

AGENDA

PLANNING COMMITTEE MEETING



Date: Thursday 18 March 2010
Time: 6.00 p.m.
Venue: Town Hall, High Street,
Maidstone

Membership:

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

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 25 March 2010

Continued Over/:

Issued on 10 March 2010

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

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

6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
10. Minutes of the meeting held on 25 February 2010 - to follow
11. Presentation of Petitions (if any)
12. Report of the Development Control Manager - Deferred Items 1
13. MA/08/1766 - Field known as Wheatgratten, Lenham Forstal Road, Lenham 2 - 12
14. MA/09/0570 - 3 Northdowns View, Harrietsham, Maidstone 13 - 22
15. MA/09/0788 - Oakley, Chalky Road, Stockbury, Sittingbourne 23 - 29
16. MA/09/1656 - Land rear of 13-21 Ware Street, Bearsted, Maidstone 30 - 35
17. MA/09/1767 - Perfect Place, Maplehurst Lane, Frittenden Road, Staplehurst 36 - 50
18. MA/09/1784 - Eclipse Park, Sittingbourne Road, Maidstone 51 - 82
19. MA/09/2043 - Stubble Hill Cottage, Sandway Road, Harrietsham, Maidstone 83 - 94
20. MA/09/2185 - Martin House, Boxmend Industrial Estate, Bircholt Road, Maidstone 95 - 99
21. MA/09/2227 - Wilton House, Lenham Road, Kingswood, Maidstone 100 - 108
22. MA/10/0015 - 2 Dane Park, Dean Street, East Farleigh, Maidstone 109 - 115
23. MA/10/0130 - 4 Dane Park, Dean Street, East Farleigh, Maidstone 116 - 121
24. MA/10/0167 - SBS Recycling Ltd, Tovil Quarry Site, Straw Mill Hill, Tovil, Maidstone 122 - 130
25. MA/10/0170 - 10 Nursery Avenue, Bearsted, Maidstone 131 - 137
26. MA/10/0199 - Southview, Headcorn Road, Staplehurst, 138 - 143
27. Report of the Assistant Director of Development and Community Strategy - TA/0195/09 - Land adjacent Wayside, Ashford Road, Harrietsham 144 - 152

28. Chairman's Announcements
29. Update on Matters Referred to the Cabinet Members for Environment/Regeneration

PLEASE NOTE

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

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

Agenda Item 12

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

18 MARCH 2010

REPORT OF THE DEVELOPMENT CONTROL MANAGER

1. DEFERRED ITEMS

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

1.2. <u>Description of Application</u>	<u>Date Deferred</u>
(1) <u>MA/08/2439 - CHANGE OF USE OF LAND TO EMPLOYMENT PURPOSES AND ERECTION OF MIXED USE BUILDING TO PROVIDE STORAGE AND WORKSHOPS (CLASS B2/B8) AND ASSOCIATED WORKS INCLUDING ACCESS AND PARKING - UNIT 15, WHEELBARROW INDUSTRIAL ESTATE, PATTENDEN LANE, MARDEN</u>	17 December 2009

Deferred to enable the Officers to discuss with the applicant the following potential amendments to the scheme:-

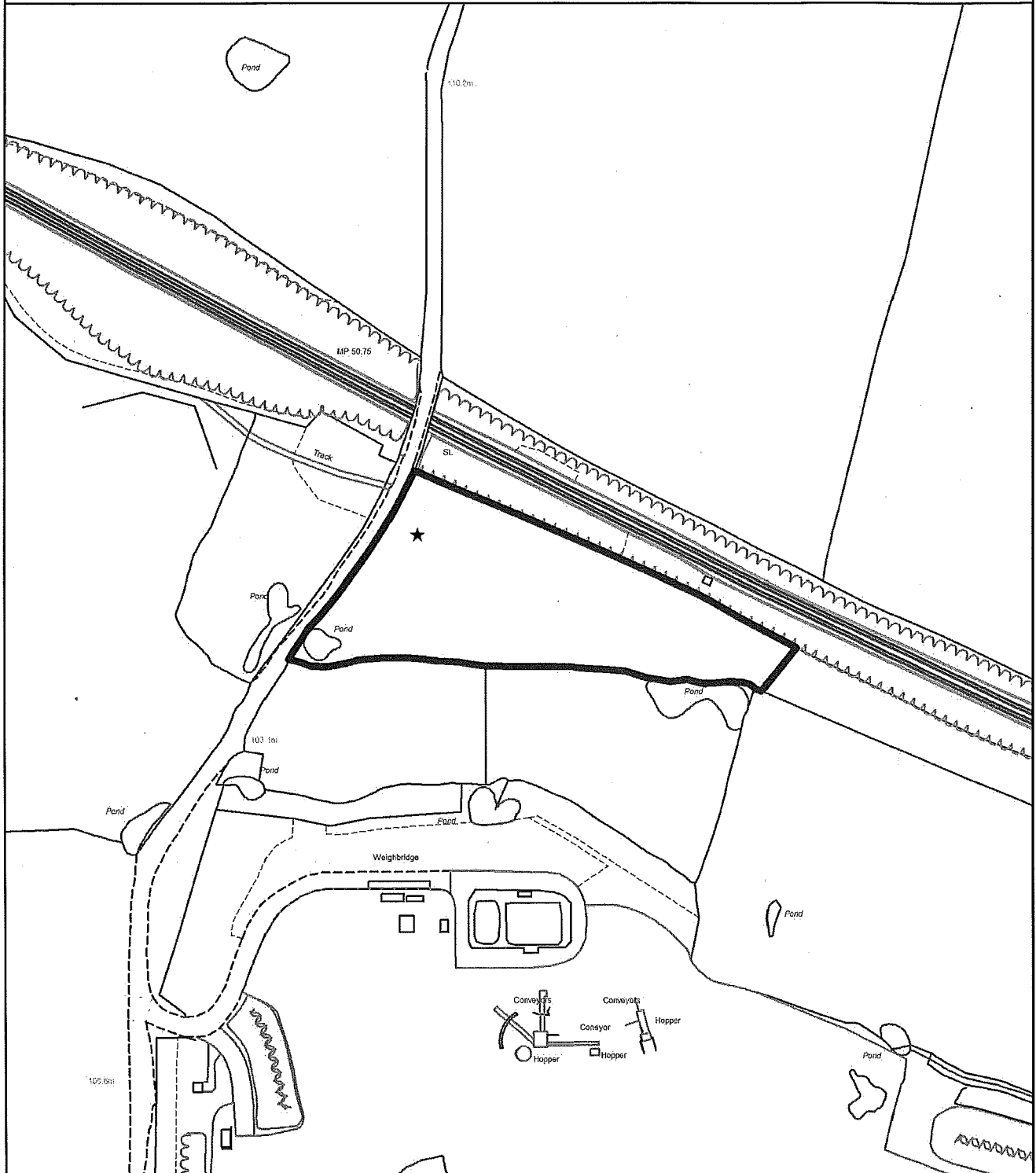
- Enhanced planting along the northern boundary.
- The inclusion of a management plan for landscaping.
- A natural design for the balancing pond.
- The inclusion of details of external lighting.
- The inclusion of a "living roof".
- The relocation of the building back into the site.

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/08/1766

GRID REF: TQ9150

FIELD KNOWN AS WHEATGRATTEN,
LENHAM FORSTAL ROAD, LENHAM.



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 1000019636, 2009. Scale 1:2500



Alison Broom
Director of Prosperity and Regeneration

APPLICATION: MA/08/1766 Date: 30 August 2008 Received: 22 September 2008

APPLICANT: Mrs M Powell

LOCATION: FIELD KNOWN AS WHEATGRATTEN, LENHAM FORSTAL ROAD, LENHAM, KENT

PARISH: Lenham

PROPOSAL: Retrospective application for the change of use to caravan site to provide gypsy accommodation with 4 plots, including 4 mobile homes and 6 touring caravans and associated works (including hardstanding, fencing, utility buildings and cess pool) and keeping of horses as shown on unnumbered site location plan, block plan and utility block drawing and supporting information received on 3/9/08 and 19/9/08.

AGENDA DATE: 18th March 2010

CASE OFFICER: Peter Hockney

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

- it is contrary to views expressed by Lenham Parish Council

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV28, T13

South East Plan 2009: C4, H5

Government Policy: PPS1, PPS3, PPS7, PPS9, Circular 01/2006: *Planning for Gypsy and Traveller Caravan Sites*

2. HISTORY

No history

3. CONSULTATIONS

3.1 Lenham Parish Council wish to see the application REFUSED stating:-

"We wish to see the application refused as it is contrary to policies HP5, HP9, SS8 and EN1 of the Kent and Medway Structure Plan 2006 and policy ENV28 of the Maidstone Borough-Wide Local Plan (2000) and also PPS5 and PPS7.

We are concerned that this is not a sustainable development which is in the open countryside adjacent to a conservation site. There are no schools in the local vicinity and highway issues are a matter of concern as the road has a considerable amount of HGV movements per day and there is no footpath.”

3.2 Kent Highway Services raise no objections to the application with regard to the adequacy of the access and highway safety considerations.

3.3 The Environment Agency raise no objections to the application.

3.4 MBC Gypsy and Caravan Sites Officer raises no objection to the principle of gypsy accommodation on the site but has concern regarding the surrounding noise.

3.5 MBC Environmental Health Manager raises no objections but raises concern regarding the rail noise and request the submission of an acoustic survey.

4. REPRESENTATIONS

4.1 Sixteen letters of objection have been received from residents on the following grounds:-

- The site would have a harmful impact on highway safety.
- Adverse impact on the character and appearance of the countryside.
- The site is not sustainable and not served by public transport.
- There would be an undue concentration of gypsy accommodation in the area.
- The applicant has no connections with the local area.
- The site would not be appropriate for residential development and to allow it for gypsy accommodation would be discriminatory.
- The development has already taken place without planning permission.

4.2 CPRE Maidstone raises concerns regarding the application and its impact on the countryside and considers that other options should be examined.

5. SITE DESCRIPTION

5.1 The application site relates to an existing field, roughly triangular in shape and on the eastern side of Lenham Forstal Road within Lenham Parish. The site within the open countryside, although the land has no particular landscape designation either local or national. There is limited development in the surrounding area and what development there is, is sporadic.

5.2 The site is bounded by the railway line to the north, woodland and fields to the east, another field to the south beyond which is a sand quarry and Lenham Forstal Road to the west. There are no residential properties in the immediate vicinity of the application site. The nearest dwelling is 5 Forstal Cottages located

approximately 350 metres to the south of the site. It is located approximately 1.75 miles from the village of Lenham.

- 5.3 The site is predominantly grass, other than the western most area where the development has taken place. The remainder of the field to the east, which is also within the applicant's ownership is open grassland. The site is generally flat in nature and the boundaries of the site are mature hedgerows and trees that are well established and not directly affected by the proposed development. There is a pond in the south west corner of the site, however, this is not a permanent feature and is dry for much of the year.
- 5.4 The access point is towards the north west corner of the site and is onto Lenham Forstal Road.

