxley House. The proposed dwellings would be sited a similar distance from the highway to the existing built form and the ridge height of the proposed dwellings is similar to Roxley House. In addition to this a gap of 6-7 metres would be retained between the Dyffrhyn View and plot two. Taking these points into consideration it is considered there would be no significant increase in overshadowing of the rear garden of Dyffrhyn View.

One window is proposed at first floor level to towards Roxley House and Dyffryhn View though these are shown to be obscure glazed, a condition is recommended to control this. Boundary treatment would protect privacy at ground floor level and therefore there would be no loss of privacy to the dwellings.

Overlooking would be possible from the application site into the rear gardens of surrounding dwellings though due to the presence of existing first floor windows there is currently an existing mutual impact and therefore this is considered acceptable.

The dwellings located to the rear in Fulbert Drive are sited sufficient distance from the application site to not suffer from a detrimental loss of outlook, daylight, sunlight or privacy.

#### Amenity for Future Occupiers

The fenestration arrangements in the elevations of the dwellings would result in acceptable levels of outlook, daylight and privacy. A condition is recommended to ensure no additional windows are inserted in the side flanks of the dwellings in order to protect privacy. Overlooking would be possible between the rear gardens of dwellings though this would be a mutual impact and therefore acceptable. The orientation of the dwellings and path of the sun would also not result in excessive overshadowing to the rear gardens.

### Access

The application proposes 4 off road parking spaces for 2 dwellings resulting in 2 spaces per dwelling. The site is located within the urban boundary close to public transport routes and therefore this level of off road parking is in line with KCC parking standards. The access onto Ware Street would remain as existing and therefore it is considered that there are sufficient vision splays when leaving the site. The KCC Highways Officer has also raised no objections to the application.

### Conclusion

In conclusion, I consider that the proposal accords with the development plan and Government policy, is acceptable in other respects and is therefore recommended for permission.

### RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. Prior to the commencement of development, samples of the roof tiles, facing bricks and feature bricks to be used in the construction of the external surfaces of the buildings hereby permitted shall be submitted to and approved in writing by the Local Planning authority and the development shall be constructed using the approved materials.

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

2. Prior to the commencement of the development, details of the fenestration, rainwater goods and eaves detail should be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved details.

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

3. Prior to the commencement of development, details of all fencing, walling and other boundary treatments shall be submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the buildings or land and maintained thereafter.

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers in

accordance with policy QL1 of the Kent and Medway Structure Plan 2006.

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved schemes implementation and long term management.

Reason: No such details have been submitted and in order to ensure a satisfactory appearance to the development in accordance with policy QL1 of the Kent and 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 buildings or the completion of the development, whichever is sooner, and any trees or plants which within a period of five years from the implementation 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 authority gives written consent to any variation.

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

6. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and convenience in accordance with policy QL1 of the Kent and Medway Structure Plan 2006.

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

Reason: Development without provision of adequate accommodation for the parking

of vehicles is likely to a detrimental impact on highway safety and amenity in accordance with policy QL1 of the Kent and Medway Structure Plan 2006.

8. Before the development hereby permitted is first occupied, the en-suite bathroom windows at first floor level in the flank elevations of the dwellings shall be obscure glazed and shall subsequently be maintained as such to the satisfaction of the local planning authority.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective authority in accordance with policy QL1 of the Kent and Medway Structure Plan 2006.

9. No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in the walls of the dwellings hereby approved unless approved in writing by the Local Planning Authority.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of their occupiers in accordance with policy QL1 of the Kent and Medway Structure Plan 2006.

10. Prior to the commencement of the development, details of hard landscaping works within the communal parking area and private patios shall be submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the buildings.

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

11. The development hereby permitted shall be constructed to the Code for Sustainable Homes standard achieving at least a level 2 rating.

Reason: To ensure a sustainable and energy efficient form of development in accordance with PPS1 and policy NR1 of the Kent and Medway Structure Plan 2006.

12. The development hereby permitted shall be constructed to the Code for Sustainable Homes standard achieving at least a level 2 rating.

Reason: To ensure a sustainable and energy efficient form of development in accordance with PPS1 and policy NR1 of the Kent and Medway Structure Plan 2006.

### **Informatives set out below**

Provision should be made for the separate storage of recyclables from household waste. Advice on recycling can be obtained from the Environmental Services Manager.

Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the EHM regarding noise control requirements.

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

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

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

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

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

Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

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.

Not previously Seen

**Item: 18**

**Page: 187**

**Reference number: MA/08/0141**

**Address:**

**Valhalla  
Ware Street  
Bearsted  
Maidstone  
Kent**

### REPRESENTATIONS

THURNHAM PARISH COUNCIL – Wishes to see the application refused.

'We feel that the proposal would be an over development of the site, which is not in keeping with its surroundings.'

KCC PUBLIC RIGHTS OF WAY OFFICER – Raises objection to the application with regard to the legality of using the footpath for access though raises no objections concerning traffic movements and highway safety.

1 petition with 22 signatures raising concern regarding the impact of the density of the build on the appearance of Ware Street

1 petition with 23 signatures raising concern regarding the increased traffic using the footpath KH119

7 letters of representation from local residents raising objection to the application on the following points have been received: -

- Increased traffic as a result of the development and proposed development at 'The Retreat' using a tiny drive and accessing onto a busy narrow road would be dangerous.
- Footpath was not originally designed from motor vehicles but pedestrians.
- Proposal is not in keeping with the street scene as the dwellings would not match the building line and the spacing between the dwellings would make the development appear cramped.
- Density of the development is too high.
- Previous reasons for refusal have not been overcome.
- Access is owned by the owners of 'The Retreat' and use by the developer has not been agreed.
- Inadequate levels of parking.
- Proposed dwelling design would be stereotypical and not considerate of the appearance of the street.
- Plot 2 would appear dominant and overshadow to Roxley House.
- Lack of fencing between plot 1 and the footpath.



- Trees at the front are important in the street scene and these should be protected.
- Loss of privacy and safety during construction phases to residents in Roxley House.
- Overlooking and loss of privacy to 22 and 24 Fulbert Drive.
- Increased noise, smells and disturbance from the increased traffic and numbers of people occupying the plot.
- Previous removal of trees in rear garden means outlook has changed but as a result of the application would be replaced with a double garage block.

These points have either been addressed in the committee report or are addressed below in the officer comments section.

Following publication of the committee agenda the following correspondence has been received: -

2 emails from the occupier of Roxley House raising questions regarding the committee report and specifically the following points:-

- The petitions submitted and some of the letters of representation are not included on the committee report.
- Committee report makes no mention of the public footpath adjacent to the site.
- Comments made concerning the existing level of overlooking experienced by the occupiers of Roxley House are incorrect.
- The measurements relating to the gap to be retained between Roxley House and plot 1 are incorrect; such a small gap would adversely effect the street scene.
- Questions also raised regarding the boundary treatment that may be erected on the boundary of the site with Roxley House if the application were to be approved.

Various emails received from the occupier of Grims-Dyke raising concerns with the officer recommendation and specifically the following points:-

- The 3 letters of representation mentioned in the committee report and omission of the petitions is incorrect
- Depth of the proposed dwellings is 13 metres and not 9.5-11 metres as outlined in the report.
- Gap at first floor level would not be 8 metres, as this would include the presence of the cat slide roofs.
- The 7-metre gap between at first floor level between plot 1 and Roxley House would only be 3 metres at ground floor level and all figures have been rounded up.

- 3
- Dyffrhyn View has a window serving a habitable room, a dining room, facing plot 2 and a lounge window in plot 2 on the northwestern side would face Dyffrhyn View.
  - There would be loss of privacy to 24 Fulbert Drive as trees have been removed.
  - Reasons for refusal last time have not been overcome as the scale of the development remains the same and the parking is now inadequate for the 10 bedrooms planned on site.
  - Lack of consideration to the traffic on the public footpath.
  - Revised scheme includes the reduction in the size of the garage though this should also be the reduction in the size of the dwellings.

#### OFFICER COMMENTS

The issues raised by local residents relating to the density and the impact on the character and appearance of the development on the street scene have been largely outlined in the committee report. The depth of the dwellings as outlined in the report is incorrect and would measure approximately 12.4 metres at ground floor level and approximately 10.4 metres at first floor level. The gap between the proposed dwellings and gap between plot 2 and Roxley House is smaller than that seen on some other dwellings in Ware Street. The gap between plot 2 and Roxley House would be approximately 2 metres and not 3 metres as outlined in the report. However the set back of the dwellings from the highway is the main characteristic feature and this would be retained. The density of the development is also lower than government guidance suggests for residential development within a settlement boundary and taking these points into consideration the spacing between the dwellings is considered acceptable.

In terms of residential amenity, the presence of a lounge window in the side flank of plot 2 to face Dyffrhyn View at ground floor level is acknowledged. The dining room window in the side elevation of Dyffrhyn View is secondary to a window in the front elevation of the dwelling and therefore no concern is raised with regard to outlook and daylight.

In terms of the comments made regarding the overlooking of Roxley House and its rear garden, the application site currently does not overlook this dwelling as there are no first floor windows. The proposal would result in first floor windows in the both proposed dwellings which would result in overlooking of the rear garden of Roxley House. This impact would be a mutual impact as first floor windows in Roxley House could overlook the rear gardens of the proposed dwellings. Due to the mutual impact the overlooking is considered acceptable and not significant enough to justify refusal.

The removal of mature trees on the rear boundary has already taken place and these were not protected by a Tree Preservation Order, therefore the loss of these trees would not require consent. The properties in Fulbert Drive are considered sited approximately 40 metres away and currently suffer from mutual overlooking due to the other first floor level windows in Fulbert Drive. Therefore no concern is raised with regard to overlooking.

The access to the site is along a public footpath however the occupiers of 'The Retreat' currently use this along with occupiers of 'Dyffrhyn View' and 'Valhalla'.

The KCC Public Rights of Way Officer states:-

'The section of the path that is affected by the proposal is already a vehicular access to another property. The affected length has a restricted width, probably insufficient to allow a vehicle and pedestrian to pass comfortably, but there is good visibility and it would cause an insignificant amount of disruption to the journeys of either pedestrians or motorists for either one to wait until the other had cleared the narrow section.

Concern has been raised regarding the restricted visibility for motorists when leaving the turning area and subsequent safety for pedestrians from the south however it has been acknowledged by the Public Rights of Way Officer that this could be overcome by having low fencing (no more than 1 metre in height) on the western corner of the site. A condition has already been recommended to ensure details of boundary treatment to be submitted.

The Public Rights of Way Officer also raises concern with regard to legality of using the access and states that the applicant should show they have the right to pass over the footpath in vehicles as otherwise it would be a criminal offence to do so. This is not a planning issue and therefore the application can not be refused on these grounds.

Both the KCC Highways Officer and Public Rights of Way Officer have raised no objection to the application with regard to traffic generation or highway safety. Accordingly the proposal is considered acceptable with regard to the aspects.

Conclusion

Therefore the recommendation remains unchanged as grant PLANNING PERMISSION subject to the conditions set out in the committee report.

Please Scan to all 7

Files below -

		PRODUCE DECISION NOTICE	
18.	MA/08/0141	<p>VALHALLA, WARE STREET, WEAVERING, MAIDSTONE</p> <p>Members agreed to APPROVE the application in accordance with the papers with an amended condition 4 as follows:-</p> <p>No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping including the reinforcement of the hedge to the front of the site and fruit trees, 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 schemes implementation and long term management.</p> <p>Reason: No such details have been submitted and in order to ensure a satisfactory appearance to the development in accordance with policy QL1 of the Kent and Medway Structure Plan 2006.</p> <p>With an additional condition as follows:-</p> <p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1 Class F to that Order shall be carried out without the permission of the Local Planning Authority;</p> <p>Reason: To safeguard the character, appearance and functioning of the surrounding area in accordance with policy QL1 of the Kent and Medway Structure Plan 2006.</p> <p>PRODUCE DECISION NOTICE</p>	DC
19.	MA/08/0150	<p>3-6, FIR TREE CLOSE, STAPLEHURST</p> <p>Members agreed to APPROVE the application in accordance with the papers and the urgent update report</p> <p>PRODUCE DECISION NOTICE</p>	DC
20.	MA/08/0157	<p>1, HATCH ROAD, LENHAM</p>	DC

ITEM 42  
28 JUN 1990

DEVELOPMENT CONTROL REPORT EXTRACT

D/367/JL/P



COMMITTEE  
Planning Inspectorate  
Department of the Environment  
Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ  
Telex 449321

927  
Direct Line 0272-218  
Switchboard 0272-218811  
GTN 1374

Your reference

A C Moore  
Wiertons  
Frith House  
Dean Street  
East Farleigh  
MAIDSTONE  
ME15 0PR

Our reference  
T/APP/U2235/A/89/136192/P8

Date  
31 MAY 1990

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY: MRS B K HUNTER  
APPLICATION NO: MA/89/0827 N

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Maidstone Borough Council to refuse outline planning permission for a bungalow at Valhalla, Ware Street, Bearsted, Maidstone, Kent. I have considered the written representations made by you and by the Council and also those made by the Parish Council and other interested persons. I have also considered those representations made directly by other interested persons to the Council which have been forwarded to me. I inspected the site on 4 April 1990.
2. From my inspection of the site and its surroundings and from the representations made I consider that there are 2 main issues to be decided. First, whether the proposal would result in an unacceptably cramped form of residential development, out of character with the surrounding area and detrimental to the amenity of neighbouring residents; and second, whether it would give rise to conditions detrimental to the safety of users of the adjoining highway, Ware Street.
3. The site forms part of the large rear garden of Valhalla, and the illustrative drawing submitted as part of the planning application shows a 2-storey dwelling sited relatively close to the boundaries of other properties to the south-west of the site. There are hedges and trees growing around 3 sides of the site which would help to screen the proposed development and a nearby property, The Retreat, has established a precedent for backland development off the existing access lane which serves Valhalla and other properties. It also seems to me that neither Valhalla nor the proposed dwelling would have unacceptably small gardens as a consequence of this proposed development.
4. Nevertheless I take the view that if development were to be permitted based on either the illustrative scheme submitted with the application or the scheme submitted as part of the appeal this development would comprise an unpleasantly bulky and intrusive building which could give rise to overlooking of adjacent properties because of the presence of a first floor bedroom with a dormer window. In my opinion such development would be likely to have a cramped appearance in what are otherwise relatively spacious surroundings and would thus be out of character with the locality and likely to diminish the level of privacy currently enjoyed by neighbouring residents.
5. Turning to the matter of highway safety, I saw on my site visit that Ware Street was a relatively busy road and that the presence of steeply sloping banks on either side of the access to Valhalla, together with the curving nature of the

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highway, afforded poor visibility for vehicles emerging from the access. I have noted your proposal that the access should be widened, with a new fence line set further back from the highway, but while this would obviously improve visibility looking in a south-easterly direction, visibility in a north-westerly direction would in my opinion still remain poor.