6. PROPOSED DEVELOPMENT

- 6.1 The application is retrospective and is for the change of use of land from agriculture to residential for occupation by an extended gypsy family, including the stationing of four mobile homes and six touring caravans with four utility buildings, hardstanding and associated works. The family is the Powell family with the senior parents being Phillip and Mary Powell.
- 6.2 The development would provide for seven permanent residential pitches (four in mobile home/static caravans and three in tourers) with three additional tourers for travelling. Below I will set out the layout of site.
- Plot 1 (most northerly plot) – 1 mobile home/static for occupation by Jimmy (son of Phillip and Mary) and Maryann and 1 tourer for travelling.
 - Plot 2 – 1 mobile home/static for occupation by Phillip (son of Phillip and Mary) and Ada Hering and two children (Jimmy Dean and Sonny) and 1 tourer for travelling.
 - Plot 3 – 1 mobile home/static for occupation by Samual Powell (son of Phillip and Mary) & Sarah Smith and four children (Johnny, Sarah Louise, Joanne, Jimmy) and 1 tourer for travelling.
 - Plot 4 (most southerly plot) – 1 mobile home/static for occupation by Philip and Mary Powell and three tourers for occupation by Neomy Powell (daughter of Phillip and Mary) and two children (Neomy and Cheri Ann); Sarah Powell (daughter of Phillip and Mary) and Moses Smith and two children (Moses and Phillip), Sarah is expecting a third child; Sherri (daughter of Phillip and Mary) and 1 child (Buddy).

- 6.3 There is no business use proposed as part of the application and this could be prevented by way of a condition.

7. CONSIDERATIONS

7.1 Gypsy Status and Need

- 7.1.1. Circular 01/2006 provides the following definition of gypsies and travellers:

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

- 7.1.2 Paragraphs 17 and 18 of the Circular refers to the changing patterns of employment amongst gypsies and travellers and the fact that the community has generally become more settled. The Circular states that there is a need provide sites in locations that meet the current working patterns of gypsies and travellers.

- 7.1.3 The agent for the applicant has stated that the applicants meet the definition of a gypsy. Mr Phillip Powell and his sons do general landscaping work, building work, tree lopping and general dealing as well as being horse dealers. They presently have 6 horses and 4 Shetland ponies and attend all the major horse fairs including Appleby, Barnet, Stowe, Horsemanden and a fair in the north known as Hares. In addition, they attend the relocated Southall horse auctions near Reading. Phillip and Mary Powell did live in a house in Swanley for a period of 8 years while their children were young, however, it is stated that they were unable to settle in the house and generally slept in caravans located on the drive. It is considered that the applicants meet the definition of a gypsy as set out in Circular 01/2006. The applicants do have connections with the general area, however, the lack of an identifiable local connection is not a justified reason for refusal.

- 7.1.4 *Planning Policy Statement 3: Housing* makes specific reference to the need to accommodate Gypsies and Travellers. *Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites* gives guidance on how this should be achieved, including the need to start the process with a clear assessment of needs through Gypsy and Traveller Accommodation Assessments.

- 7.1.5 There is a clear and identifiable need for gypsy accommodation within the Borough that stems from the Gypsy and Traveller Accommodation Assessment (GTAA), which was undertaken in 2005/06 and covers four local authorities – Ashford, Maidstone, Tonbridge & Malling and Tunbridge Wells. Based on this

assessment, there is a need for some 32 new pitches in the Borough over the five year period which equates to 6.4 pitches/year. The extremely low turnover of pitches on the Council sites, which is confirmed by the Council's Gypsy and Caravan Sites Officer, increases the yearly requirement by 2 to 3 pitches, meaning a yearly requirement of 8 to 10.

7.1.6 Work has begun on a gypsy DPD with consultation expected spring 2010 with adoption planned for July 2011.

7.1.7 At the time of writing this report the number of pitches allowed since 2006 is as follows:-

- 30 permanent permissions
- 9 temporary permissions
- 12 permanent with personal permissions
- 15 temporary with personal permissions

7.1.8 From the above information it is clear that there is a significant need for gypsy sites within the Borough. This need and the absence of any allocated sites is given significant weight by Inspectors when determining appeals.

7.1.9 Critically, the Council does not have any public sites available for alternative accommodation and there are no new designations for public sites. This is required by PPS3.

7.2 Visual Impact

7.2.1 The site is within the open countryside, however, there is no specific designation for the land. It is not in an Area of Outstanding Natural Beauty, Special Landscape Area or Conservation Area. There are established Local Plan policies with a presumption against most types of development including ENV28 of the Maidstone Borough-Wide Local Plan (2000).

7.2.2 However, within Circular 1/2006 it is stated that gypsy sites located in the countryside are acceptable in principle. This being the case, there is expected to be some visual impact from gypsy development.

7.2.3 The site and the caravans would be well screened from views along Lenham Forstal Road by the existing trees and hedging along the western boundary. This vegetation is extensive and mature and contains a mix of species that results in a high level of screening to the development. There would be glimpses of the development and the caravans through the trees, especially during the winter months. However, the caravans and other development could not be considered to be prominent from any public vantage points along Lenham Forstal Road. I

consider that a landscaping scheme would be appropriate to enhance the existing landscaping on the site as well as managing both the existing landscaping to be retained and the proposed landscaping for a period of 10 years.

- 7.2.4 There would be no views from any public footpaths, the nearest footpath being KH406 and located approximately 70 metres to the south west of the site on the opposite side of Lenham Forstal Road. The development would not be dominant in the landscape when travelling along the railway line by train.
- 7.2.5 It is important to note that gypsy sites do not need to be hidden from view and therefore views or glimpses of the caravans or areas of hardstanding through trees or hedges are not generally held to be prominent in the landscape and unacceptable. This is particularly the case when cases are heard by Planning Inspectors at appeal.
- 7.2.6 In terms of light pollution, one must accept the use of external lighting, although there is none proposed as part of this application, at any residential site whether a gypsy site or permanent dwelling and it is not considered that appropriate lighting would cause unacceptable harm to the area visually. However a condition restricting the use of flood lighting could be attached to any grant of permission to control this.
- 7.2.7 Without the development or residential use being prominent from any public vantage points it is considered that there is no significant demonstrable visual harm to the character and appearance of the surrounding area. In the absence of such harm, I consider that the impact on the character and appearance of the open countryside to be acceptable.

7.3 Residential Amenity

- 7.3.1 The nearest dwelling is 5 Forstal Cottages located approximately 350 metres to the south of the site. This distance is sufficient to ensure that there would be no adverse impact on the levels of amenity enjoyed by the occupiers of any nearby properties.
- 7.3.2 In terms of light pollution, it is not considered that appropriate lighting would cause unacceptable harm to the nearby properties due to the distance of separation. However, a condition restricting the use of flood lighting could be attached to any grant of permission to control this to prevent impact on the countryside.
- 7.3.3 The position of the site, essentially between the railway line and a quarry could result in significant noise disturbance to the occupiers of the site. However, this residential development is different to normal development in that the occupiers

are already in place and aware of the situation. When housing is generally permitted noise surveys are needed to protect the amenity of the future occupiers of properties who would be unaware of the potential noise from the quarry or railway line. For this reason I do not consider that a noise survey would be appropriate.

7.4 Highway Safety Considerations

- 7.4.1 The site is served by an access onto Lenham Forstal Road. The access would be located towards the north east corner of the site and would have adequate visibility. Kent Highway Services have assessed the access, its likely usage and its visibility and consider that the arrangement is adequate and would not result in a hazard to highway safety.
- 7.4.2 There would be sufficient space within the site for vehicles to enter, turn and leave in order to prevent cars from reversing onto Lenham Forstal Road.

7.5 Ecological Considerations

- 7.5.1 The site is within an area of 'intensive grassland' as categorised by the Kent Habitat Survey 2003. The trees and hedgerows around the margins of the site would be maintained and would be unaffected by the development. This would ensure that the connectivity and migratory routes would be maintained for wildlife.
- 7.5.2 I consider that a condition requiring the enhancement of landscaping within the site would be appropriate in order to supplement the existing planting along the margins. The applicant has agreed to undertake additional landscaping and I consider it to be appropriate to plug the gaps along the frontage as well as to plant a hedge along the eastern boundary of the residential portion of the site.
- 7.5.3 There is a pond identified on the ordnance survey plan. This was dried up at my site visit, however, a recent site visit revealed the pond does contain run off water. The pond is fenced off and as such would be relatively undisturbed by the development. The fact that the pond is only filled with water for part of the year means that there are no aquatic plants within it and therefore of little benefit for aquatic wildlife.
- 7.5.4 The restriction of lighting on the site would ensure that there would be no interference with the foraging habits of bats that may inhabit the surrounding wooded areas.
- 7.5.5 Overall, I do not consider that the development would cause sufficient interference with wildlife on site or in the vicinity to warrant an ecological survey.

7.6 Sustainability

- 7.6.1 In terms of sustainability, the site is located relatively close to the Rural Service Centre of Lenham. It would be approximately 1.75 miles from the edge of the village boundary by road.
- 7.6.2 Lenham village contains a doctors surgery, dentist, primary and secondary schools, post office, public house and shopping facilities. I consider that this full range of facilities within a relatively short distance provides the site with a relatively sustainable location. Furthermore, Lenham village has a train station with services direct to Maidstone and London as well as bus services that run along the A20 to Maidstone and Ashford.
- 7.6.3 Whilst the site is not within a village or immediately on the edge of a village the above facilities available within Lenham indicate that it is not an isolated site and would provide a settled base without the need for long-distance travelling as outlined at paragraph 64 of Circular 01/2006.
- 7.6.4 I do not consider that the site is in such an isolated position that would warrant refusal on sustainability grounds.

7.7 Other Considerations

- 7.7.1 Objections have been raised regarding the retrospective nature of the application. There is no difference with regard to the assessment of an application whether or not the development has occurred. The fact the application is retrospective is not a reason to refuse the application.
- 7.7.2 There are no other gypsy sites in the vicinity and the development cannot be said to overwhelm the local community.

8. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. This permission does not authorise the use of the land as a caravan site by any persons other than gypsies, as defined in paragraph 15 of ODPM Circular 01/2006.

Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted and an exception has been made to provide accommodation solely for gypsies who satisfy these requirements pursuant to Circular 01/2006:

Planning for Gypsy and Traveller Caravan Sites.

2. No more than ten caravans, as defined as defined in Section 24 (8) of the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than four shall be static caravans or mobile homes) shall be stationed on the land at any one time;

Reason: In the interests of visual amenity in accordance with policies ENV28 of the Maidstone Borough-Wide Local Plan 2000 and policy C4 of the South East Plan (2009).

3. Permanent residential occupation shall only be permitted in seven caravans, as defined as defined in Section 24 (8) of the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968;

Reason: In the interests of visual amenity in accordance with policies ENV28 of the Maidstone Borough-Wide Local Plan 2000 and policy C4 of the South East Plan (2009).

4. Within three months of the date of this permission a scheme of landscaping using indigenous species shall be submitted to and approved in writing by the Local Planning Authority which shall include a double staggered hedgerow along the eastern boundary of the residential area and the plugging of gaps in the road frontage planting and 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 10 year management plan. 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 and ENV28 of the Maidstone Borough-Wide Local Plan (2000), policy C4 of the South East Plan (2009).