6. Taking into account also the fact that the existing access lane already serves 4 dwellings as well as a boarding kennel business, I have concluded that the additional use of this access by traffic associated with the proposed development would be likely to increase the risk of hazards being created for users of Ware Street as a consequence of increased numbers of vehicles emerging from an access with such poor visibility. I therefore find that the proposal would have a poor standard of access and would be likely to have a detrimental effect on highway safety; in this respect the proposal clearly conflicts with the aim of both the Structure Plan and the Council's local plan that new residential development should have suitable access to a highway.

7. I have taken into account all other matters raised but these do not outweigh the considerations which have led me to my conclusion.

8. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Gentlemen  
Your obedient Servant

*TERENCE N POVEY*

TERENCE N POVEY BA BArch MA FRTPi RIBA MBIM  
Inspector

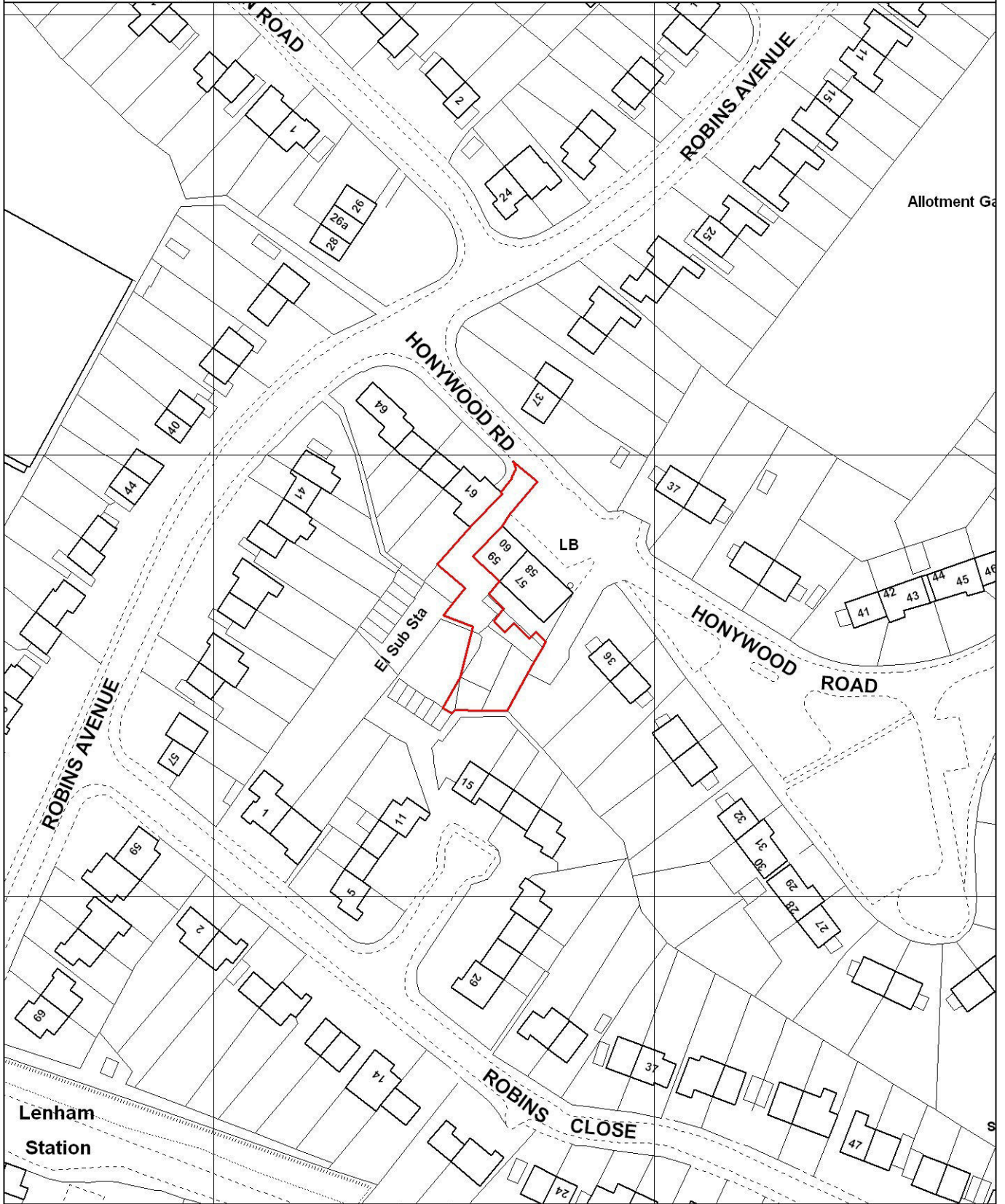


# THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/08/2478

GRID REF: 8925-5196

LAND REAR OF 57-60 HONYWOOD ROAD,  
LENHAM



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**Alison Broom**  
**Director of Prosperity and Regeneration**

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APPLICATION: MA/08/2478 Date: 15 December 2008 Received: 18 December 2008

APPLICANT: Mr & Mrs J. Dawkins

LOCATION: LAND R/O 57-60, HONYWOOD ROAD, LENHAM, KENT

PROPOSAL: An application to remove Condition 4 of MA/08/0480 (Erection of a pair of one bedroom houses) by variation of residential curtilage and construction of hardstanding to forms revised access and parking arrangements as shown on drawing nos. 08.553.01A and 08.553.02A received on 18th December 2008.

AGENDA DATE: 12th March 2009

CASE OFFICER: Richard Timms

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: T13  
Kent & Medway Structure Plan 2006: SP1, QL1, TP19  
Village Design Statement: N/A  
Government Policy: PPS1, PPS3

### **HISTORY**

MA/06/1813 Erection of a pair of one bedroomed houses – APPROVED WITH CONDITIONS

MA/08/0480 Erection of a pair of one bedroom houses – APPROVED WITH CONDITIONS

### **CONSULTATIONS**

**Lenham Parish Council:** *"Wish to see the application refused as this will increase the traffic leading to parking inconvenient to other road users and be detrimental to highway safety and amenity to neighbouring properties."*

## **REPRESENTATIONS**

**Landscape Office:** *"The Walnut tree present on the site, although visible from public viewpoints is a poor specimen, exhibiting structural defects that are not congruous with its long-term retention. However, the applicant proposes to retain the tree, to which I have no objection. The proposed construction method to BS5837:2005 is acceptable as detailed on drawing no. 08.553.02.A and in accordance with paragraph 2.7 of the planning statement submitted with the application.*

*Given its condition and the likelihood of some root damage occurring from the proposed soakaway and associated trenching, I would like to see a condition requiring replacement of the tree in the event of its death or failure within a period of 5 years of the completion of the construction."*

## **CONSIDERATIONS**

This is a full application for a change to the residential curtilage and revised access and parking arrangements for one pair semi-detached dwellings granted permission under application MA/08/0480 at land to the rear of 57-60 Honywood Road, Lenham. Condition 4 of permission MA/08/0480 secured the parking provision and layout and so in effect this application seeks a variation of that layout. The application site is within the village boundaries of Lenham and not within any specially designated areas.

## **Site & Setting**

The application site relates to an additional area of land to the front, north of a pair of semi-detached dwellings which are currently under construction and were granted permission at Planning Committee in June 2008. It is an area of concrete to the rear of a row of shops fronting Honywood Road. Access to the site is from an existing access way between numbers 60 and 61 to the northwest. To the west of the site is another pair of semi-detached dwellings granted permission under Delegated powers (ref. MA/06/1813) in January 2007. There is a walnut tree to the east of the dwellings which is proposed to be retained.

## **Proposed Development**

The application seeks permission to revise the parking arrangements for the semi-detached properties currently referred to as plots C and D on the east of the site. There would be no change in the total number of parking spaces at the site.

Additional existing hardstanding (some 31m<sup>2</sup>) adjacent to the rear of the shop buildings that did not form part of the previous application has been acquired by the developer. Previously, 1 parking space was in an adjacent garage block to the west but now with the additional land, this would be to the front of plot D with the space for plot C moved further north and a turning head between. The space in the adjacent garage court would be released for use by existing local residents. As stated above there

would be no change in the number of parking spaces being a total of 1 space for each dwelling and 2 visitor's spaces.

The proposals would involve the removal of the existing concrete surfacing and its replacement with block paving. Construction of the turning head by the walnut tree would be a 'no dig' method in line with BS 5837/2005 and allow drainage to protect the tree and ensure it is retained. A new 1.8m close boarded fence would be erected to the north of the parking space for plot D to enclose this part of the site.

### **Considerations**

The main considerations are the visual impact of the development, impact upon amenity and highways issues which are all considered under policy QL1 of the Structure Plan.

The visual impact of the block paving would not be detrimental to the character of the area. It is a relatively small area of some 50m<sup>2</sup>, would replace some existing concrete and would not be clearly visible from outside the site once the close boarded fence is erected. For this reason I do not consider the development would harm the area in accordance with policy QL1 of the Structure Plan.

I note that the Parish Council have raised concerns in respect of traffic increases leading to parking inconvenient to other road users and highway safety however, there would be no change in the parking provision or access arrangements into the site. Highway safety issues within the site and onto Honeywood Road have been previously accessed by the KCC Highways Engineer where no objections were raised.

Any use of the spaces and turning head would be low and would not result in unacceptable noise or disturbance to the properties nearby or privacy issues.

The proposed construction method to BS5837:2005 (Trees in Relation to Construction Recommendations) around the walnut tree would ensure its survival and the Council's landscape officer has confirmed this would be acceptable. He has raised some concerns over the condition of the tree and potential damage from other development at the site and therefore recommends a replacement should the tree be damaged within 5 years of the development. I consider this to be an acceptable and appropriate condition.

### **Conclusion**

In conclusion, it is considered that the parking arrangements would be acceptable and would not cause harm to visual or residential amenity. The Walnut Tree will be retained and I therefore consider the proposals to accord with policy QL1 of the Structure Plan. Consequently I recommend the application for approval subject to the following conditions.

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

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users and to be detrimental to highway safety and amenity in accordance with policy T13 of the Maidstone Borough-Wide Local Plan (2000) and policy TP19 of the Kent & Medway Structure Plan 2006.

3. The new hard surfacing constructed within the root protection area of the walnut tree within the northeast corner of the site, (being a circle of radius 10 times the basal stem diameter of the tree), shall be of a 'no dig' method of construction as outlined on drawing no. 08.553.02A;

Reason: To ensure a satisfactory setting and appearance to the development and surrounding area in accordance with policy QL1 of the Kent & Medway Structure Plan 2006.

4. If the existing walnut tree within the northeast corner of the site fails, dies, is removed, becomes seriously damaged or diseased within a period of 5 years from the completion of the development, it shall be replaced with a walnut tree of not less than Nursery Selected Standard size (10-12cm girth, 3-3.6m height), conforming to the specifications of BS 3936 Part I 'Nursery Stock', shall be planted during the tree planting season (October to February) and be maintained thereafter to the satisfaction of the Local Planning Authority, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory setting and appearance to the development and surrounding area in accordance with policy QL1 of the Kent & Medway Structure Plan 2006.

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.