5. No external lighting shall be erected on the site at any time unless previously agreed in writing by the Local Planning Authority;

Reason: To safeguard the character and appearance of the area and to prevent light pollution in accordance with policies ENV28 and ENV34 of the Maidstone Borough-

Wide Local Plan (2000) and policy C4 of the South East Plan (2009).

6. If the use hereby permitted ceases all caravans, structure, equipment and materials brought onto the land for the purposes, including the hardstanding and utility rooms of such use, shall be removed;

Reason: To safeguard the character and appearance of the countryside in accordance with policies ENV28 of the Maidstone Borough-Wide Local Plan (2000) and C4 of the South East Plan (2009).

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 South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.



13



14



5

16



17







19

20



21



THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/09/0570

GRID REF: TQ8752

3 NORTHDOWNS VIEW,
HARRIETSHAM.



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 1000019636, 2009. Scale 1:1250



Alison Broom
Director of Prosperity and Regeneration

APPLICATION: MA/09/0570 Date: 1 April 2009 Received: 14 September 2009

APPLICANT: Mr P. Howard

LOCATION: 3, NORTHDOWNNS VIEW, HARRIETSHAM, MAIDSTONE, KENT, ME17 1AQ

PARISH: Harrietsham

PROPOSAL: Erection of detached single storey dwelling and detached garage as shown on drawing numbers 08.1500.01, 08.1500.04, 08.1500.05 and 08.1500.06 received on 2/4/09 as amended by drawing number 08.1500.08 and tree report received on 14/9/09.

AGENDA DATE: 18th March 2010

CASE OFFICER: Peter Hockney

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

- it is contrary to views expressed by Harrietsham Parish Council

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, H27, T13
South East Plan 2009: CC4, H4, H5, M1, BE1, T4
Government Policy: PPS1, PPS3, PPG13, PPG24

2. HISTORY

No relevant history

3. CONSULTATIONS

3.1 Harrietsham Parish Council wishes to see the application REFUSED on the following grounds:-

- The revised plans show a garage at the front of the property, which is not in keeping with the street scene.
- The removal of the TPO tree numbered TPO 9 of 2009.

3.2 Kent Highway Services raise no objections to the application and are satisfied with the parking and access arrangements.

3.3 MBC Landscape Officer states:-

"I've had a look at the Tree report (H255) and agree with the findings."

3.4 MBC Environmental Health Manager raises no objections to the application and states that although it is beside the busy A20 traffic noise is less likely to be a problem due to the reduced speeds of traffic in this area. Informatives are recommended for imposition on any approval.

4. REPRESENTATIONS

4.1 Four letters of objection have been received from the occupiers of the neighbouring property 'Hawkley Lodge' on the following grounds:-

- Overlooking and loss of privacy.
- Loss of light.
- Loss of trees, including that covered by a TPO and hedgerow.
- The development is contrary to policy H19 of the Maidstone Borough-Wide Local Plan (2000).
- Insufficient visibility onto the A20 from the access.
- Potential damage to adjoining property from tree removal and newly planted tree.

4.2 One letter has been received from a planning agent on behalf of the occupiers of the neighbouring property 'Hawkley Lodge' raising the following issues:-

- Overlooking and loss of privacy.
- Loss of light.
- It will sit forward of Hawkley Lodge and will thus have a dominating affect.
- No details of slab levels have been included in the application. If the bungalow is constructed in an elevated position relative to Hawkley Lodge, it will have an undesirable and additional dominating effect.
- The proposal would result in overlooking of Hawkley Lodge and 4 Northdowns View.
- The alterations to the front boundary hedge and tree would introduce a suburban aspect to the frontage.
- Loss of TPO tree.
- Inadequate amenity space for 3 Northdowns View.

- Traffic noise from the A20 would lead to an unsatisfactory level of amenity.

5. CONSIDERATIONS

5.1 Site Location and Description

- 5.1.1 The application site relates to the southern part of an existing rear garden to 3 Northdowns View located within the village envelope of Harrietsham. It is approximately 0.05 hectares in area.
- 5.1.2 The site is bounded to the south by Ashford Road (A20), to the east by 4 Northdowns View and to the west by 'Hawkley Lodge'. The context of this part of Ashford Road is of detached low rise properties fronting onto Ashford Road. The majority of these properties are relatively new (constructed within the last 20 years) and include 'Hawkley Lodge', 'Jeremiah' and 'Wealden Lodge' to the west.
- 5.1.3 The site contains a number of trees, including a sycamore covered by TPO 9 of 2009. This was imposed on 27 May 2009 during the life of this application. There is an extensive boundary hedge to the front of the site forming the boundary with Ashford Road.

5.2 Proposed Development

- 5.2.1 The application is a full application for the erection of a single bungalow and detached single garage with a new vehicular access onto Ashford Road.
- 5.2.2 The dwelling would be approximately 2.2 metres to eaves and 5.2 metres to the ridge. It would be set back a minimum of approximately 11m. The detached garage would be positioned in front of the dwelling and would be approximately 2 metres to eaves and 3.2 metres to ridge with a minimum set back of approximately 6.5 metres.
- 5.2.3 The development would involve the loss of two trees an ash tree and the sycamore tree covered by TPO 9 of 2009. A field maple is proposed to be planted as a replacement specimen.

5.3 Principle of Development

- 5.3.1 The application site is within the identified village envelope of Harrietsham within the Maidstone Borough-Wide Local Plan (2000). The site is part of a residential garden and therefore falls within the definition of previously developed land in PPS3.
- 5.3.2 The principle of minor residential development within identified village boundaries is accepted under policy H27 of the Maidstone Borough-Wide Local

Plan (2000). Harrietsham is identified as a Rural Service Centre in the Local Development Scheme (September 2009). Government Guidance on housing contained within PPS3 considers development of new housing on such previously developed sites as generally acceptable.

5.3.3 The minimum density set out in guidance is 30 dwellings per hectare. The area of the site is 0.05 hectares and would equate to 1.5 dwellings using the minimum density. As such I consider that the erection of one dwelling here to be acceptable, especially given the nature of the other plots located to the west.

5.4 Design and Visual Impact

5.4.1 The area is characterised by residential development, in particular properties fronting Ashford Road with a significant set back from Ashford Road. This includes the properties of 'Hawkley Lodge', 'Jeremiah' and 'Wealden Lodge' immediately to the west. These properties have been built following similar applications for the erection of single dwellings in the rear gardens of properties to the north. The results are detached properties within the rear gardens that front onto Ashford Road. Whilst the design of the dwelling is not groundbreaking or particularly high quality the key characteristic to embrace in this location is the small scale of the dwellings. Therefore the development would fit into the context of the surrounding development and would not appear out of place.

5.4.2 The proposed dwelling would be a low rise single bungalow 2.2 metres to eaves and 5.2 metres to the ridge and in this respect would be of a similar scale to other properties in the immediate vicinity. It would be set a significant distance back from the front boundary with Ashford Road approximately 11m. There is not a strong building line in this part of Ashford Road and the proposed set back would be acceptable. The existing hedgerow to the boundary with Ashford Road would be maintained outside of the visibility splays with a double row of hawthorn hedgerow proposed outside the visibility splay. The dwelling would not appear dominant in the street and the maintenance and enhancement of the frontage planting would screen the majority of the development and soften its impact. Its visual impact would be acceptable.

5.4.3 The proposal would also involve the erection of a detached single garage positioned in front of the dwelling. It would usually be unacceptable to locate a garage in front of a dwelling as it would generally result in an incongruous feature within the street that does not fit the context of an area. However, within the immediate area there are other outbuildings close to Ashford Road particularly a detached garage at Wealden Lodge to the west and a building to the rear of 'Maple Tree House' and on the corner of Ashford Road and Downlands to the east. The existence of these other detached outbuildings combined with the small scale of the garage, 2 metres to eaves and 3.2 metres to ridge, the set back of 6.5 metres from the boundary with Ashford Road and the maintenance

of the hedgerow frontage would ensure that the location of this garage closer to the road than the proposed dwelling would be visually acceptable.

5.4.4 There is a significant level of proposed hardstanding that would be located to the front of the site as a parking area with vehicular access onto Ashford Road. However, this is comparable to other dwellings in the area and would allow for adequate turning facilities for vehicles even when a number of cars are parked on the site. This would be required in terms of highway safety and therefore I consider that in this case the level of hardstanding is acceptable.

5.5 Impact on Residential Amenity

5.5.1 The proposed development would be located to the south of 3 Northdowns View, to the east of 'Hawkley Lodge' and to the south west of 4 Northdowns View. These would be the three properties most likely to be affected by the proposal.

5.5.2 The separation distance between 3 Northdowns View and the proposed dwelling would be approximately 19m. This distance combined with the small scale nature of the dwelling would ensure that there would be no loss of light or an overwhelming impact on the occupiers of 3 Northdowns View. The single storey nature of the development would ensure there would be no loss of privacy caused to these occupiers by the occupiers of the proposed dwelling.

5.5.3 The property of 'Hawkley Lodge' would be approximately 8 metres from the proposed dwelling. This separation and the small scale of the dwelling would ensure there would be no loss of light or overwhelming impact from the development of the proposed dwelling. The 1.8m close boarded fence along the boundary would prevent any overlooking from the proposed single storey dwelling. Conditions limiting permitted development for extensions and the submission of details of slab levels would ensure that no adverse impact would occur to the residential amenity of the occupiers of 'Hawkley Lodge'.

5.5.4 The dwelling of 4 Northdowns View would be approximately 12m from the proposed dwelling at its closest point. This distance combined with the small scale nature of the dwelling would ensure that there would be no loss of light or an overwhelming impact on the occupiers of 4 Northdowns View. The single storey nature of the development and the angle of view from the rear facing bedroom window would ensure there would be no loss of privacy caused to these occupiers by the occupiers of the proposed dwelling.

5.6 Impact on Trees

5.6.1 The application site contains a sycamore tree close to the western boundary of the site that is covered by TPO 9 of 2009 as well as other trees including an ash tree another sycamore tree near the southern boundary with Ashford Road. The

application includes the removal of the protected sycamore tree and the ash tree close to the western boundary with a proposed replacement field maple to be located in the south west corner of the site near the boundary with Ashford Road.

5.6.2 An arboricultural report in accordance with BS5837 has been submitted which has categorised the trees on site and identified the sycamore tree as a category C tree. The replacement field maple tree would be 20-25cm girth and 6m tall. The report identifies the root protection areas for the remainder of the trees on site and contains recommendations to ensure that these trees are not damaged.

5.6.3 The Council's landscape officer has examined the report and agrees with its findings. There are no objections regarding the loss of the ash tree or the protected sycamore.

5.7 Highway Considerations

5.7.1 The proposal involves the creation of a vehicular access onto Ashford Road. The visibility splays would be adequate and the area of hardstanding would be sufficient to allow turning areas for cars to enter and leave the site in a forward gear.