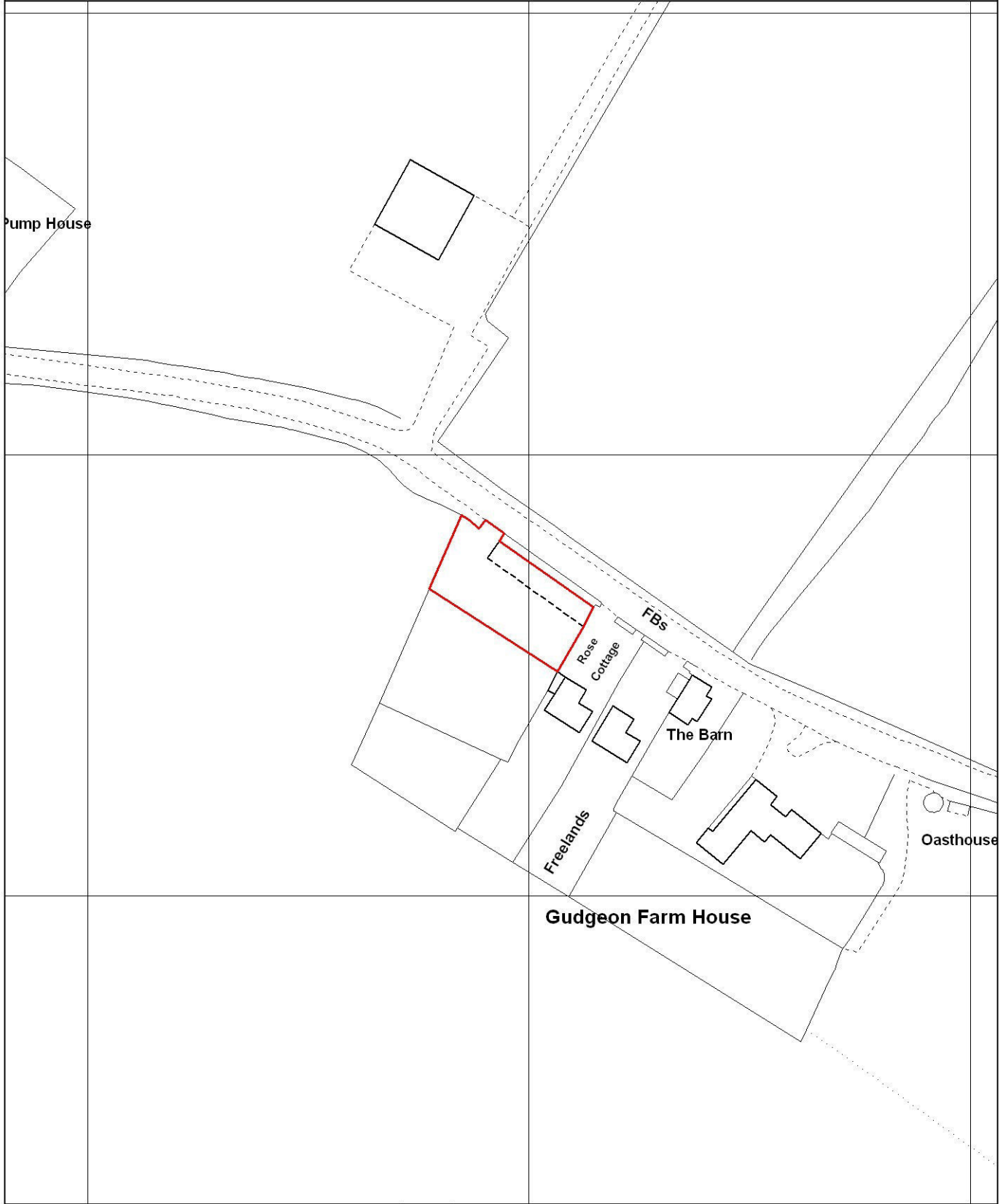
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# THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/08/2479

GRID REF: 7119-4926

**THE BEAST HOUSE, WEST STREET,  
HUNTON**



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**Alison Broom**  
**Director of Prosperity and Regeneration**

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APPLICATION: MA/08/2479 Date: 15 December 2008 Received: 18 December 2008

APPLICANT: Aircell Properties

LOCATION: THE BEAST HOUSE, WEST STREET, HUNTON, MAIDSTONE, KENT, ME15 0SA

PROPOSAL: Change of use and conversion of building to tourist accommodation as shown on drawing nos. SV1, P01a and A4 site location plan received on 18th December 2008.

AGENDA DATE: 12th March 2009

CASE OFFICER: Richard Timms

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: ENV28, ENV44, T13

Kent & Medway Structure Plan 2006: SP1, SS8, EN1, EN8, QL1, EP12, TP19, NR5

Village Design Statement: N/A

Government Policy: PPS1, PPS7

### **HISTORY**

MA/90/1559 Conversion of redundant agricultural building to a dwelling – DISMISSED AT APPEAL

MA/90/0080 Conversion of redundant agricultural building to a dwelling – WITHDRAWN

MA/81/0174 Outline application for conversion of existing beast house into three bedroom residential unit – DISMISSED AT APPEAL

MA/79/1705 Outline application conversion of beast house to three bedroom dwelling – REFUSED

## **CONSULTATIONS**

**Hunton Parish Council:** *"Wish the application to be refused. Concerned about the access issue and does not believe this is a suitable access point for the traffic accessing the busy street. The Council sees this as an inappropriate development in a rural village setting."*

**KCC Highways:** No objections raised on highway safety grounds.

**Environmental Health:** No objections subject to a condition requiring further details on how foul sewage will be dealt with.

*"The site is in a relatively quiet semi-rural area and traffic noise is not a problem. Any demolition or construction activities will definitely have an impact on local residents. The site was historically used as an abattoir, but other than that there is no indication of land contamination based on information from the Maidstone Borough Council's contaminated land database and historic maps databases. I do not consider that a contaminated land condition is warranted in this particular case. It is stated that foul sewage will be dealt with via a "package treatment plant", but no details have been provided. Environmental Health will need to see further details, plus the applicant should be advised that they should contact the Environment Agency with regards to the possible need for a discharge consent."*

## **REPRESENTATIONS**

**Neighbours:** 2 representations received raising the following points:

- 2 parking spaces may not be adequate for the 3 bed property.
- Access is dangerous on narrow road and near to bend in the road.
- Harm to wildlife through the removal of trees and laying of hard surfacing.
- Harmful to the countryside.
- The change of use would spoil the character of an otherwise quiet, residential, rural and agricultural village.
- It is likely that signs to advertise the accommodation would be intrusive and spoil the character and 'look' of the village.
- Not appropriate location for tourist accommodation due to close proximity to existing dwellings.

**Conservation Officer:** *"This building is of no interest and makes no particular contribution to the character of the surrounding countryside. Conversely, it is of appropriate scale to its context and does not detract from the character of the countryside. Therefore its conversion to holiday accommodation would seem to accord*

*with relevant planning policies. Given the present appearance of the building, I have no objection to the design of the conversion."*

## **CONSIDERATIONS**

This is a full application for the change of use of a building to self-catering tourist accommodation at 'The Beast House', West Street, Hunton. The application site is within the open countryside for the purposes of the Development Plan and not within any specially designated areas.

### **Site & Setting**

The application site is on the south side of West Street and consists of a single storey redundant agricultural building (previously used as an abattoir) set back just over 2m from the road with an existing gated access on the west side. This is the only building on the site. Between the building and West Street to the front is a drainage ditch. The application site is rectangular in shape with a frontage to the road of some 46m and a depth of some 18m. The building has a brick wall with no openings facing onto West Street but is fully open with brick piers on the rear, south side. The building has a mixture of bricks, mainly being red brick and brown concrete roof tiles. It was damaged by the storm of 1987 and part rebuilt.

Land within the rear part of the site is grassed and is approximately 1m lower than surrounding land. There are no man made boundary treatments to the west side or rear but there are some orchard trees around 4m in height. The eastern boundary is formed by a brick wall some 2m in height between the site and the dwelling, 'Rose Cottage' immediately to the east.

West Street has a rural character with sporadic built development. The site forms part of a small group of built development of dwellings for some 130m in length on this side of the road.

### **Proposed Development**

It is proposed to convert the redundant agricultural building to a 3 bedroom self-catering tourist unit. It would also have a lounge, kitchen/diner and bathroom. A small patio area would be provided to the rear of the building on the west side and parking for 2 vehicles with a turning head in the southwest corner of the site all finished in gravel. No new openings would be provided on the elevation facing the road and a new rear wall would be provided between the existing brick piers and finished with timber weatherboarding. Three 'conservation style' rooflights would be provided in the rear roof slope. A small gable would be introduced above the new entrance door at the rear. Full height patio doors would be provided on the west side for the lounge with windows to the other bedrooms. A new package treatment plant would be provided to the rear of the building.

## **Principle of Development**

The site is within the countryside for Development Plan purposes where planning policy restricts development to certain types. Local Plan policy ENV44 can permit proposals for the reuse of rural buildings for tourism uses subject to a number of considerations. Policy EP12 of the Structure Plan states that the conversion or extension of existing buildings to provide self catering accommodation will be permitted provided this causes no harm to the local environment.

Whilst the Conservation Officer considers the building the subject of the application makes no great contribution to the character of the area, he considers it of appropriate scale to its context and that it does not detract from the character of the countryside.

For this reason, I consider the principle of converted this rural building to a tourism use is in line with current Development Plan policy.

(Previously refused and dismissed appeals at the site related to the use of the building as a dwellinghouse not business use. The appropriate policy test to consider residential conversion was whether the building was of special architectural or historic merit. The building was not considered to be of such merit and such a use was therefore dismissed.)

## **Considerations**

Policy ENV44 of the Local Plan has a number of criteria that give consideration to the design of the existing building; being able to carry out the conversion without major reconstruction; the visual impact of the development; impact on village vitality; highway considerations; impact upon neighbouring amenity and the amenity of future occupants, which I will now consider.

The form and design of the existing building is considered to be in keeping with its rural surroundings and it does not detract from the character of the area a view echoed by the Conservation Officer. It is a modest brick and concrete tile building with a blank single storey frontage to the road which is a common feature on rural roads in the Kent countryside. The works required to convert the building would not result in major or complete reconstruction. (I note that a structural survey of the building has been carried out which concludes that it is in relatively good condition).

There would be no visual change to the building when viewed from West Street. Views of parts of the parking and turning area to the southwest of the building would only be visible from opposite the entrance to the site on West Street. Only small section (around 5m in width) would be visible, which I do not consider would be intrusive or harmful. The parking and turning areas would be obscured by the building from the east and the highway verge and trees alongside the road to the west. Therefore, from public vantage points on West Street there would be little noticeable change to the site and therefore no significant visual impact on the area.

Public footpath KM91 runs from northwest to southeast some 125m to the south of the site. Existing orchard trees on the rear boundary would screen views of the building and any domestic paraphernalia. A landscaping scheme should be provided along the rear, and west boundaries to supplement existing vegetation which can be ensured by condition.

I do not consider the provision of a single 3 bedroom tourist unit would threaten the vitality of surrounding villages but would help support the local rural economy.

The Parish Council have raised concern over the suitability of the access to the site and residents have questioned the parking provision. However, I note that visibility at the access is good in both directions and the KCC Highway Engineer has raised no objections to its use. For this reason I do not consider an objection could be raised on highway safety grounds. I also note that highway safety issues were not raised as a problem at the Appeals in 1981 and 1990 by the Council or Planning Inspectorate. Two parking spaces are provided which is acceptable for a 3 bedroom tourist use. If a family stays at the property it is highly unlikely they would arrive in more than 2 cars.

In respect of neighbouring amenity, 'Rose Cottage' 11.5m to the southeast is at a higher level than the site by approximately 1m and due to the building being single storey and the presence of the 2m brick wall between the sites, there would be no privacy issues from windows to the rear of the building or use of the site to this house. I do not consider the use of the site for holiday breaks should give rise to unacceptable noise or disturbance to neighbouring properties any more so than a dwellinghouse would. The standard of amenity for future occupants would be acceptable with suitably sized rooms and an outdoor area.

In conclusion, for the above reasons it is considered that the proposals comply with policy ENV44 of the Local Plan.

### **Other Matters**

The impact upon wildlife through the removal of trees and laying of hard surfacing has been raised by local residents. The proposals do not involve the removal of any trees and the new hard surfacing would be on an area of mud and short grass where I do not consider there would be any detrimental impact upon wildlife. A basic survey of the building has been carried out by the agent's ecologist who has found no evidence of bats or barn owls using the building. With regard to Great Crested Newts, such species favour medium sized ponds and there are no significant ponds within 500m of the site only the River Beult watercourse some 215m to the west and irrigation reservoirs some 350m to the northeast at Grove Farm. I therefore do not consider the development would be harmful to nature conservation interests in accordance with policy EN8 of the Structure Plan.

The Environmental Health Manager has requested that further details regarding foul sewerage disposal should be provided and a consent to discharge may be required by the Environment Agency. This can be dealt with by condition.

It has been stated that it is likely that signs to advertise the accommodation would be intrusive and spoil the character and 'look' of the village. Certain signage may not actually require advertisement consent from the Local Planning Authority and consequently there would be no control. If any signage requires consent then it would be assessed at that time.