5.7.2 There would be no hazard to highway safety from the proposed development and this is evidenced by no objections being raised by Kent Highway Services.

5.8 Other Considerations

5.8.1 The noise level from traffic using Ashford Road is a consideration with regard to this development. The Council's Environmental Health Manager considers that traffic noise is less likely to be a problem due to the reduced speeds of traffic in this area. Therefore adequate residential amenity would be afforded to future occupiers of the dwelling.

5.8.2 The objector states that the development would not comply with policy H19 of the Maidstone Borough-Wide Local Plan (2000). However, this policy has not been saved and is no longer part of the Development Plan and cannot be a consideration in the determination of this application.

5.8.3 In accordance with policy CC4 of the South East Plan (2009) it will be appropriate to impose a condition requiring the development to achieve level 3 on the Code for Sustainable Homes.

5.8.4 Any damage caused to neighbouring properties either by tree removal or construction would be a private matter between the relevant parties and not a planning matter.

5.8.5 The development and the division of the garden would result in an adequate private garden area for both 3 Northdowns View and the proposed property.

5.9 Conclusion

5.9.1 The proposed dwelling on this previously developed site within the village envelope is acceptable in principle and accords with national and local policies. The dwelling would not result in any harm to the residential amenity of any neighbouring residents. There would be no harm to the character and appearance of the area and the development would complement the context of the area.

5.9.2 There would be no reasonable justification for the refusal of planning permission and as such I consider the application acceptable.

6. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with policy BE1 of the South East Plan (2009).

3. The development shall not commence and no machinery or materials shall be brought onto the site until the tree protection measures contained within the tree report undertaken by Treeventures Ltd dated 18 June 2009 have been undertaken and these shall be fully complied with until the completion of the development;

Reason: To ensure adequate protection is afforded to trees on site and ensure no damage is caused in accordance with policies ENV6 of the Maidstone Borough-Wide Local Plan (2000) and BE1 of the South East Plan (2009).

4. All planting, seeding or turfing comprised in the landscaping details shown on drawing number 08.1500.08 Rev A shall be carried out in the first planting and seeding seasons following the occupation of the dwelling 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 BE1 of the South East Plan (2009).

5. The dwelling shall achieve Level 3 of the Code for Sustainable Homes. The dwelling shall not be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved;

Reason: To ensure a sustainable and energy efficient form of development in accordance with Policies CC4 and M1 of the South East Plan (2009), Kent Design Guide 2000 and PPS1.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification), no development within Schedule 2, Part 1, Classes A and B 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 in accordance with policy BE1 of the South East Plan (2009).

7. The development shall not commence until, details of the proposed slab levels of the building(s) and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed

strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site in accordance with policy BE1 of the South East Plan (2009).

Informatives set out below

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

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

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

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 South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.

32



33



34



35



36



37





38

39





40

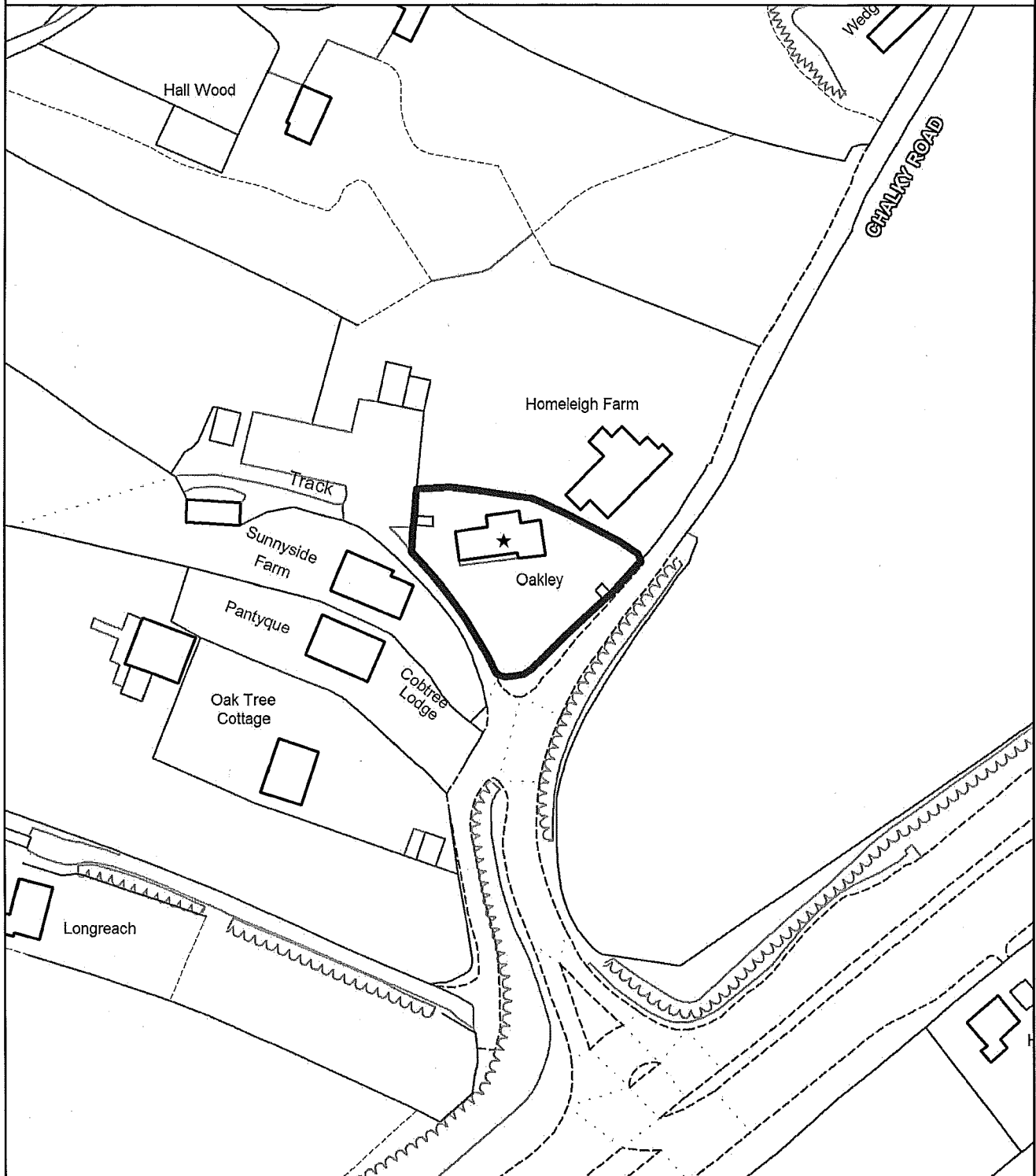
Agenda Item 15

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/09/0788

GRID REF: TQ8360

OAKLEY, CHALKEY ROAD,
STOCKBURY.



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 1000019636, 2009. Scale 1:1250



Alison Broom
Director of Prosperity and Regeneration

APPLICATION: MA/09/0788 Date: 21 July 2009 Received: 18 November 2009

APPLICANT: Mr Andy Hale

LOCATION: OAKLEY, CHALKY ROAD, STOCKBURY, SITTINGBOURNE, KENT, ME9 7QP

PARISH: Stockbury

PROPOSAL: Retrospective planning permission for the erection of a summer house and shed as shown on un-numbered drawings received 11th May 2009, a site location plan, block plan and un-numbered drawings received 27th August 2009 and additional drawings and landscape scheme received 18th November 2009, and supported by a design and access statement received 27th July 2009.

AGENDA DATE: 18th March 2010

CASE OFFICER: Catherine Slade

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

- it is contrary to views expressed by the Parish Council

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV28, ENV33, ENV34, H33

South East Plan 2009: CC1, CC6, C3, C4

Village Design Statement: Not applicable

Government Policy: PPS1 Delivering Sustainable Development, PPS3 Housing, PPS7

Sustainable Development in Rural Areas

2. HISTORY

- MA/77/0951 Extension to enlarge kitchen and provide bathroom, hall and two bedrooms – Approved/Granted with Conditions

The premises has also been the subject of an ongoing enforcement investigation with respect to an alleged unauthorised change of use (ENF/10460).

3. CONSULTATIONS

Stockbury Parish Council wish to see the application refused and reported to Planning Committee on the grounds that there is an alleged change of use at the site and an ongoing enforcement investigation.

Maidstone Borough Council's Landscape Officer suggests that further negotiations be sought to improve the submitted landscaping scheme.

4. REPRESENTATIONS

Six representations were received from four parties. The representations raised the following concerns:

- The buildings are being used to facilitate an unauthorised change of use.
- The site is within an Area of Outstanding Natural Beauty.
- Highway safety.
- The shed does not have a good relationship with the main dwellinghouse.
- Noise and light pollution resulting from use of the buildings.

5. CONSIDERATIONS

5.1 Proposal Site and Surroundings

5.1.1 The proposal site is a single storey dwellinghouse located to the north of Chalky Road, off the A249, Detling Hill within a group of residential properties. The site is located in the open countryside as defined in the Local Plan, and is designated as being within the North Downs Area of Outstanding Natural Beauty (AONB) and Special Landscape Area (SLA). The site is also adjacent to a protected roadside verge.

5.1.2 The site rises in elevation to the rear of the site, however, given the level of existing screening, views of the dwellinghouse are limited from Chalky Road. A vehicular access from a private road to the west of the site has recently been closed off, and pedestrian access is secured from Chalky Road. Vehicular parking for the property is on street.

5.2 Proposal

5.2.1 The current application is retrospective and seeks planning permission for the installation of a summerhouse and associated decking, and a storage building within the curtilage of the dwellinghouse, the erection of fencing and gates in excess of 1m in height to the boundary of the site with Chalky Road.

5.2.2 Outbuildings of such scale do not always require planning permission, however judgements of this kind are made on a case by case basis, and given the scale and intended permanence of the structures, in this instance

that the structures represent operational development, and subsequently, due to their position in relation to the main dwellinghouse and the highway require planning permission. The decking and means of enclosure require planning permission in any case.

- 5.2.3 The southern most building is a pre-fabricated summerhouse with an eave height of 2.4m and a ridge height of 3.1m. Decking has been installed to the southern elevation forming an elevated platform above the land to the south, which slopes down to the highway. The storage building located in the east of the site is also a pre-fabricated unit resting on sleepers. This structure has a rectangular mono-pitched form with a maximum height of 2.4m.
- 5.2.4 The means of enclosure to the highway comprises two elements. The fence to the south of the storage building is a single panel of 1.8m high close boarded fencing, whilst the fencing and arched gates to the south of the summerhouse are 1.2m in height to the lowest part of the arch. The means of enclosure are set back from the highway, and replace the existing hedge which has been partially removed in order to facilitate the installation of the two buildings described above. The applicant has submitted a scheme for the replacement of the hedge in order to provide screening to the fence and gate.

5.3 Policy Considerations

- 5.3.1 The key policies when assessing residential development within the open countryside are ENV28 and H33 of the Local Plan. In addition, policies ENV33 and ENV34 of the Local Plan require that development within the AONB and SLA respects the local environment and enhances the character of the surrounding areas. Policy ENV33 is supported by policy C3 of the South East Plan 2009.
- 5.3.2 Concerns have been raised with respect to the use of the site for commercial activity. The current application is for operational development ancillary to the residential use of the site, and therefore it should be assessed under policies relating to residential development, and the implications of an industrial use cannot be assessed under the current application. The alleged change of use is the subject of a separate ongoing enforcement investigation (ENF/10460).

5.4 Planning Considerations

Outbuildings and decking

- 5.4.1 The outbuildings represent the introduction of structures which, despite their elevated position in relation to the highway, are modest in scale in comparison to the main dwellinghouse, and are not capable of use as

independent units. Although the design of them is uninspired in the case of the summerhouse, and poor in the case of the storage structure, given the position of the structures on the cusp of operational development, it is not considered that this constitutes a sustainable reason for refusal. The summerhouse is acceptable and in keeping with the residential setting. The storage structure, which is less attractive, can be conditioned to be stained in order to enhance its appearance. It is not considered that the decking would have a significant visual impact either upon visual or residential amenity.

Means of enclosure

5.4.2 Closeboard fencing of the type and height included in the application would not normally be permitted in open countryside with the designations of AONB and SLA, however the means of enclosure is set back from the highway beyond the existing hedge line, and the applicant has indicated that planting will be undertaken to screen the fencing. Although a landscaping scheme has been submitted in support of the application, the Maidstone Borough Council Landscape Officer considers that the details are inadequate. However, it is considered that appropriate landscaping would adequately address the appearance of the means of enclosure, and that a condition to secure a high level and standard of screening in accordance with the provisions of the Landscape Character Assessment and Landscape Guidelines would be appropriate.

5.4.3 It is not considered that the development results in any highway issues.

5.4.4 Concern has been raised by a number of correspondents, including Stockbury Parish Council, with respect to an alleged commercial use at the application site. The current application is for operational development ancillary to the main dwellinghouse, and therefore objections relating to a business use cannot be taken into consideration of the current application. Notwithstanding the above, I would reiterate that the alleged change of use is the subject of a separate enforcement investigation, and complaints raised by objectors relating to noise and pollution have been referred to the Council's Environmental Health team.

6. CONCLUSION

6.1 For the reasons stated above I consider the application to be in accordance with the provisions of the Maidstone Borough-Wide Local Plan 2000, the South East Plan 2010 and central government guidance, and I therefore recommend it for approval, subject to the following conditions.

RECOMMENDATION

APPROVE PLANNING PERMISSION subject to the following conditions:

1. The operational development hereby permitted shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
 - (i) within 3 months of the date of this decision a scheme for tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation.
 - (ii) If within 6 months of the date of this decision the landscape scheme has not been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - (iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State.
 - (iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable.

Reason: In order to ensure a satisfactory appearance to the development in accordance with policies ENV6, ENV28, ENV33 and ENV34 of the Maidstone Borough-Wide Local Plan 2000 and C4 of the South East Plan 2009.

2. At the same time as the landscape scheme required by condition 1 above is submitted to the local planning authority there shall be submitted a schedule of maintenance for a period of five years of the proposed planting beginning at the completion of the final phase of implementation as required by that condition; the schedule to make provision for the replacement, in the same position, of any tree, hedge or shrub that is removed, uprooted or destroyed or dies or, in the opinion of the local planning authority, becomes seriously damaged or defective, with another of the same species and size as that originally planted. The maintenance shall be carried out in accordance with the approved schedule. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: In order to ensure a satisfactory appearance to the development in accordance with policies ENV6, ENV28, ENV33 and ENV34 of the Maidstone

Borough-Wide Local Plan 2000 and C4 of the South East Plan 2009.

3. Within three months of the date of this decision, written details of the staining to be used in the construction of the external surfaces of the eastern most outbuilding hereby permitted (including the external finish/colour of the timber) have been submitted to and approved in writing by the Local Planning Authority and the staining shall be undertaken using the approved details within 28 days of the date of the decision relating to the discharge of this condition;

Reason: To ensure a satisfactory appearance to the development in accordance with policy ENV33 and ENV34 of the Maidstone Borough Wide Local Plan 2000 and CC6 and C4 of The South East Plan 2009.

Informatives set out below

The applicant should contact Maidstone Borough Council landscape officers in advance of implementing any approved landscaping scheme and work closely with them to ensure an effective delivery of the scheme.

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 South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.

Item 15, Page 23

MA/09/0788:

**Address
OAKLEY, CHALKY ROAD,
STOCKBURY, SITTINGBOURNE,
KENT ME9 7QP**

Representations

A further representation has been received from a neighbouring occupant. This representation reiterates concerns previously communicated with respect to the use of the land.

Officer Comment

As clearly stated in the officer's report, the current application is for operational development ancillary to the residential use of the land. The alleged change of use of the land for commercial activity is the subject of an ongoing enforcement investigation and cannot be assessed under the current application.

My recommendation remains unchanged.







52









56











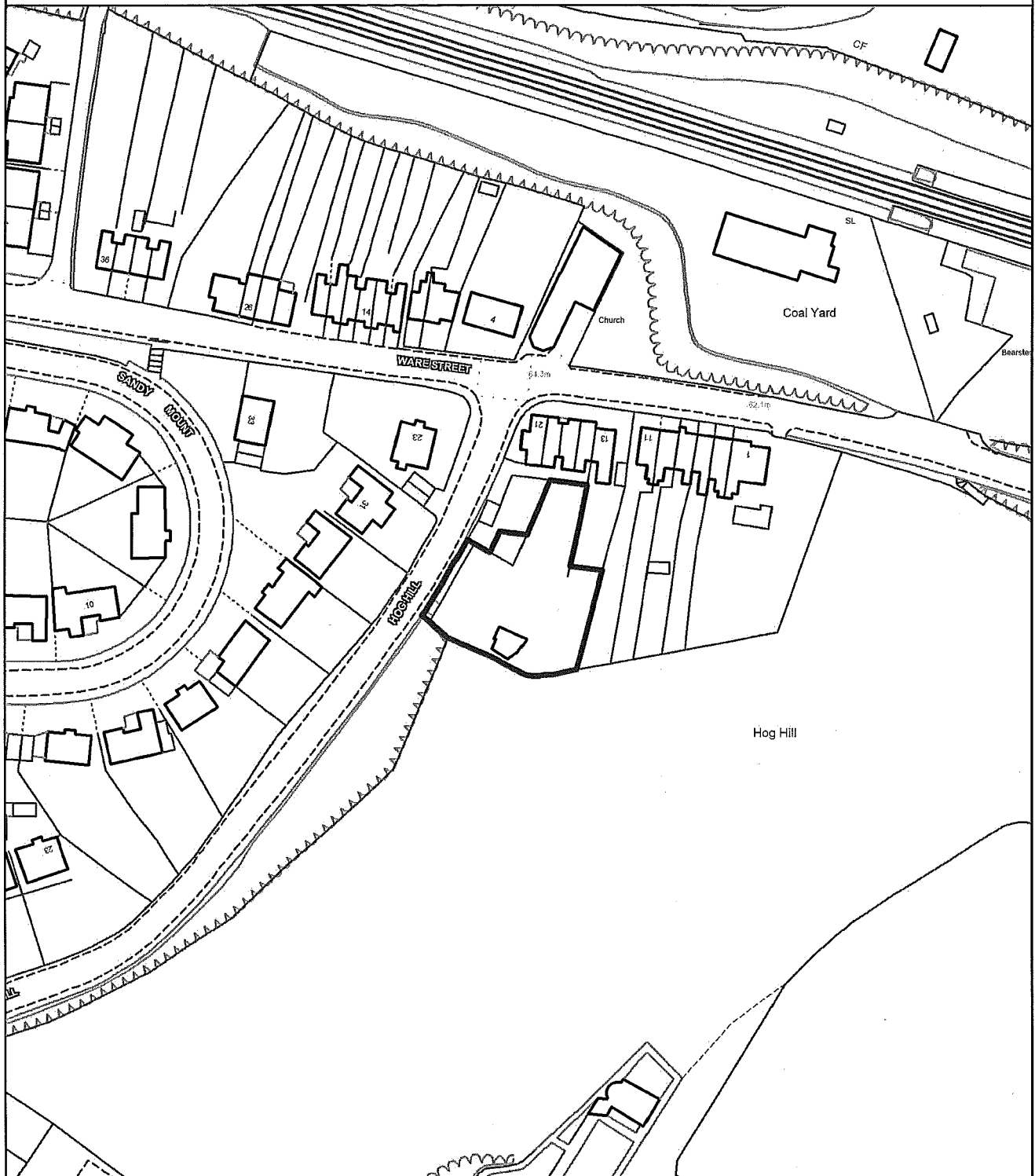
Agenda Item 16

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/09/1656

GRID REF: TQ7956

LAND REAR OF 13-21,
WARE STREET, BEARSTED.



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 1000019636, 2009. Scale 1:1250



Alison Broom
Director of Prosperity and Regeneration

APPLICATION: MA/09/1656 Date: 15 September 2009 Received: 15 September 2009

APPLICANT: Mr M Stevens, Chegworth Manor Investments

LOCATION: LAND REAR OF 13-21, WARE STREET, BEARSTED, KENT

PARISH: Bearsted

PROPOSAL: An application to discharge conditions relating to MA/09/0576 (Erection of a terrace of three dwellings with parking to the rear) being details of condition 5 - landscaping; condition 7- boundary treatments and condition 10 - Reptile survey as shown on drawing no. MS/0809/104 and reptile survey received 15/09/2009 and drawing no. 01060909revA received 09/03/2009..

AGENDA DATE: 18th March 2010

CASE OFFICER: Steve Clarke

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

- Members of the Planning Committee resolved that details of landscaping and the reptile survey should be reported the Committee for determination.

1 POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6
South East Plan 2009: CC6, NRM5
Village Design Statement: Not applicable
Government Policy: PPS1, PPS3, PPS9

2 HISTORY

- MA/09/1591: An application to discharge conditions relating to MA/09/0576 (Erection of a terrace of three dwellings with parking to the rear) being details of Condition 2 materials, Condition 3 slab levels, Condition 9 Arboricultural Survey & Impact Assessment: APPROVED 26/11/2009
- MA/09/0576: Erection of a terrace of three dwellings with parking to the rear: APPROVED 29/07/2009

- MA/08/1865: Erection of pair of semi-detached two storey dwellings with associated works including parking: PERMITTED 07/11/2008

3 CONSULTATIONS

3.1 Natural England: Have commented as follows:-

"The survey information provided by the applicants indicates that widespread reptiles are present within the application site. The proposals set out in the application, however, appear sufficient to mitigate any potential impacts on local widespread reptile populations. Therefore, Natural England is satisfied that these proposals will not be detrimental to the population of widespread reptiles, subject to the condition listed below.

Prior to the commencement of any works which may affect widespread reptiles or their habitat, a detailed mitigation strategy shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.

Natural England would like to also emphasise the importance and benefits to biodiversity of planting native plant species in relation to condition 5 – landscaping."