In line with policy ENV44, the use of the accommodation should be restricted to prevent the building being used as a permanent dwelling. The Council usually allows for holiday use all year round due to the changing nature of holidays in this country and as recognised under the *Good Practice Guide on Planning for Tourism 2006*, but restricts the period of time occupants can stay at such accommodation to 4 weeks. I consider this is appropriate and recommend such a condition in this case.

### **Conclusion**

In conclusion, I consider that the development complies with policy ENV44 of the Local Plan and that it would not cause harm to the local environment in line with policy EP12 of the Structure Plan. PPS7 also supports the re-use of rural buildings for economic development purposes and tourism. I therefore recommend planning permission be granted subject to the following conditions.

### **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 accommodation hereby approved shall be used as holiday accommodation only and shall only be occupied as such for periods not exceeding more than four weeks in any one single letting. There shall be no consecutive lettings beyond four weeks to the same person, family or group.

Reason: The introduction of a permanent residential use would fail to comply with Policies SS8 & EN1 of the Kent and Medway Structure Plan 2006 and Policies ENV28 & ENV44 of the Maidstone Borough-Wide Local Plan 2000 and Central Government policy contained in PPS7.

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

Planning (General Permitted Development) (Amendment) (Nos.1 & 2) (England) Order 2008 (or any order revoking and re-enacting those Orders with or without modification) no development within Schedule 2, Part 1, Class(es) A-H 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 and appearance of the area in accordance with Policies ENV28 and ENV44 of the Maidstone Borough-Wide Local Plan 2000 and policy EN1 of the Kent & Medway Structure Plan 2006.

4. Prior to the commencement of the development, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development in accordance with Policies ENV28 and ENV44 of the Maidstone Borough-Wide Local Plan 2000 and policy EN1 of the Kent & Medway Structure Plan 2006.

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

Reason: To ensure a satisfactory setting and external appearance to the development in accordance with policies EN1 and QL1 of the Kent & Medway Structure Plan 2006.

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

Reason: To ensure a satisfactory setting and external appearance to the development in accordance with policies EN1 and QL1 of the Kent & Medway Structure Plan 2006.

7. Prior to the commencement of development, details of the method of disposal of foul sewage shall be submitted to and approved in writing by the Local Planning Authority and these works shall be completed in accordance with the approved details before the first occupation of the building or land;

Reason: To ensure adequate sewage disposal arrangements in accordance with policy NR5 of the Kent & Medway Structure Plan 2006.

### **Informatives set out below**

Should any bats and/or barn owls or evidence of such creatures be found prior to or during works, works must stop immediately and Natural England contacted for further advice before works can proceed. This is a legal requirement under the 1981 Wildlife and Countryside Act (as amended) and applies to whoever carries out the work. All contractors working on the site should be made aware of it and provided with Natural England's contact details.

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.

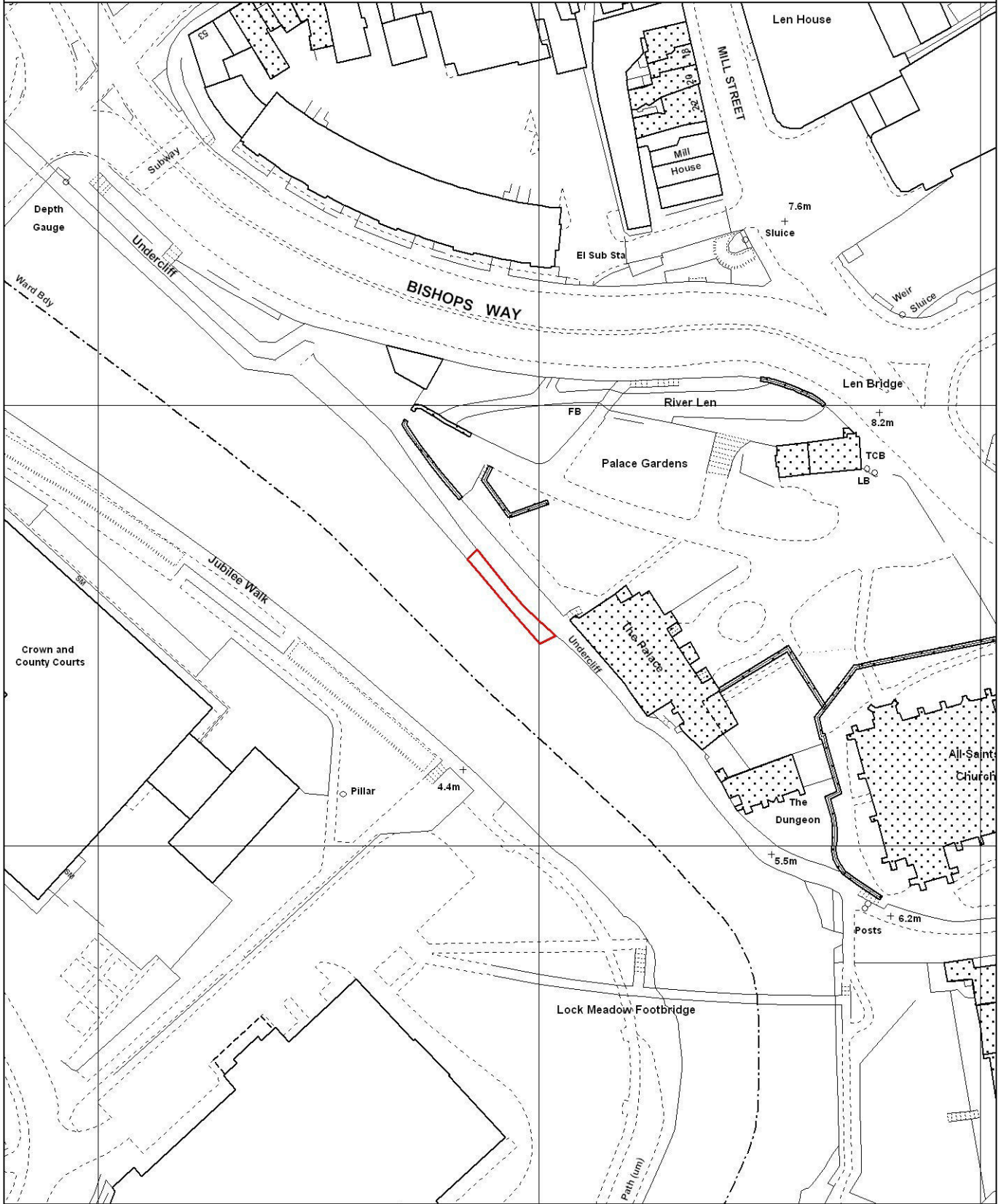


# THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/09/0059

GRID REF: 7589-5545

## RIVER MEDWAY, REAR OF ARCHBISHOPS PALACE, UNDERCLIFF, MAIDSTONE



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**Alison Broom**  
**Director of Prosperity and Regeneration**

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APPLICATION: MA/09/0059 Date: 13 January 2009 Received: 14 January 2009

APPLICANT: Mr J Bailey, The Barge Ltd

LOCATION: RIVER MEDWAY REAR OF ARCHBISHOPS PALACE, UNDERCLIFF, MAIDSTONE, KENT

PROPOSAL: To site a permanently moored floating restaurant (A3 use) with permanent living accommodation for security purposes to include seating area on the quayside as shown on drawing no.s SP01 - block plan and site plan, PE01, SE01, A01 (3) V2, A01 (3D), FE0, 08/12/507/002.

AGENDA DATE: 12th March 2009

CASE OFFICER: Amanda Marks

This application is being reported to committee as it involves council owned land.

### **POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV7, ED25  
Kent & Medway Structure Plan 2006: QL1, MA1, SS5, EN12  
Village Design Statement: no  
Government Policy: PPS1, PPG15, PPG16, PPG24

### **HISTORY**

Various relating to the neighbouring Archbishops Palace, but nothing with regard to this specific site.

### **SITE HISTORY CONSIDERATIONS**

None specific to this application

### **REPRESENTATIONS**

Neighbouring occupiers were notified of this application and three letters of objection were received. The main concerns raised within these letters were: -

'A good idea but a lot of questions still remain, for example:

- What is the construction of the hull? Wood/steel – existing or new build?
- Seek clarification on dimensions of the vessel
- Concern that the vessel may not be able to pass under the town bridges
- Are the proposed moorings sufficient to withstand flooding?
- Impact of engineering works on the foundations of the Archbishops Palace

- A permanent mooring would spoil the view of the Archbishops Palace
- Why not locate where the original restaurant used to be, between the bridges
- Concern over navigation issues
- Quayside dining will obstruct passer-bys
- Lack of detail in planning application with regard to a proposed gondola
- The boat is ugly and out of keeping, misleading photo's of 'similar' boats which are very different in size
- Noise and light pollution, anti-social behaviour and associated impact on the Conservation Area and Listed Building
- Good idea but wrong location – should be near to Fremlins Walk
- Concern over mention of a gondola and electric boat – are they necessary could impact on the business of the Allington Belle and/or Kentish Lady
- There are already sufficient passenger boats operating in the locality
- Has the vessel been surveyed/seen/ where will construction take place
- Loss of space for the River Festival'

**CPRE Maidstone:** Is favourably disposed towards this application, which seeks to enhance the use of the River Medway as it flows through Maidstone. They consider that the application meets the requirements of the Kent & Medway Structure Plan 2006 and that the restaurant could provide an attraction for people to be on or near the river. They suggest that MBC should request a business plan before determining the application and are concerned whether sufficient lavatory and litter bin provision has been made.

The CPRE stress the quality of design and suggest the current documentation submitted portrays the boat as being drab in appearance. They consider a condition should be imposed with regard to further detail on materials including those to be used on the quayside. They support the idea of oak planters between the quayside and public walkway.

CPRE seek clarification of the status of the person who requires the below deck accommodation. In summary, they welcome the initiative to set up the floating restaurant but seek conditions to ensure the quality not just of the food and service, but the fixtures, fittings and appearance of the boat.

**Medway River Users Association:** One of the principal aims of the MRUA is to promote the use of the river, there comments are specifically at the current proposal therefore. They comment that they were not consulted directly on the proposal, however raise the following points:

- The proposed mooring detracts from the Archbishops Palace
- A stretch of the riverbank will be lost to general public access

- Insufficient detail on the vessel
- Concerned that the combined beam of the restaurant and gondola will restrict passenger boats, particularly given the restricted views due to the bends of the river
- Consider the proposed moorings inadequate to withstand the river in full flood
- Do not object to the principal of a floating restaurant but consider this to be in the wrong place

## CONSULTATIONS

**MBC Conservation:** "With respect to its potential to impact the setting of the Listed Buildings in the Archbishops Palace complex, we have no objection to the proposed floating restaurant. Our only concern is over the details of the signs which would accompany the scheme, which may have the potential to intrude on the historic environment. We would, therefore, request a condition that all details of any signs be submitted for approval."

**KCC Heritage Conservation:** "The site neighbours the Listed Archbishops Palace which dates from the late fifteenth or early sixteenth century and which is part of the wider medieval complex including the Scheduled College buildings 100m south east and the Scheduled gatehouse 70m east.

Although the development concerns a floating restaurant, ancillary works for its main drainage connection and works for any other services or landscaping may reveal buried remains connected with the construction and medieval palace complex.

In view of the size of the proposed groundworks, a condition is considered appropriate on any forthcoming consent."

**Kent Police:** Comment they have had several pre-application meetings with the applicant and have discussed all the security measures in reference to the floating restaurant. They have no objections, nor any further comments at this time for the planning application.

**English Heritage:** "Boats were once a common feature of this stretch of the River Medway, as confirmed by the historic photos included with this application. A moored boat is therefore a natural addition to the river. However, because the boat would be a permanent feature of many key views of the adjacent Grade I Listed Archbishop's Palace, especially from the Broadway and Lock Meadow bridges, its design and any paraphernalia associated with it on the quayside require careful consideration. English Heritage recommends that you seek further information to justify the currently proposed location and to explain which alternative locations have been considered, for example further to the north-west where the boat would be visually disconnected from the Archbishop's Palace. We suggest that the already established vocabulary of railings might be a more natural and less visually intrusive addition to the quayside than the proposed planters and recommend that further information detailing the proposed

drawbridge, ramps and any proposed signage be sought before the application is determined.”

**Environment Agency:** No objection, but make the following comments. The anchorage of the vessel must be designed and constructed in a manner that will stand up to severe flood conditions. For information, the predicted 1 in 100 year flood level for the site is 7.06 metres above Ordnance Datum Newlyn (maODN).

Under the terms of the Water Resources Act 1991 and the Southern Region Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures, in, on, over or within 8 metres of the top of the bank of the River Medway, a designated 'main river'. This is in addition to the benefit of planning permission.

We are currently liaising with the applicant directly in respect to the application for consent and have no objection to the principle of the works.