3.2 MBC Landscape Officer: Has commented as follows:-

"The proposed landscaping scheme as detailed drawing No 01060909 shows a clipped yew hedge along the frontage, with one Birch in the rear garden of the end property at the northern end of the terrace and a shrub border at the southern end consisting of Choisya, cotoneaster, Hebe, Wiegela and 1 Birch tree.

Due to the size of the front and rear garden it is probably unreasonable to request additional trees to be planted particularly as there is a woodland to the south and is subject to TPO No 9 of 1986.

However further consideration should be given to the composition of the hedge, for example instead of one species it should consist of a number of species such as hawthorn, blackthorn, Hazel, and Holly, this type of hedge will create favourable habitats for species of birds etc. In addition planting of shrubs should be carried out in the rear gardens of the two remaining properties."

CONSIDERATIONS

4 Site Location and Description

- #### **4.1**
- The site is located on the east side of Hog Hill Bearsted some 40m south of its junction with Ware Street. It is currently an area used for parking by some of the residents of the terrace of dwellings (13-21 odd) that front onto Ware Street to the north of the site. The gardens of these dwellings face southwards, and are cut into the hillside and terraced. A building formerly used as a garage is located in the south east corner of the site. The site area amounts to approximately 0.087ha

- 4.2 The land raises steeply southwards from Ware Street and the existing terraced dwellings. The existing car park area is some 5.75m higher than the carriageway of Ware Street and also approximately 1.5m higher than the carriageway of Hog Hill. The dwelling at 21 Ware Street has a detached single garage in its rear garden that is accessed from and flanks onto Hog Hill.
- 4.3 To the south of the site lies woodland forming part of the Snowfield Estate. The woodland is subject to a Woodland Tree Preservation Order (TPO no.9 of 1986). This land was also incorporated into the enlarged Bearsted Conservation Area in 1999. The woodland and the land within the Conservation Area continue to rise steeply away from the application site in a south and south easterly direction.
- 4.4 Planning permission was granted under application MA/09/0576 on 29 July 2009 for the erection of a terrace of three dwellings with parking and car ports to the rear accessed from the existing access off Hog Hill.

5 Proposals

- 5.1 This application seeks approval of the landscaping (condition 5), boundary enclosure (condition 7) and a reptile survey (condition 10) pursuant to planning permission MA/09/0576
- 5.2 The landscaping scheme as submitted indicates the planting of a single species (yew) hedge to the frontage to Hog Hill surmounting a ragstone wall. To the rear of the three dwellings currently only a single tree was proposed in the largest garden with the remaining gardens laid to lawn. Ground cover shrub planting is shown to an area to the south of the access drive (adjacent to the woodland outside the site to the south), together with a single tree. The shrub planting as submitted is non-native.
- 5.3 Boundary enclosures comprise a 1m high ragstone wall to the Hog Hill frontage, a powder-coated chain-link fence to the southern boundary and close-boarded fencing to the rear garden areas of the proposed dwellings to provide privacy.
- 5.4 A reptile survey and translocation report was submitted as part of the application. The submitted report indicates that the population of slowworms on the site was a low population with only 6 slowworms (1 male, 3 females and 2 juveniles), recorded and no other reptiles recorded or seen.
- 5.5 A receptor site at Chegworth Manor Barn, Harrietsham was identified as suitable and a hibernaculum (5m long by 1m wide and 60cm deep) created and a log pile and rock pile also formed at the receptor site, with appropriate grass management and sowing of a wildflower seed mix undertaken. The slowworms that were recorded have been translocated to the receptor site.

6 Assessment

- 6.1 The provision of the ragstone wall to Hog Hill with a planted hedgerow is considered to be appropriate and will provide an acceptable appearance to the street scene at this point.
- 6.2 Noting the comments of the landscape officer regarding a solely yew hedge, the applicant has agreed to include additional species to provide a greater mix, these include hawthorn, blackthorn, hazel and holly.
- 6.3 I concur with the Landscape officer's comments that tree planting to the front gardens would not be possible due to the size of the front garden areas.
- 6.4 A hedge of the same species and mix as the hedge fronting Hog Hill, is now to be planted to the front of the proposed close-boarded fence around the rear garden areas of the dwellings to soften the appearance of this section of the site, together with an additional tree in the remaining two gardens.
- 6.5 I also requested changes to the species mix of the shrub planting on the south side of the site as these were non-native and not in accordance with the Council's adopted guidelines. Planting in this area is now to include dog rose, ivy and hazel, which are considered to be more appropriate being on the fringe of woodland.
- 6.6 The amended plan has now been received. A mixed species hedge is now shown to Hog Hill and in front of the fencing to the rear garden areas. The planting in the shrub area has been amended to comprise native species and an additional two trees, a Hornbeam and a Field maple, indicated in the rear gardens of the two houses that were not previously indicated to have any tree planting. A log pile has also been indicated in the shrub area on the south side of the site.
- 6.7 The proposed boundary enclosures elsewhere on the site are considered to be acceptable.
- 6.8 The reptile survey and translocation report has been considered by Natural England. They have no objections to its findings and conclusions subject to a safeguarding condition requiring further mitigation measures to be put in place. I also consider that it would be possible and appropriate to provide log and rock piles in the proposed shrub bed adjacent to the woodland as further enhancement. This can be the subject of a further specific condition. This will comply with the advice in PPS9 that seeks to promote enhancement of biodiversity and ecology.
- 6.9 I consider that with the agreed changes to the scheme the proposed landscaping and boundary enclosures for the site are appropriate and will not detract from

the character of the area. Further mitigation and enhancement for slowworms can be conditioned as requested by Natural England.

RECOMMENDATION

Details of landscaping, boundary enclosures and the reptile survey BE APPROVED subject to the following conditions:-

1. Prior to the commencement of any works which may affect widespread reptiles or their habitat, a detailed mitigation strategy to include the provision of refugia and hibernacula in the shrub planting are adjacent to the woodland area on the southern side of the site, shall be submitted to and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.

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

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 South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.

67

09.03.2010

68



09.03.2010



69

09.03.2010

70

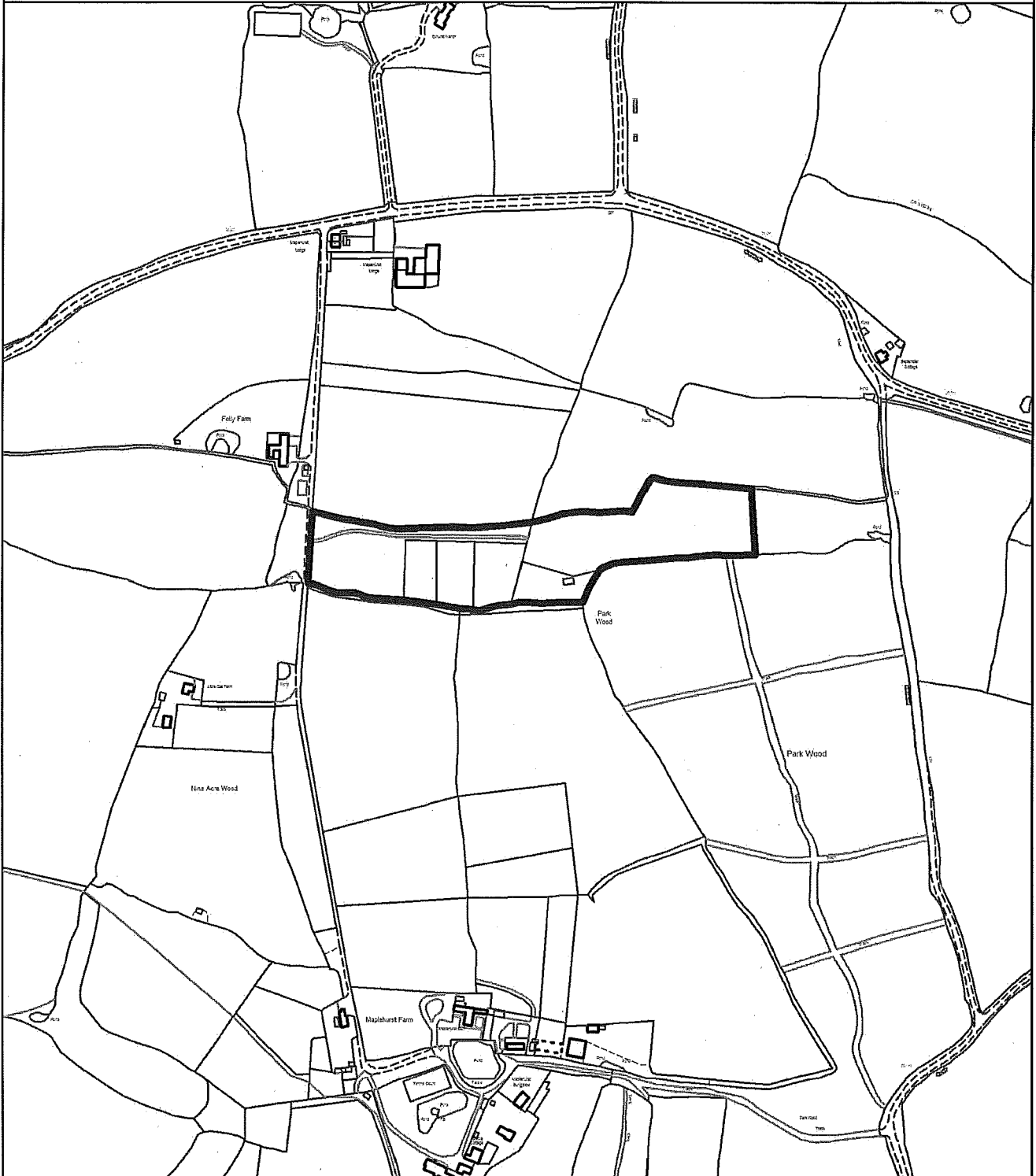
09.03.2010

Agenda Item 17

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/09/1767 GRID REF: TQ7942/8042

PERFECT PLACE, MAPLEHURST LANE,
FRITTENDEN ROAD, STAPLEHURST.



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 1000019636, 2009. Scale 1:5000



Alison Broom
Director of Prosperity and Regeneration

APPLICATION: MA/09/1767 Date: 15 October 2009 Received: 15 October 2009

APPLICANT: Mr W. Perfect

LOCATION: PERFECT PLACE, MAPLEHURST LANE, FRITTENDEN ROAD,
STAPLEHURST, KENT

PARISH: Staplehurst

PROPOSAL: An application for continued use of land for a gypsy family with a twin unit, tourer and two stable blocks. Extension to planning permission MA/07/0837 and approved Enforcement Appeal ENF/8402.

AGENDA DATE: 18th March 2010

CASE OFFICER: Amanda Marks

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

- it is contrary to views expressed by Staplehurst Parish Council

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34, ENV46
South East Plan 2009: CC1, CC6, C4, H4, NRM4, Interim Statement on Provision for Gypsies and Travellers;
Government Policy: PPS1, PPS3, PPS7, PPS9, PPS25, Circular 01/2006, Draft new Policy H7 of the South East Plan

2. HISTORY

2.1 ENFORCEMENT HISTORY

Enforcement Appeal ENF/8402 Permission granted for continued use of land for a gypsy family with a twin unit, tourer, utility room and two stable blocks. ALLOWED on 24/10/06 for temporary 3 year period.