**Environmental Health Considerations:** It is my understanding that a separate premises licence has also been sought in which the applicant is seeking 6am – 2am hours of opening. I spoke to him briefly and he assured me that this application was just for restaurant use and that there would not be a noise-related issue. However I understand there is the capability of this venue being used for entertainment purposes such as weddings, parties and other functions. This part of the river has been the subject for previous complaints from local residents concerned about amplified music from the premises formerly known as the River Bar and the river provides an ideal route for the transmission of noise over quite a distance. Part of the application concerns the erection of a quayside seating area. It is important that no noise-generating equipment is sited in this area as there will be no means of mitigating any noise produced. If it is intended that the vessel will be permanently inhabited, there is a concern about waste disposal; these arrangements need to be described in detail. The Environment Agency should also be informed, especially if any waste material is discharged into the River Medway. Private Sector Housing should also be contacted regarding living conditions on this vessel and they should carry out an inspection for compliance with their legislation, should planning permission be granted.

**Highways Considerations:** Whilst the proposal would result in a part of the towpath being taken up with tables and chairs for a portion of the year, there would still be sufficient space for pedestrians to pass. There are no facilities for vehicles to pass over this land.

Due to its location within the town centre, and the abundance of public car parking within the area, it is not considered that the proposal would result in an unacceptable demand for parking within the locality.

## **CONSIDERATIONS**

### **Site Description**

The site, upon the eastern bank of the River Medway, is within close proximity of the Grade I listed Archbishops Palace (to the north), located within the Conservation Area (the river falls outside this designation, but the land within), and the Riverside Zone of Special Townscape Importance.

The application site includes part of the quayside, which is used as a pedestrian walkway and the river, which at present is solely used for navigational purposes for a small number of vessels which run up and down the river. In summer months the 'Kentish Lady' runs river trips from a nearby mooring.

Access to the site would be by foot only, with relatively good links into the town centre, and along to further along the river (which links into the Lockmeadow development via a footbridge).

### **Proposal**

This application seeks planning permission for the change of use of part of the River Medway, to allow for a riverboat restaurant to be permanently moored near to Maidstone town centre, together with ancillary accommodation below deck. The proposed vessel would be 23m long x 5.3m wide – including ramp width and 5m deep. The barge will protrude 4m above the river level. The barge is proposed to be constructed from a steel frame, with steel hull and drawbridge. The external finish will be English Oak with Oak tri-folding doors.

Members should be aware that whilst this application demonstrates a large sign upon the plans, this does not form part of the consideration of this application. A separate application for advertisement consent accompanied this application although concerns have been raised over its scale and appearance, and at present is unlikely to receive favourable consideration. Likewise, reference has been made to a Gondola, electric boat and hire boats within the supporting documentation submitted with this application. No further detail has been provided in the application of the scale of these other enterprises and the applicant has been verbally advised to submit these plans under a separate application.

For information the initial red line area did not incorporate the river, just the land area to be used. The applicant has altered the red line area of the application to encompass the river boat. It should be noted that this was an administrative error, and that the application has simply been *corrected*, and not amended in any way.

### **Considerations**

Prior to submission of the application for planning permission, the applicant met with other river users and Council staff to discuss their plans and progress an application to lease part of the quayside from the Council and also to pursue a license for the sale of

alcohol. The applicant also met with the Environment Agency to discuss issues regarding navigation, mooring specification and a flood strategy; a Flood Risk Assessment has been submitted for consideration along with a moorings plan. Floor plans of the vessel have been submitted showing private accommodation and a large kitchen on the lower deck and a seating layout for 100-120 covers, two toilets and a small kitchen on the upper deck. It is also proposed to utilise the quayside with seasonal picnic bench seating (12 shown on plans) together with a BBQ area and provision for a further 60 covers. The land seating would be designed to be bolted to the ground in the more temperate months and removed and stored for the late autumn, winter period. Precise dates of use of the land seating have not been given, but 6 months is suggested in the design and access statement. The plans indicate proposed hedging to denote the area designated for quayside seating. The restaurant would be open for breakfast, lunch and evening dining. Wedding Reception dining would also be offered although no mention is made of any music to be played, however, one could assume that due to this use, there may be the want to play music on board.

The proposal would generate 30 staff vacancies.

### **Visual Amenity**

The application site lies within the urban area on the edge of the town centre and is situated within the Riverside Zone of Special Townscape Importance. The quayside falls within the designated Conservation Area with the river falling outside. The main issues to be considered are as follows:

- Impact on the town centre conservation area and Grade I Listed Archbishops Palace
- Quality and visual appearance of the vessel
- Impact on visual amenity re: quayside works – proposed planters; impact on the Conservation Area
- Impact on residential amenity re: opening hours, noise from people and music, use of the PRoW
- Part residential use of the vessel
- Siting of the vessel with regard to river navigation
- Flooding
- Drainage/land works re: archaeology and stability of land

Historically the River Medway was important to the industries which characterised Maidstone as a town. It is the aim of the Council to revitalise the role of the river and maximise opportunities to generate activity both on and around the river. Policy ENV7 of the Maidstone Borough Wide Local Plan facilitates such development subject to being acceptable in all other planning terms. More specifically Policy ENV7 requires proposals to enhance the quality of the riverside and pay particular regard to their relationship with the river and other riverside developments. Policy SS5 of the Kent &



Medway Structure Plan 2006 encourages diversity of land uses on edge of town centre sites. In general there is policy support for this scheme subject to localised impact.

Concern has been raised by neighbours that the proposed site will have a detrimental impact on the Archbishops Palace and the character of the Conservation Area. Alternative sites were considered and are recorded in the record of the decision reached by the Leader of the Council dated 7 October 2008 with regard to operating from Council owned land. The barge will be visible from the bridge at Broadway, from the opposite side of the river, the bridge which connects Lockmeadow to this side of the river and to users of the tow path. Most public views of the boat, will lead to its backdrop being the Archbishop's Palace, and the Conservation Area in which it sits. Whilst the boat will be seen in context of these sensitive designated sites, I do not consider it will detract from the view just by simply being there. It is opined that a boat of this nature upon a river such as this, particularly within a town centre location, would not in anyway appear incongruous. The proposed boat would be constructed from traditional materials of steel and oak which would further respect its sensitive location. It is therefore considered that subject to staining the oak in a suitable natural finish and confirmation of the roof finish, the scale and appearance of the boat will not harm the setting of the Listed Building or Conservation Area.

This section of the quayside is split level and the area to be utilised for seating is below the main public footpath. In the interests of safety (trip hazard) the applicant intends to bolt oak planters to the top of the dwarf wall together with evergreen small leaf hedging. English Heritage would prefer to see the iron railings continued as it would be more in keeping with the setting and a less alien feature being introduced. Whilst the concerns of English Heritage are acknowledged, it is not considered that the introduction of soft landscaping of this nature would be to the detriment of the riverside as a whole. At present,

### **Public Amenity**

I am led to believe that the applicant is progressing a licence application to operate from 6am through to 2am. He therefore wishes these same hours to be considered for the planning application. Having considered the proximity to properties in College Avenue and the potential for noise pollution I consider it appropriate to limit the opening hours, and furthermore restrict music from the land/boat. This approach was adopted within the amphitheatre which was created nearby.

I do not consider the proposal will impinge on people's current enjoyment of the Public Right of Way, as the land seating proposed will not restrict passers-by due to the width of the towpath which would remain.

## **Impact upon the River**

Neighbour responses raise concern over the adequacy of the moorings proposed in the event of flooding; navigation conflict and the ability of the barge to fit under the town's bridges. The applicant advises that the restaurant will shut during high water of more than ½ metre and the situation will be continually monitored during any times of flooding. The proposed mooring connection will allow for a 4 metre raise in water level and a 12 knot water current. Plans show the location of navigation lighting. The Environment Agency is the Statutory Consultee with regard to these issues. The EA raise no objection to the proposal and are satisfied with the flood risk assessment that has been submitted; it raises no objection with regard to river navigation and offer advice on the proposed moorings. I have been advised by the applicant that the barge is to be constructed off site and then taken to its mooring site. The practicality of how the barge is taken to its mooring site is not a matter for consideration.

Concern has been expressed by neighbouring occupiers that drainage works could undermine the stability of the quayside. Plans indicate a proposed small bore pumped drain run to be linked to a sewer man hole. As far as I can determine there is no reason to suggest there is a particular weakness in this location, however I would propose a condition to require further detail be submitted with regard to bank works should permission be granted.

## **Other Matters**

It would appear that the provision of ancillary residential accommodation below deck was at the suggest of Kent Police for security purposes. The barge will be moored 1.2m off the quayside and at night/when empty/closed the drawbridge will be closed for security purposes also. Provided that accommodation is occupied in conjunction with the use of the restaurant, then I consider it to be ancillary and acceptable subject to a condition.

## **Conclusion**

It is an objective of this Authority to promote the use of the river for recreation and leisure uses, subject to the protection of its character and appearance. The applicant has demonstrated that he was willing to address initial concerns with regards to the scale of the boat, and it is considered that this application will both bring life to this otherwise underused section of the river, whilst not detracting from the setting of the river, or the Archbishop's Palace – two of Maidstone's most valuable assets. Therefore, in light of the above considerations, I am satisfied that the proposal meets the aspirations of planning policy for use of the River Medway and therefore recommend that Members give this application favourable consideration and grant planning permission subject to the imposition of the safeguarding conditions set out below.

## **RECOMMENDATION**

My recommendation is Grant with 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. Prior to the commencement of the development, written details of the materials to be used in the construction of the external surfaces of the vessel together with large scale plans of the proposed drawbridge and ramp hereby permitted shall be submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials.

Reason: In the interests of visual amenity and in accordance with Policy QL1 of the Kent and Medway Structure Plan 2006.

3. Notwithstanding any detail shown on the submitted plans, prior to the commencement of the development, precise details of the proposed boundary treatment to the quayside dining area shall be submitted to and approved in writing by the Local Planning Authority. Such details that shall be submitted will include:

- i) The precise size of the proposed planters;
- ii) The fixings of the proposed planters;
- iii) The materials used within the proposed planters;
- iv) The species planted within, including details of maturity when planted.

Such works shall be carried out in accordance with the approved details before the opening of the restaurant and maintained thereafter.

Reason: To ensure a satisfactory appearance to the development and to ensure the development is in keeping with the setting of the Archbishops Palace and in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan 2000 and Policy QL8 of the Kent and Medway Structure Plan 2006.

4. No activity in connection with the use hereby permitted shall take place outside of the hours of 11.00am to 02.00am and no customer shall be permitted to be on the premises outside of the hours of 11.30am to 01.30am;

Reason: To safeguard the enjoyment of their properties by nearby residential occupiers and in accordance with Planning Policy Guidance note 24.

5. This permission does not purport to agree to any floodlighting to be installed to the exterior of the boat or the outside seating area hereby permitted.

Reason: In the interests of visual amenity, and to ensure the preservation of the setting of the adjacent Grade I listed building in accordance with Policies QL1 and QL8 of the Kent and Medway Structure Plan 2006.

6. The quayside seating and BBQ equipment proposed as part of the permission hereby granted shall only be in situ between the 1 April and 30 September in any given year. At all other times the seating and BBQ equipment shall be removed from the site.

Reason: in the interests of amenity and in accordance with Policy QL1 of the Kent and Medway Structure Plan 2006

7. Prior to the commencement of the development, full details of the drainage works, means and receptacles for waste disposal including foul water discharge and any structural works required to facilitate the drainage, shall be submitted to and approved in writing by the local planning authority and these works shall be completed in accordance with the approved details before the opening of the restaurant.

Reason: To protect residential amenity and to ensure that the stability of the quayside is not undermined and in accordance with Planning Policy Guidance Note 23.

8. All musical equipment and/or electrically amplified sound shall be so installed, maintained and operated so as to prevent the transmission of noise and/or vibration to any neighbouring residential properties. No equipment shall be situated on the quayside adjacent to the vessel.

Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers and in accordance with Planning Policy Guidance 24: Noise.

9. The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority and shall allow him/her to observe the excavations and record items of interest and finds. The developer shall inform the

County Archaeologist of the start date of construction works on site not less than two weeks before the commencement of such works.

Reason: To enable the recording of any items of historical or archaeological interest and in accordance with Planning Policy Guidance note16.

### **Informatives set out below**

The applicant is advised that the prior written consent of the Environment Agency is required for any proposed works or structures, in, on, over or within 8 metres of the top of the bank of the River Medway, a designated 'main river'.

This permission does not purport to agree to the signage as shown on the submitted drawings. These signs are subject to a separate advertisement consent application, which is currently under consideration.

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.