2.2 PLANNING HISTORY

MA/07/0837 Erection of two stable blocks APP 11/04/2008 for a temporary period to expire on 24/10/09

3. CONSULTATIONS

3.1 STAPLEHURST PARISH COUNCIL wishes to see the application refused and reported to committee for the following reasons:

- they are concerned that not all of the planning conditions attached to MA/07/0837 have been complied with.
- The buildings are excessive within the open countryside, light and noise generated from the site causes harm to the Special Landscape Area and neighbouring properties.
- The increased vehicular traffic along Maplehurst Drive continues to have a detrimental effect, the area remains under threat of flood and there is a question of long term sustainability.
- However, Councillors further agreed that if Maidstone Borough Council is minded to grant permission it should only be on a temporary basis.

3.2 KENT HIGHWAYS chose not to comment as outside their remit – does not involve a new access and is on to a private road

3.3 THE ENVIRONMENTAL HEALTH OFFICER has no objections subject to conditions relating to foul sewage, disposal of animal waste, run-off.

3.4 THE ENVIRONMENT AGENCY has no objections to the proposals, the land in question is not situated within a high flood risk area, although there is some risk associated with the stream running through the site.

4. REPRESENTATIONS

Neighbours: one letter of support received from a Parish Cllr on the following grounds:

- Site is hidden from view; the applicant is trying to live cohesively with the local community; give Mr Perfect and his family a chance to settle in the community.
-

three letters of objection received on the following grounds:

- The site is unsuitable for residential use due to its susceptibility to flooding; Circular 1/2006 states that gypsy sites should not be established on sites where the settled population would not be allowed to live;
- Maplehurst Lane is private, unadopted and in a poor state of repair. Four gypsy sites is more than the infrastructure can cope with and emergency services would be unable to get through if required.
- The Council is put 'on notice' that compensation will be sought on behalf of one resident for damage and the necessary repairs on Maplehurst Lane.

Non-material issues:

- Question land ownership where a new gate has been installed on Parkwood Lane;

- Why should permanent residents have to pay for repair costs to road when gypsy family's do not contribute

5. CONSIDERATIONS

5.1 Description of the Site

- 5.1.1 This is an existing gypsy site previously allowed on an enforcement appeal for a temporary period of 3 years. The applicant, Mr Perfect, was granted a temporary permission on the basis of his personal circumstances and largely due to the absence of the Council's DPD and/or alternative site. Mr Perfect still lives on the site with his wife and their 3 children and have done since November/December 2005. The current application was submitted approximately 10 days before the temporary permission was due to expire.
- 5.1.2 The application site lies in the open countryside, to the south of Frittenden Road at the southern end of Staplehurst village. The site falls within the designated Low Weald Special Landscape Area and is accessed off the private road of Maplehurst Lane. The existing development is located within the inner field owned by the applicant and is not readily visible from Maplehurst Lane. The site entrance is on the eastern side of Maplehurst Lane and is approximately 110m in length before reaching the inner field.
- 5.1.3 There is existing boundary treatment consisting of primarily hawthorn trees in excess of 10m high and of varying depth on the southern and western boundaries of the site. The northern boundary has limited planting and post and rail fencing; similarly the eastern boundary is post and rail where it adjoins land previously sold off by the applicant. There are distant views of the site from Park Wood Road but otherwise views from public vantage points are extremely limited into the site.
- 5.1.4 At the time of the most recent site visit there was one mobile home, one tourer, stable block one 1, temporary structure in place of stable block 2, a horse box, enclosed trailer, a mechanical digger and a temporary utility style building. There was also evidence that hardcore/surplus building materials were being placed in the north east corner of the site which the applicant advised the case officer was for a forthcoming application for a ménage.
- 5.1.5 The closest residential boundary is that of Folly Farm which is approximately 140m as the crow flies from the applicant's built development. This property is situated approximately 40m in advance of the applicant's private access of Maplehurst Lane. Maplehurst and Maplehurst Bungalow are located a further 230m- 250m south of the site access.

5.2 The Proposed Development

- 5.2.1 The current application is two-fold. It seeks planning permission to renew a temporary permission for two stable blocks and at the same time seeks an extension to the 3 year period allowed on the enforcement appeal for the applicant to remain on site together with his family and no more than two caravans including one being a touring, and one utility block (the permanent utility block has not yet been built). Both permissions expired on the 24 October 2009. As mentioned previously, the current application was submitted prior to the previous permissions expiring, but has now become largely retrospective. Stable block 2 approved under MA/07/ 0837 has not been built, the original makeshift stable remains.
- 5.2.2 The permission was granted first for the stationing of the caravans and the stables proposal followed. The reason for the temporary permission for the family to remain on site was due to the status of the LDF process. The planning inspector considered that it would be unreasonable to uphold the enforcement notice when there was no obvious alternative location and work was to be undertaken by the Borough Council with regard to gypsy need and potential sites. The stables were granted a temporary permission to coincide with the end date of the residential occupation of the site. This being said, I consider that this is the type of location you would expect to see stables i.e in the countryside.
- 5.2.3 There was initially some confusion over the boundaries of the application site. The applicant sold off a small parcel of land on the eastern site bordering Parkwood Lane at some point after the Inspectors decision. As the access is not taken off this road it has no bearing on the determination of this application.

5.3 Principle of Development

Development in the countryside is restricted by the terms of Development Plan Policy and Central Government Guidance. As an exception to the general theme of restraint, policy and guidance allow for the creation of private gypsy caravan sites where there is a demonstrated need. Other than the very general advice in Policy H4 of The South East Plan 2009, there is no directly relevant adopted policy here and the advice in Circular 01/2006 is the most pertinent. Proposed Policy H7 of the South East Plan in its draft form sets out the number of permanent pitches that Authorities in the South East should be providing for the period 2006-2016.

5.4 Gypsy Status and Need

- 5.4.1 Circular 01/2006 provides the following definition of gypsies and travellers:

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

- 5.4.2 The applicant's main business is horse trading which involves travel to horse fairs in other parts of the country. The gypsy status was explored and accepted at the time of the earlier appeal and is therefore not in question.
- 5.4.3 Paragraphs 17 and 18 of the Circular refers to the changing patterns of employment amongst gypsies and travellers and the fact that the community has generally become more settled. The Circular states that there is a need provide sites in locations that meet the current working patterns of gypsies and travellers.
- 5.4.3 *Planning Policy Statement 3: Housing* makes specific reference to the need to accommodate Gypsies and Travellers. *Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites* gives guidance on how this should be achieved, including the need to start the process with a clear assessment of needs through Gypsy and Traveller Accommodation Assessments.
- 5.4.5 There is a clear and identifiable need for gypsy accommodation within the Borough that stems from the Gypsy and Traveller Accommodation Assessment (GTAA), which was undertaken in 2005/06 and covers four local authorities – Ashford, Maidstone, Tonbridge & Malling and Tunbridge Wells. Based on this assessment, there is a need for some 32 new pitches in the Borough over the five year period which equates to 6.4 pitches/year. The extremely low turnover of pitches on the Council sites, which is confirmed by the Council's Gypsy and Caravan Sites Officer, increases the yearly requirement by 2 to 3 pitches, meaning a yearly requirement of 8 to 10.
- 5.4.6 Work has begun on a gypsy DPD with consultation expected spring 2010 with adoption planned for July 2011.
- 5.4.7 At the time of writing this report the number of pitches allowed since 2006 is as follows:-
- 30 permanent permissions
 - 9 temporary permissions
 - 12 permanent with personal permissions
 - 15 temporary with personal permissions

5.4.8 From the above information it is clear that there is a significant need for gypsy sites within the Borough. This need and the absence of any allocated sites is given significant weight by Inspectors when determining appeals.

5.4.9 The critical issue is that the Council does not have any public sites available and there are no new designations for public sites. The availability of public sites is a requirement in PPS3.

5.4.10 Whilst there is a significant need, this must be balanced against any harm caused in each case. Having dealt with general matters I now turn to an assessment of this particular site.

5.5 Visual Impact

5.5.1 The application site lies in the open countryside, outside a defined settlement and within a designated Special Landscape Area. The entrance to the site is clearly visible off Maplehurst Lane and views are afforded across the applicant's field where some horse jumps can be seen. The access drive is clearly visible across the field into the secluded residence of the family. When travelling along Maplehurst Lane it is not apparent that you are approaching the applicant's site and it is only upon arrival at the site entrance which is marked with a sign to identify the residence that you realise there is more than just a field with an access track running across it. This largely due to the abundant level of deciduous screening on the western boundary, the frontage onto Maplehurst Lane, where apart from the break within tree cover to enter the main residence there are no obvious signs of occupation. As mentioned earlier in this report, landscaping is a prominent feature of this site, but there is scope for improvement. The hawthorn trees on the western boundary are in excess of 15m in height and in places a staggered double row. Those on the southern and southeast boundary are more dense, almost wooded in character.

5.5.2 When travelling south along Park Wood Road views are afforded across to the applicant's site and the structures on the land can be seen. However, I would not say that the site is prominent in the landscape – simply it can be seen. There is scope for additional landscaping on the applicant's eastern boundary which would mitigate the views from this angle. Previously landscaping was not sought on this boundary as it formed part of the inner application site, however due to the sale of some of the land it now forms the outer boundary. The northern boundary is also less screened and could benefit from additional planting.

5.5.3 Looking north back down Maplehurst Lane towards Frittenden Lane the site is well screened with dense planting; and whilst the northern boundary is more

open when considering the impact from Frittenden Road the site is obscured from view by the other development closer to the road.

- 5.5.4 At the time of the site inspection there were no external lights apparent within the site, although I note that the Parish Council makes reference to light pollution. Due to the characteristics and location of the site I consider it would be very difficult for light pollution to permeate into the open countryside and cause harm to either residential amenity or the character of the area in times of darkness, however I have added a condition to my recommendation to ensure that any additional lighting be subject to an application to the Council.
- 5.5.5 I do not consider the site to be visually intrusive in the countryside, or detrimental to the character of the Low Weald SLA and the field pattern is maintained. Whilst there are views from private land adjoining the site, I am satisfied that from public vantage points the site is largely well screened.

5.6 Residential Amenity

- 5.6.1 The development is located a considerable distance from the nearest residential properties, the closest being approximately 140m away. As discussed the boundary treatment between sites is well screened and defined.
- 5.6.2 I do not consider that there will be any adverse impact either visually or in terms of the noise and activity generated by the use of the site on the occupiers of other dwellings in Maplehurst Lane.

5.7 Sustainability

5.7.1 Circular 01/2006 paragraph 64 sets out the sustainability criteria which should be considered as part of the application process, in summary:

- Co-existence between the site and local community;
- Wider benefits of access to GP and other health services;
- Children attending school regularly;
- A settled base reducing the need for long distance travel & associated unauthorised camping;
- Not locating sites in areas at high risk of flooding.