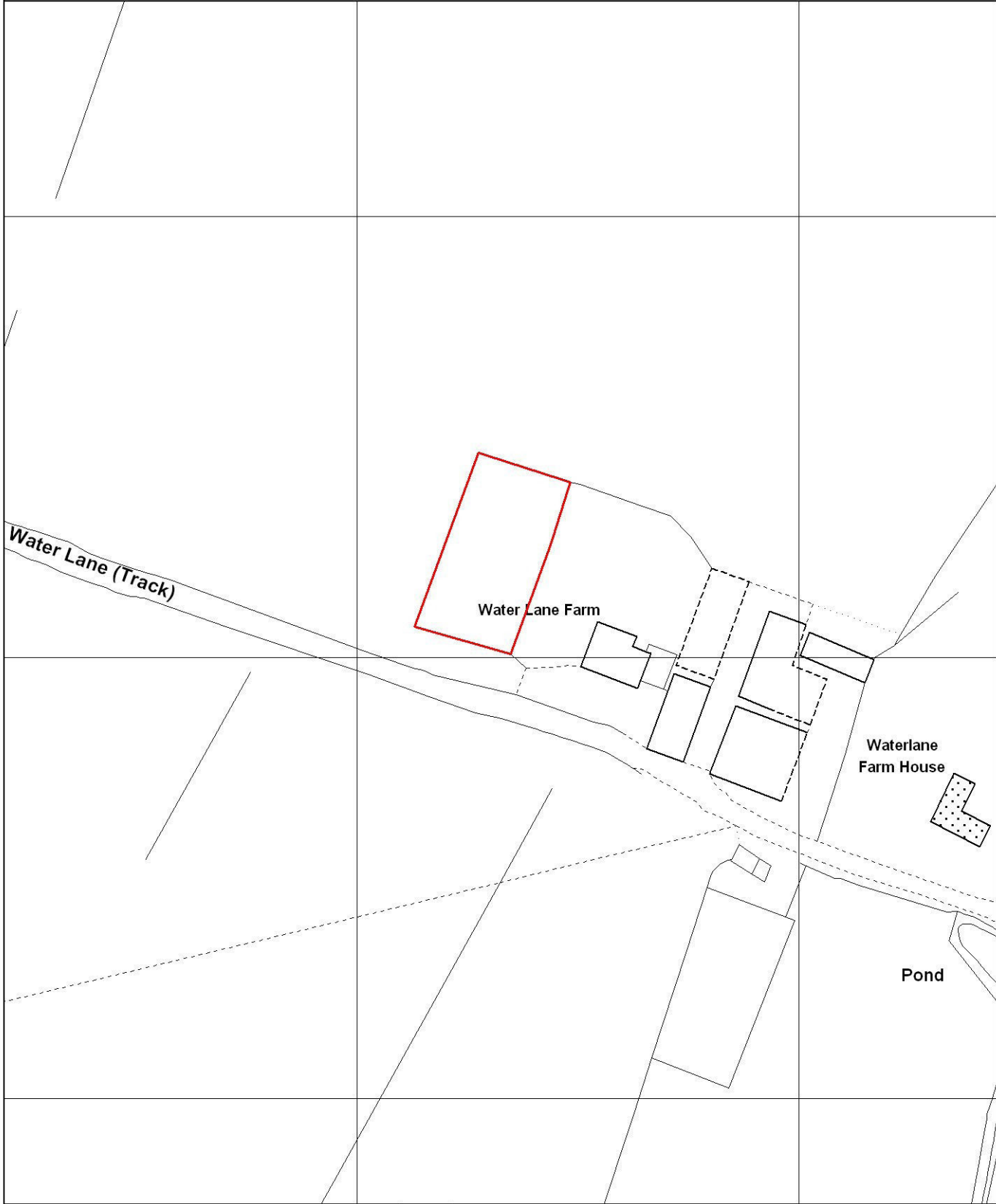
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# THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/09/0102

GRID REF: 8543-5232

**WATER LANE FARMHOUSE, WATER LANE,  
ULCOMBE**



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**Alison Broom**  
**Director of Prosperity and Regeneration**

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APPLICATION: MA/09/0102 Date: 2 January 2009 Received: 26 January 2009

APPLICANT: D Deme

LOCATION: WATER LANE FARMHOUSE, WATER LANE, HARRIETSHAM,  
MAIDSTONE, KENT, ME17 1DE

PROPOSAL: Application for approval of reserved matters following outline approval MA/07/1463 (Outline application for the erection of a permanent agricultural dwelling) with matters of layout, scale, appearance and access to be considered as shown on drawing numbers OV/TOC/01 to OV/TOC/05 and OV/Deme/04 received on 29th January 2009.

AGENDA DATE: 12th March 2009

CASE OFFICER: Katie Lazzam

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: ENV28  
Kent & Medway Structure Plan 2006: SP1, HP5, QL1, EN1  
Village Design Statement: N/A  
Government Policy: PPS1, PPS3, PPS7

## **HISTORY**

07/1463- Outline application for the erection of a permanent agricultural dwelling.  
APPROVED WITH CONDITIONS

07/0663- An application for the prior approval of the Local Planning Authority for a proposed agricultural building to be used for the storage of apples and machinery.  
PRIOR APPROVAL GIVEN

00/2077- An application for the prior approval of the local planning authority for the erection of 2No. polytunnels and 1No. replacement water tank. APPROVED WITH CONDITIONS

96/0248- Two storey side and rear extension and porch. APPROVED WITH CONDITIONS.

MA/84/1288- Double garage, porch and new vehicular access. APPROVED WITH CONDITIONS.

## **CONSULTATIONS**

**Ulcombe Parish Council** were consulted and stated that they wished to see the application approved.

**Rural Planning Ltd:** Summary:- "Having regard to the criteria set out in Annex A of PPS7 and local plan policy, a dwelling "of appropriately modest size" was indicated. Since Annex A (para. 9) advises that agricultural dwellings should be of a size commensurate with the established functional requirement and not unusually expensive to construct in relation to the income that the unit can sustain in the long term. The design would appear potentially to allow for additional useable space in the roof, perhaps in the order of a further 60m<sup>2</sup> or so. On that basis, whilst indicated as notionally not exceeding the 160m<sup>2</sup> area that was also referred to at the time of the outline application, the gross floor area could be effectively equivalent to about 220m<sup>2</sup> overall.

Overall, I consider the proposed dwelling would have the scale and form of a principal farmhouse, rather than a secondary agricultural dwelling. No particular functional case has been included in the submissions for construction of a house of this sort of scale which, in my experience, would exceed the size of dwelling normally approved for secondary agricultural dwellings in Kent. In my view consideration should be given to a re-designed, more modest dwelling perhaps based on the same sort of ground floor size as indicated, but limited to a 1½ storey cottage type design with the upper floor within the roof space. I hope this is of assistance."

## **REPRESENTATIONS**

Neighbouring occupiers were notified of this application and one letter has been received. The main concern within this letter being that if the house would be higher than the adjoining property, it would obstruct views of the North Downs and would look incongruous.

## **CONSIDERATIONS**

### **Site and surroundings**

Water Lane Farm is located in a relatively isolated location in open countryside approximately 500 metres south of the M20. Water Lane leads off eastwards from Chegworth Road and arrives at the farm group which comprises a range of agricultural buildings and a modern farmhouse occupied by the applicant and his family which is the subject of an agricultural occupancy condition. The site is located adjacent to the

existing farm building on the northern side of the road, the land on the site gently slopes away from west to east. The site previously formed a corner section of an apple orchard, and has now been largely cleared, although the existing trees that screen part of the site from the road have been retained.

The farm is a well-established organic fruit farm, with some 90 ha of owned and rented land, growing a variety of different fruit crops. The farm sells the fruit direct and has also now established a significant ancillary business in the production, and direct sale, of its own range of organic bottled fresh fruit juices (Chegworth Valley Juices), and home-produced fruit compote.

The site has already been granted outline planning permission with all matters reserved, for the erection of a new farmworker's dwelling (application MA/07/1463). The indication in the outline application is that the dwelling would be two-storey and that it would be sited immediately to the west of the curtilage of the existing house, in what was previously the corner of an apple orchard. The only condition other than the approval of reserved matters condition that was implemented at this stage, was a condition restricting the occupation of the dwelling to a person solely or mainly working in the locality in agriculture.

### **Proposal:**

This application is for approval of reserved matters following outline approval MA/07/1463 (Outline application for the erection of a permanent agricultural dwelling) with matters of layout, scale, appearance and access to be considered.

The dwelling now proposed is a traditional-style oak-framed 2-storey house, with a basic footprint of 11.4m x 7m (externally) with a plain-tiled roof approximately 8.2m to the ridge height, and incorporating windowed gable roof projections to the front and rear (the front projection being jettied at first floor level). The dwelling would be constructed of stock-faced brickwork with timber feathered cladding on the exterior walls. It would be set back from the road by approximately 35 metres and would have a driveway on the eastern side of the site, extending beyond the rear elevation of the dwelling a further 5 metres. The driveway would be constructed of a permeable surface. No landscaping of the site has been proposed at this stage.

### **Planning Assessment:**

Central Government Guidance and Development Plan Policy seek to place a restraint on development in the countryside. As an exception, residential accommodation for a farm worker may be acceptable, but any submission must pass a functional and financial test, principally set out in PPS7 which governs permanent agricultural dwellings.

Through the outline planning permission (MA/07/1463) the principle of this type of development has been established. Water Lane Farm is a well established fruit farm

that sells fruit direct and has also developed a successful juice manufacturing element. It was agreed that there is a functional need for a second dwelling on the basis that accommodation is needed for a second farm manager (a role currently undertaken by the applicant's son) to serve this holding in terms of the management of the farm and the juicing business. This view was supported by the fact that the holding has been financially viable for some time and there is every prospect of it remaining so. The functional and financial tests for the principle of the development were therefore previously satisfied.

### Scale and layout

In terms of the need and the relevant tests, Rural Planning Ltd stated that a dwelling of an appropriately modest size, would be required in this instance, having regard to the criteria set out in Annex A of PPS7 and local plan policy. It was also stated that the design would appear potentially to allow for additional useable space in the roof of a further 60m<sup>2</sup>, and this would exceed the size of dwelling normally approved for secondary agricultural dwellings in Kent.

With regards to the comments submitted by the agricultural advisor it is considered that this three bed-roomed, two storey dwelling with a maximum height of 8 metres would be unduly large for a second agricultural dwelling and would be more of a scale of a principle agricultural dwelling. Whilst the dwelling may have a floor area similar to that which was indicated within the outline planning permission, it is agreed that the dwelling's height would give it a significantly larger volume than 160m<sup>2</sup> and would subsequently have a commanding dominance within the locality. The principle of the development was established within the outline planning permission, with the scale to be considered under this application, therefore the floor area has not been predetermined. In addition the existing agricultural dwelling on the site is a four bed-roomed dwelling that has been significantly extended. Therefore the size of this dwelling would need to be incontestably justified.

Paragraph 9 of Annex A of PPS7 states:-

*Agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted. It is the requirement of the enterprise, rather than those of the owner or occupier, that are relevant in determining the size of dwelling that is appropriate to a particular holding.*

The reason for this is that agricultural dwellings need to be of a size appropriate to the needs of the holding in terms of its functional agricultural requirement and not personal needs. This proposal could result in an agricultural dwelling that's size exceeds what could be justified by the functional requirement, and affect the continued viability of maintaining the property for its intended use, given the income that the agricultural unit could sustain.

There has been no justification given for the significant scale of the dwelling or functional reasons for the scale in relation to the associated farm enterprise. Therefore it is considered that there is insufficient reasoning for this development. Subsequently to permit this dwelling could result in it becoming too large to justify the needs of the enterprise or become more expensive than the income of the enterprise can sustain. The proposal could therefore result in the dwelling not being able to fulfil its purpose in the future and could put pressure on the council to remove the occupancy condition.

### Appearance

Failing the tests of Annex A, the proposals would result in a permanent building in the countryside, which would be of an unjustified scale. In terms of the design style the building would be of a significant height and prominence. It would also be over 11 metres wide and would comprise a large glazed gabled feature within the front and rear elevations, that would extend beyond the eaves height by over 2 metres. These details would give the dwelling an overall dominant appearance. Policy EN1 of the Structure Plan states that Kent's countryside will be protected, conserved and enhanced for its own sake, and the provision of a permanent building of an unjustified scale would fail to do this.

The agricultural advisor suggested that consideration should be given to a re-designed, more modest dwelling perhaps based on the same sort of ground floor size as indicated, but limited to a 1½ storey cottage type design, with the upper floor within the roof space. It is considered that the dwelling should be scaled down and given a more subservient appearance, relating more appropriately to its purpose as a secondary agricultural workers dwelling.

### Access

The plans show an area of hardstanding running along the eastern side of the curtilage boundary. Although a permeable surface is proposed, it is considered that the amount of hardstanding proposed is excessive and also unjustified, being over 40 metres in length. This amount of hardstanding would have an urbanizing impact on the character of this rural site. It is suggested that the amount of hardstanding on the site should be reduced to that which would be required for a reasonable amount of vehicles. However given that there are no specific land designations for the site, it is not considered that an objection could be sustained.

The proposed vehicular access would be 5.8 metres wide, the access opening would be approximately 8 metres from the road, within a shared access with the adjoining farmhouse, this opens up to being 14 metres wide. This is considered to be acceptable in terms of highway safety.

### Landscaping

Landscaping is a further reserved matter that needs to be considered before any permission on the site can be implemented, within this application the applicant has not submitted details in relation to landscaping for the site. The only information given in relation to this, is that it is stated within the Design & Access Statement that landscaping on the site is to be kept to a minimum to ensure that the rural character of the site is retained. This information is insufficient and the applicant would need to provide more information in relation to landscaping, in order for the details to be considered by the Local Planning Authority.

### Impact upon Amenity

It is not considered that the proposal would have any significant impact on the amenity of neighbouring properties, in terms of loss of sunlight/daylight, privacy, and outlook. This is because there is a sufficient separation distance (over 25metres) between the site and the adjoining farmhouse. The proposed dwelling would also be set back from the adjoining property and the curtilage of this is also densely screened with conifer trees. Concern has been raised by one neighbouring objector with regards to loss of outlook. As a result of the distances involved and the orientation of the properties, it is considered that the proposal would not result in a significant loss of outlook to either of the neighbouring properties.

The application is considered to fail the tests set out in Annex A of PPS7 and is contrary to Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and Policies SP1, HP5, QL1, and EN1 of the Kent & Medway Structure Plan 2006 is therefore recommended for refusal.

### **RECOMMENATION**

My recommendation is **REFUSE (R)**

1. It is considered that the size of the proposed agricultural workers dwelling is not justified by the functional requirements of the associated agricultural enterprise and would result in a residential development in the countryside which would be of an unduly large scale and would cause harm to the character and appearance of the countryside. The proposal therefore fails to meet the functional tests set out in Annex A of PPS7 and is contrary to policy ENV28 of the Maidstone Borough Wide Local Plan 2000 and policies SP1, EN1, QL1 and HP5 of the Kent & Medway Structure Plan 2006.

**Informatives set out below**

Full details of the proposed landscaping scheme for the site need to be submitted in order for the reserved matters application to be fully reviewed.

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# THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/09/0117

GRID REF: 7606-5576

## THE HAZLITT ARTS CENTRE, HIGH STREET, MAIDSTONE



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**Alison Broom**  
Director of Prosperity and Regeneration

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APPLICATION: MA/09/0117 Date: 28 January 2009 Received: 28 January 2009

APPLICANT: Maidstone Borough Council

LOCATION: THE HAZLITT ARTS CENTRE, HIGH STREET, MAIDSTONE, KENT,  
ME14 1PL

PROPOSAL: An application for advertisement consent for the installation of 1  
(no) non illuminated banner sign to be located upon a lamp post in  
the High Street as shown on drawing numbers 1575/28 and 1575/29  
and a Design & Access Statement received on 28/01/09.

AGENDA DATE: 12th March 2009

CASE OFFICER: Louise Welsford

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

- The Council is the applicant

### **POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV8.  
Kent & Medway Structure Plan 2006: QL1, QL6, QL8.  
Government Policy: PPG15, PPG19.

### **HISTORY**

There is no history specifically relevant to this proposal.

### **CONSULTATIONS**

Maidstone Borough Council Conservation Officer: wishes to see the application approved.

### **REPRESENTATIONS**

None received to date.

### **CONSIDERATIONS**

#### **Site and Situation**

The application relates to a lamppost, located in Maidstone High Street. It is situated close to the entrance to Rose Yard and there is a backdrop of Listed Buildings to the

north side of the High Street. The site falls within Maidstone Town Centre Conservation Area. As one would expect in a town centre area, buildings are tall with a variety of signage.

### Proposal

Advertisement Consent is sought for the installation of a non-illuminated banner sign to an existing street lighting column. It would measure 1.83m x 0.45m and would be supported by the 'arms' of the lamppost. Its height above ground level is shown to be approximately 2.8m to the bottom of the banner. The banner would be made from reinforced vinyl and it would be used to direct members of the public to the Hazlitt Arts Centre.

### Planning considerations

Central Government Guidance, contained within Planning Policy Guidance Note 19, requires consideration to be given to the issues of amenity and public safety.

The proposed banner would be located at quite a high level, with its top edge located over 4m above ground level, which is generally not characteristic of signage within the High Street. However, in the wider town centre area, signage does occur at such a level and to my mind, it is not wholly out of character with what one might expect to see in a key town centre street. Also, although it would occupy a high level, the buildings to the north side of the street behind it, in particular the NatWest building, are very tall, such that the banner would not dominate them because of its position. Indeed, in views along the north side of the street, it would be seen against the backdrop of these buildings, but, due to its slim profile, it would not significantly obscure the important detailing of these Listed Buildings. Although it would add a degree of visual clutter to the street, this would not be excessive, since only one sign is proposed and there is not a proliferation of such signage existing in the High Street. It would not be illuminated, which would help to lessen its impact. Its colouring would be in keeping with the lamppost, being a dark blue background (with white lettering) and it would not be obtrusive. I consider that the colouring would give it a relatively smart appearance and its dark background (as opposed to any bright or vivid colouring) would render it less prominent in the street.

The Conservation Officer has not objected to its installation and due to its positioning and colouring, I concur that it would not significantly harm the character or appearance of the Town Centre Conservation Area.

Taking all of the above into account, I conclude that the impact upon visual amenity, the character and appearance of the Conservation Area and the settings of nearby Listed Buildings would be acceptable. There would be no significant impact upon residential amenity, due to the commercial nature of the surroundings.

In terms of public safety, the height above ground level would ensure no significant adverse impact in this regard. I do not consider that there would be a significant adverse impact upon highway safety, due to the position of the sign and the fact that it would not be illuminated.

### Conclusion

Taking all of the above into account, I consider that the proposal would have an acceptable impact upon amenity and public safety. Approval is therefore recommended.

### **RECOMMENDATION**

GRANT ADVERTISEMENT CONSENT subject to the following 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.

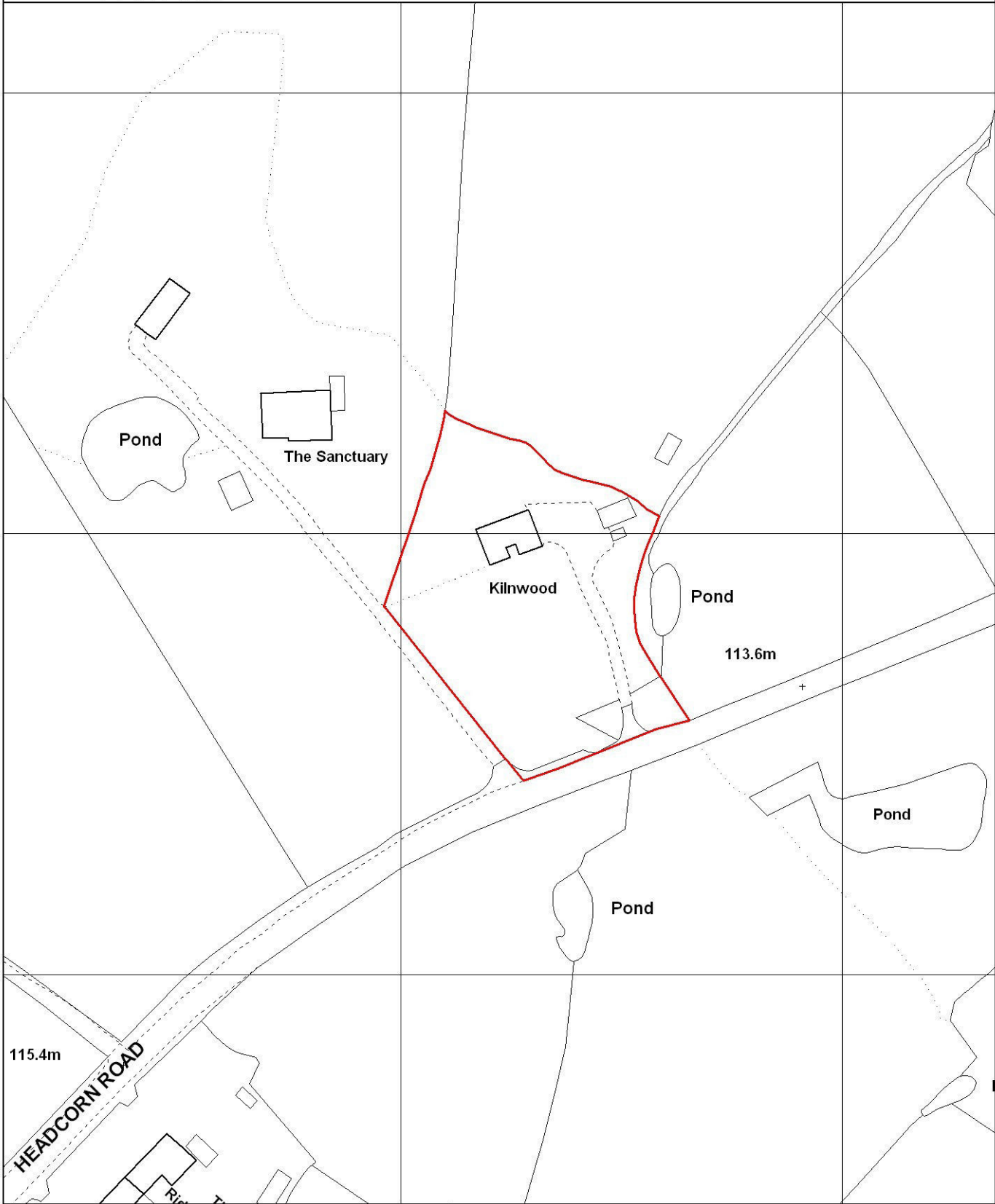
The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and Kent and Medway Structure Plan 2006) and there are no overriding material considerations to indicate a refusal of planning consent.

# THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/09/0176

GRID REF: 8877-5144

**KILNWOOD, HEADCORN ROAD,  
LENHAM**



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**Alison Broom**  
Director of Prosperity and Regeneration

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APPLICATION: MA/09/0176 Date: 2 February 2009 Received: 4 February 2009

APPLICANT: Mr D O'Dowd

LOCATION: KILNWOOD, HEADCORN ROAD, LENHAM, MAIDSTONE, KENT, ME17 2PD

PROPOSAL: Erection of replacement outbuilding (Resubmission of MA/08/2118) as shown on existing and proposed floor plans and elevational drawings received on 4th February 2009.

AGENDA DATE: 12th March 2009

CASE OFFICER: Katie Lazzam

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: ENV28, H18, H33

Kent & Medway Structure Plan 2006: EN1, EN7, QL1, HP5

Village Design Statement: None

Government Policy: PPS1, PPS3, PPS7

### **HISTORY**

08/2118- Erection of one and a half storey outbuilding to be used for storage and a study. REFUSED

07/1515- Insertion of an additional rear dormer window. APPROVED WITH CONDITIONS. 24/08/2007

06/2308-New entrance gates and erection of a log and tool store. APPROVED WITH CONDITIONS. 02/02/2007

06/0587- Loft conversion to form first floor accommodation (including raised ridge height and dormers). REFUSED. 08/05/2006.

Appeal Decision: Allowed with conditions- APP/U2235/A/06/2018333/W

05/2444- Alteration to existing roof to enable the provision of first floor accommodation to include the provision of 6 No. dormer windows and 3 No. roof lights. REFUSED. 10/02/2006

Appeal Decision: Allowed with conditions- APP/U2235/A/06/2018332/W

05/1914- Erection of extension to front, rear and both sides plus erection of a detached garage. APPROVED WITH CONDITIONS. 26/10/2005

05/0133- Erection of extension to the front, rear and both sides, plus erection of a detached garage. APPROVED WITH CONDITIONS. 02/03/2005

04/1033- Outline application for demolition of existing dwelling and garage and erection of a replacement two-storey chalet and detached double garage. APPROVED WITH CONDITIONS. 27/07/2004

54/0229A/MK2- Proposed bungalow and access. APPROVED. 19/05/1955

- Applications 05/2444 and 06/0587 were both for loft conversions to form first floor accommodation and were both refused on account of their scale having a negative impact upon the character and appearance of the existing house and surrounding countryside. The decisions were upheld at appeal under reference numbers APP/U2235/A/06/2018332 and 2018333. This was because it was considered that the dwelling was well screened, the increase in height of the main dwelling was considered to be minimal and the existing house was not of a particular architectural merit.

## **CONSULTATIONS**

**Lenham Parish Council** were consulted and wish to see the application refused for the following reasons:-

"We feel that it is too far from the house and should be incorporated with the existing garages as one building".

## **REPRESENTATIONS**

Neighbouring occupiers were notified of this application, and no comments were received.

## **Considerations**

### **Site and surroundings**

This application relates to a property known as 'Kilnwood' located within the open-countryside within the parish of Lenham. It is adjacent to a Site of Nature Conservation Interest, as designated within the Maidstone Borough-Wide Local Plan 2000. The site is located on an irregular shaped plot with a frontage onto Headcorn Road of 38 metres, and a total site area of 20,860m<sup>2</sup>. It is occupied by a detached single dwelling, with driveway access off Headcorn Road. The site is largely cleared, with the exception of several trees to the Headcorn Road frontage. The site adjoins the Kilnwood Nature Reserve on the eastern side and to the rear, the curtilage of the dwelling is well screened by hedges and trees. The broader locality is characterised primarily by rural

and nature conservation land uses. The village of Lenham is approximately 1 mile to the north east of the site. A substantive rear and side extension, and a detached single garage have recently been constructed.

### **Proposal:**

The proposal is for the erection of a replacement outbuilding. The structure would be 12 metres long and 6 metres deep, it would have a hipped roof with a maximum height of 4.8 metres and an eaves height of 2.5 metres. The previous outbuilding has been demolished, it was located to the rear of the proposed structure, in the corner of the site. The outbuilding would comprise of a barn style door, an opening, a single door and two windows within the front elevation. One small window is proposed in the southern flank elevation and one window is proposed within the rear elevation. The proposed materials are stained timber boarding for the exterior walls and plain tiles for the roof. The structure would be located to the rear of the two existing garages in the same position as the previously approved log store (MA/06/2308), this has not been constructed. There is no additional hardstanding proposed for this development.

### **Planning History:**

An application was approved under application number MA/06/2308 for new entrance gates and the erection of a log and tool store. The structure was located in the same position and is of a similar height to this proposal, although it had a smaller floor area.

This application is a resubmission of refused application MA/08/2118. This proposal comprised an office on the first floor and was proposed to be site in the same position as this proposal. This application was refused for the following reasons:-

1. The proposed structure by virtue of its scale and design would look domestic and dominant and would harm the setting of the main dwelling and the character and appearance of the area in general. To permit the development would be contrary to policies ENV28, H18 and H33 of the Maidstone Borough-Wide Local Plan 2000 and policies QL1, EN1 and HP5 of the Kent and Medway Structure Plan 2006.
2. The proposed structure would result in three separate garage buildings on the site plus existing hard standing, this is an over provision of vehicle parking/storage and in absence of any justification for its provision would not comply with principles of sustainability and would therefore be contrary Planning Policy Statement 3: Housing and Planning Policy Statement 7: Sustainable Development in Rural Areas.

The main considerations for this application are whether the revised proposal is of a suitable size and scale and would not increase parking to provide an overprovision and thereby overcoming the previous reasons for refusal.

## **Planning Assessment:**

### Visual Amenity

It is not considered that the structure would have an adverse effect on the character or appearance of the site or the wider locality. This is because it is of an appropriate scale, being of a low level and more of an acceptable size in relation to the main dwelling. It would be single storey and would also be positioned behind the garages, near to the corner of the plot where it would not be visible from the road or many other vantage points. The structure would also be further screened by the high amount of vegetation that surrounds the site's curtilage.

It is considered that the proposal has overcome the previous reasons for refusal, firstly because the proposed structure has been reduced in height from 6 metres to 4.7 metres and the roof shape is now more subservient being hipped instead of gabled. In terms ground floor footprint, this proposal is of the same depth as the previous proposal, although it is 3 metres longer. This increase in floor area is not considered to be significant and the main issue with the previous scheme was the bulk at first floor level, as it would have been only 0.5 metres lower than the main building and would have subsequently not been subservient as an outbuilding. The other issue with the previous proposal was its domestic design style. The domestic appearance of the structure has also now been reduced, through the removal of the dormer windows and the reduction in height. The use of the materials has also improved, with the exterior walls now being constructed of timber instead of brickwork. This would help to give the structure the appearance of an ancillary outbuilding and therefore relate sympathetically, being subordinate in relation to the main dwelling. The proposal would no longer have the potential to appear as a separate dwelling on the site or compete architecturally with the main dwelling.

The proposal is 6 metres longer than the structure approved under application number 06/2308, although it is of a similar height and roof shape and would be in the same location. It is therefore not considered that the increased impact from this outbuilding would be significantly harmful. The previous scheme was also proposed to be constructed of brick, therefore in this respect this scheme is actually more sympathetic.

In terms of its impact upon the street scene and the surrounding area, the structure would be set back considerably from the road and located to the rear of existing outbuildings on the site. As a result of the revised height, it would not be particularly visible from the road or public view in general. The proposals would be relatively modest within the context of the countryside, and would not significantly add to the scale of development on the site. It is not considered that the proposal would overwhelm or destroy the openness of the countryside or compromise its beauty in any way. It is not considered that the proposed development would result in any harm to

any possible near-by protected species or their habitat. This is because the development is relatively small scale and there would be sufficient separation distances between the proposed outbuilding and the neighbouring nature reserve.

#### Neighbouring Amenity

It is also considered that the proposed structure would not pose unreasonable amenity impacts upon the surrounding properties, as it is separated from the nearest residence by a significant distance.

#### Highways Issues

In terms of parking provision, it is stated by the applicant that the proposal is not providing any additional parking on the site. It is considered that there is sufficient parking provision on the site as it comprises two existing garages and a driveway.

#### Other Matters

Lenham Parish Council were consulted on the application and objected because the structure would be too far from the house and should be incorporated with the existing garages as one building. It is not felt that this objection could be sustained, as the proposed structure is acceptable for the reasons explored above. In addition, attaching the structure to the existing outbuildings could result in an unduly large domestic building on the site that would compete with the existing property and also possibly have the potential to appear as a separate dwelling. In addition as the only significant differences between this proposal and approved application MA/06/2308 is a 3 metre increase in length and alterations to the fenestration and external materials. Therefore the alterations are relatively diminimous and an objection could not be sustained. In addition it is noted that Lenham Parish Council wished to see application MA/06/2308 approved.

For the reasons set out above, it is therefore considered that the proposal is acceptable with regard to the relevant provisions of Maidstone Borough-Wide Local Plan 2000 and with those within the Kent and Medway Structure Plan 2006, and Members are therefore recommended to give this application favourable consideration, subject to the imposition of suitable safeguarding conditions.

### **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. Prior to the commencement of the development, written details and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development in accordance with Policies ENV28, H18 and H33 of the Maidstone Borough-Wide Local Plan 2000 and Policies EN1, EN7, QL1, and HP5 of the Kent & Medway Structure Plan 2006.

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.

## **THE MAIDSTONE BOROUGH COUNCIL** **PLANNING COMMITTEE – 12.03.09**

### **APPEAL DECISIONS:**

#### **1. MA/08/0900 -**

Demolition of existing building and erection of fourteen new dwellings with new access and landscaping in accordance with plans numbered P021-043; P021-042; P021-07; P021-04; P021-05; P021-01; P021-03; P021-011; P021-08; P021-09; P021-010; P021-15; P021-012; P021-013; P021-014; P021-019; P021-016; P021-017; P021-018; P021-026; P021-021; P021-022; P021-023; P021-024; P021-025; P021-020; P021-033; P021-027; P021-028; P021-029; P021-030; P021-031; P021-032; P021-040; P021-034; P021-035; P021-036; P021-037; P021-038; P021-039; P021-041; P021-06; together with Design and Access Statement as received by the Local Planning Authority on the 7 May 2008.

#### **APPEAL: DIMISSED**

LAND AT 113 AND 115 AND 123, TONBRIDGE ROAD,  
MAIDSTONE, KENT, ME16 8JS

#### **(Delegated Powers)**

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# THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: TA/0002/09

LAND BETWEEN, KIRKDALE TO GREAT IVY MILL,  
LOOSE VALLEY, LOOSE, KENT



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**Alison Broom**  
Director of Prosperity and Regeneration

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**MAIDSTONE BOROUGH COUNCIL**

**PLANNING COMMITTEE**

**12 March 2009**

**REPORT OF ASSISTANT DIRECTOR OF DEVELOPMENT  
AND COMMUNITY STRATEGY**

**APPLICATION:** TA/0002/09 **DATE:** 20/01/2009 **RECEIVED:** 20/01/2009

**APPLICANT:** Roy Hood, Loose Amenities Association

**LOCATION:** Land between Kirkdale to Great Ivy Mill, Loose Valley, Loose, Kent

**PROPOSAL:** Notification of intention to remove 5 overhanging branches from one Oak, remove low branches from one Oak, remove 3 Crack Willow trees and one leaning Willow tree, remove 3 Elder bushes, remove 3 Ash trees and overhanging branch and low branches and remove broken branches from 2 Ash trees, remove one Hawthorn and one cracked Hawthorn and remove 11 Sycamore trees and overhanging branches from one Sycamore tree; all trees being located within Loose Conservation Area.

The application is being reported to Committee for decision because:

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

**POLICIES**

Kent and Medway Structure Plan, July 2006:EN9 and QL6  
Government Policy: ODPM, "Tree Preservation Orders: A Guide to the Law and Good Practice".

**HISTORY**

No relevant planning history.

**CONSULTATIONS**

**Loose Parish Council:** it is supportive in principle to the proposed footpath that necessitates the tree felling, particularly as it opens up the valley and its benefits to all. However, as the application gives no indication of the route, width or construction of the proposed footpath it objects to the removal of one Ash tree, one Hawthorn and two Sycamore trees and wishes to see them made the subject of a TPO. It also comments that, whilst it approves work to remove

five overhanging branches of one Oak and three Elder bushes, why not relocate the proposed footpath instead.

**Kent Wildlife Trust:** The Trust wishes to support the active management of vegetation in the Loose Valley Local Wildlife Site (MA20). However, there appears to be no explanation, let alone justification, for the proposed felling of some 20 trees'. It goes on to request that that evidence is provided that the proposed work is based on sound arboricultural and ecological advice and wishes to record a holding objection. If the evidence is not forthcoming then the trees should made subject to a Tree Preservation Order. KWT adds that the current proposal contradicts the policy aspiration of PPS9 and, in any event, it would hope that the Amenities Association can be persuaded to plant some native tree species of local provenance elsewhere in the Valley by way of compensation.

## **REPRESENTATIONS**

**Neighbours:** Four letters were received objecting to the notice on the following grounds:-

- The trees make a valuable contribution to the Conservation Area
- Removal of trees would constitute damage to public amenity
- Removal of large trees would exacerbate the already wet ground conditions
- The proposed removal of trees and, particularly one Ash, may cause destabilisation of the ground and increase the possibility of mudslides
- The footpath could be repositioned to bring a more satisfactory result

One letter was received acknowledging that the removal of trees may be necessary but requesting sensitive and appropriate replanting as a requirement of any permission given.

## **CONSIDERATIONS**

The application relates to trees within Kirkdale Meadow which is located within the Loose Conservation Area. The majority of the trees are located on the western side of the valley. The trees which are to be removed are two Ash trees, eight Sycamores, and a number of Willows. Besides the proposed tree removal there is a number of minor works which include lifting of low branches.

Due to the rural nature of the site all the trees are of natural shape. In addition to the tree works there is an area of brambles which are to be removed, which is exempt works.

The Loose Amenities Association has been awarded a substantial charity grant from the National Lottery Fund towards improvement of the dilapidated footpath which runs adjacent to the Loose Valley stream. In order to comply with access requirements for those with disabilities a clear passage is necessary so that disabled users can access the Loose Valley. The position of the footpath has to follow the original line as agreed with Kent County Council; this will mean that a number of trees need to be removed to facilitate the proposal. The clearance of

trees is also intended to benefit users by opening up views of the Valley and it should also allow improved clearance of scrub.

The issue of the footpath and whether it could be relocated is not a matter for consideration when determining a notice for works to trees in a Conservation Area.

The Local Planning Authority (LPA) cannot refuse consent for a notification of works to trees in Conservation Areas. The 6 week notification period expired on 3 March 2009 and, therefore, the section 211 notice can be dealt with in one of two ways. The LPA may:

- make a TPO if justified in the interests of amenity. The proposal would then have to be the subject of a formal application under the TPO.
- decide not to make a TPO and allow the proposed work to go ahead, as long as it is carried out within two years from the date of the notice.

In order to make a TPO, the LPA should be able to show that a reasonable degree of public benefit would accrue, and that it is expedient, before an order is made. This is done by carrying out an amenity evaluation assessment in the first instance. In this case the Landscape Officer's view is that these trees are not of sufficient merit to justify protection by a Tree Preservation Order. Whilst the removal of a number of semi-mature trees over a short period of time may raise concerns the long term objective is to return the meadow to its original state.

### Conclusion

As a result of the above considerations it is concluded that the trees in question do not fulfil the requirements of the Council's amenity evaluation assessment. Despite the fact that there may be a question of whether the footpath could be relocated to avoid some of the tree work there are no grounds to make any other decision than to allow the work. It is, however, considered necessary to attach advisory information to secure the ecological potential of the site as commented on by KWT and to ensure that appropriate replanting is undertaken to mitigate the loss of trees.

### **RECOMMENDATION**

To RAISE NO OBJECTION to the proposal with the following informatives:-

1. Prior to the commencement of any works being carried out it is recommended that Loose Amenities Association liaise with Kent Wild Life Trust to assess and advise on the ecological potential of the site.
2. Replacement native trees of local provenance of not less than Nursery Light Standard size (6-8cm girth, 2.5-2.75m height), conforming to the specifications of BS 3936 Part I "Nursery Stock", should be planted during the tree planting season (October to February) following substantial completion of the felling. The Council's Landscape Officer can advise on suitable species for replacement planting.

3. In taking the action specified in this notification, special care should be taken not to disturb wild animals that are protected by the Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act 2000 and the Conservation Regulations 1994. This includes birds and bats that nest or roost in trees.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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