5.7.2 The site is approximately 2km from Staplehurst Village; whilst it is possible to walk from the site to the village the vast majority of trips are undertaken by car. The proximity to the village means that the applicant and his family are able to make use of the education and health facilities, goods and services. The site allows the applicant to continue his horse trading business, as whilst the

majority of his horses remain in Swale he is able to bring some to this site. In light of these issues I agree with the Inspectors view that the site can contribute to an integrated co-existence with the local community.

5.7.3 Clearly the site does allow a settled base for the applicant and his family, whilst still allowing him to travel at the relevant times of year. Flooding is dealt with in section 9.0 below.

5.8 Highway Safety

5.8.1 The site takes its existing access off a private unmade road which suffers from potholes which I am advised need regular maintenance. The issue of access to the site was discussed in some length in the enforcement appeal where it was determined by the Planning Inspector that access was acceptable off Maplehurst Lane and the additional volume of traffic would not be detrimental to highway safety or residential amenity. Limited change has occurred since the Inspectors decision and the highways authority do not wish to comment on this application. I do not consider the minimal additional traffic movements associated with the continued use of this site to be of significant harm to the locality. This being said, a letter has been received from a solicitors (appended) on behalf of one resident stating that compensation will be sought from the Council to repair the damage that has occurred to the privately owned Maplehurst Lane. The claim is that the Council is at fault for granting planning permissions for gypsy sites which are accessed off the lane. It is alleged that the additional traffic using the lane to access these sites is contributing to the poor state of the road.

5.8.2 There are three other gypsy sites accessed off Maplehurst Lane. Maplehurst Paddock and Little Oaks Farm are subject to temporary planning permissions and the recently sold site of Mr Webb is subject of a current planning application by a Mr Lewis to occupy as a gypsy site; this site is adjacent to the access of the current planning application.

5.8.3 Whilst the issue of access is a material consideration, the access is considered acceptable in terms of highway safety and issues of maintenance and rights of way over the road are a private matter. Legal advice confirms that in terms of potential damage to the road, this is a civil issue that is beyond the control of the planning system. There is no right to compensation under the Planning Act.

5.9 Flooding & Drainage

Residents have submitted photographs which show the first field in times of flood. However, having consulted the Environment Agency they advise that the area does not fall within a high flood risk area and accordingly they raise no

objections to the development. Flooding and drainage issues were also scrutinised on appeal whereby the Inspector found that on the rare occasion when the area did flood it was due to lack of maintenance of the ditches on site as much as localised drainage patterns. The issue was not considered to be of such significance as to withhold planning permission.

5.10 ECOLOGY

As the site has been in continued use as a gypsy site for approximately 4 years and two months, I do not consider it reasonable to ask for an ecology assessment to be undertaken as new development is not part of this application. This being said, I have considered the possible impact of the development on ecology matters and find that land suitable for species habitat is within the wooded area outside the site boundary. I do not consider the continued use of the site as a threat.

5.11 Other issues

5.11.1 The applicant has stated on his application form that he seeks continued use of the site as previously allowed on a temporary basis. Due to the wording on the application form I have dealt with this application as a renewal on a temporary basis.

5.11.2 Issues of road maintenance to a private road are a matter between the affected residents and not relevant to the consideration of this application.

5.11.3 The applicant is aware that planning permission is required for a proposed ménage in the north east corner of his site where at present he has acquired some hardcore. Planning Enforcement have visited the site and will be checking on the progress of the forthcoming planning application.

5.12 Conclusion

This site does not cause harm to the character and functioning of the countryside in my opinion. There are no objections to the development on the grounds of flooding from the Environment Agency. In light of the shortfall of gypsy sites and the on-going work being undertaken by the Borough Council for the provision of gypsy sites, I consider the site acceptable for continued use until the necessary work has been completed by the Council's Planning Policy team.

RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. The use hereby permitted together with the provision of the stable blocks shall be carried on only by Mr Walter Perfect, his wife and children and shall be for a limited period being the period of three years from the date of this decision, or the period during which the premises are occupied by the, whichever is shorter.

Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted. Due to the current status of the Council's Development Plan Document and the lack of alternative options for the applicant at this time, an exception has been made to provide accommodation solely for gypsies pursuant to Policy H4 of the South East Plan and in light of the personal circumstances of the applicant and his family.

2. When the premises cease to be occupied by Mr Walter Perfect, his wife and children or at the end of two years, whichever shall first occur, the use hereby permitted shall cease, all materials and equipment brought onto the premises in connection with the use shall be removed, including the stable blocks, and the land restored to its former condition.

Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted and in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000.

3. This permission does not authorise the use of the land as a caravan site by any other persons other than gypsies, as defined in paragraph 15 of ODPM Circular 01/2006.

Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted.

4. No more than one static residential caravan, as defined in Section 24(8) of the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 and one touring caravan, which shall not be used for habitation purposes, shall be stationed on the land at any one time.

Reason: To accord with the terms of the application and in the interests of the visual amenity in accordance with Policy ENV28 of the Maidstone Borough-Wide

Local Plan 2000 and Policy C4 of the South-East Plan 2009.

5. No plant machinery or equipment, including any mobile electricity generator, shall be operated on the site unless it has been installed and maintained in a way which will minimise transmission of noise and/or vibration beyond the boundaries of the site in accordance with a scheme approved in writing by the local planning authority.

Reason: To accord with the terms of the application and in the interests of the visual amenity in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and Policy C4 of the South-East Plan 2009.

6. Notwithstanding the provisions of Schedule 2, Part 4 of the Town and Country Planning (General Permitted development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no temporary buildings or structures shall be stationed on the land without the prior permission of the local planning authority.

Reason: To accord with the terms of the application and in the interests of the visual amenity in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and Policy C4 of the South-East Plan 2009.

7. Within 2 months of the date of this permission a scheme of landscaping including a double staggered hawthorn hedgerow along the northern and eastern boundaries of the site, using indigenous species to 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 shall be submitted to and approved in writing by the local planning authority. 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, ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan (2000), policy C4 of the South East Plan (2009) and guidance contained in PPS9.

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, ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan (2000) and guidance contained in PPS9.

9. Within 2 months of the date of this permission full details of foul and surface drainage 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;

Reason: To ensure adequate drainage is proposed and to prevent pollution in accordance with policies NRM1 and NRM4 of the South East Plan (2009).

10. Within 2 months of the date of this permission, details of the means of storage prior to disposal and the method of disposal of faecal, bedding or other waste arising from the animals housed within the development shall be submitted to and approved in writing by the local planning authority. Such waste material arising from the animals so housed shall be disposed of solely in accordance with the approved detail;

Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers and the amenities of the surrounding area and in accordance with ENV28 of the Maidstone Borough-Wide Local Plan (2000).

11. Within 2 months of this permission a scheme for the disposal of run-off from the stable, hardstanding, manure heaps, stable washings and hay soaking areas 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.

Reason: To ensure adequate drainage arrangements and to prevent risk of polluting run-off entering either ground or surface waters and in accordance with policies NRM1 and NRM4 of the South East Plan (2009).

12. No external lighting shall be erected on the site at any time unless previously agreed in writing by the Local Planning Authority;

Reason: To safeguard the character and appearance of the area and to prevent light pollution in accordance with policies ENV28 and ENV34 of the Maidstone Borough-

Wide Local Plan (2000) and policy C4 of the South East Plan (2009).

Informatives set out below

Any watercourse within the boundary of the site would be classified as an ordinary watercourse and would not be maintained by the Agency or by an Internal Drainage Board. In the absence of any express agreement to the contrary, maintenance is the responsibility of the riparian owners. Any culvert, diversion, dam or like obstruction to the flow of the watercourse requires the consent of the Agency and/or Internal Drainage Board, under the Land Drainage Act 1991. For nature conservation reasons, the Agency seeks to avoid culverting and will not normally consent such works except for access.

The applicant is advised that, if they have not already done so, it will be necessary to make an application for a Caravan Site Licence under the Caravan Sites and the Control of Development Act 1960 within 21 days of planning consent being granted. Failure to do so could result in action by council under the Act as caravan sites cannot operate without a licence. The applicant is advised to contact the Environmental Health Project Manager on 01622 602145 in respect of a licence. #

The grant of this planning permission does not infer consent or a right of access to the private road Maplehurst Lane. The use of a private road is a matter between the applicant and the owner of the road.

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 South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.

MA/10/0157 : e MA/09/1767

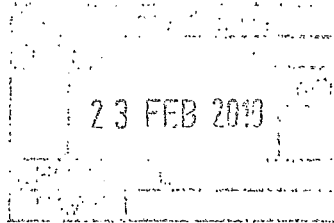
Pl. ack + DIP.

Brachers
LLP

Our Reference: 96/346/LO/ARM0595-000002

Your Reference:

Maidstone Borough Council
DX 4819 MAIDSTONE



Somerfield House
59 London Road
Maidstone
Kent ME16 8JH
DX 4806 Maidstone 1

tel. 01622 690691
fax. 01622 681430

info@brachers.co.uk
www.brachers.co.uk

22 February 2010

Dear Sirs

Planning Application Number:
Land at: Maplehurst Frittenden Road Staplehurst

We refer to the above application and would ask you to note that we are instructed by Mr Armytage, who as you know owns the property Maplehurst at the head of the private driveway and who also owns the driveway over which the other landowners have a right of way.

You will be aware that objections have been raised on several occasions to applications for residential use of agricultural land along the driveway for the stationing of gypsy or travellers mobile homes. One of the grounds of objection is that the state of the private roadway is such that it cannot take the constant increase in traffic which is caused by allowing applications for residential use which generate further traffic without the need for either adoption or major and costly repairs. This has been drawn to the Council's attention on many occasions and it is not an adequate response to say that applications are allowed subject to conditions which restrict the amount of traffic as this is not in practice possible to enforce. Any site which is granted permission will have visitors and if a business is run from the site as we are instructed is at present the case with at least one of the sites along the driveway, there will be an unacceptable level of traffic generation.

The current condition of the driveway is wholly unacceptable and planning officers are invited to inspect this if they have not already done so.

On behalf of our client we are therefore instructed to put the Council on notice that we expect to be instructed to seek compensation for the damage which has been caused and the repairs which will be necessary and which have been occasioned by the repeated grant of planning permissions which have generated the traffic responsible for the damage to the roadway. We would also put you on notice that the suitability of access is a material planning consideration and we would be grateful if you would confirm by return that this correspondence is being drawn to the attention of the planning committee.

Yours faithfully

BRACHERS LLP

410226 1

Brachers LLP is registered in England and Wales with the number OC336022 and is regulated by the Solicitors Regulation Authority 488062.
Registered Office: Somerfield House, 59 London Road, Maidstone, Kent ME16 8JH.
Offices also at: Medway House, 81 London Road, Maidstone, Kent ME16 0DU.

Partners: JC Sheath (Managing), Susan E Hart, AHG Wilson, Katharine Baigent, AS Palmer, Mary C R ⁸⁵, Joanna P Worby, SP Alexander, NP Rennie, Julia W Law, Sarah K Gaines, Marita L Jones, Catherine L Daw, MR Oatham, JM Horton, MA Jilani, MGS Janney, P Cunningham, Maria F Passemar, PA Dugate, Shirley D Moore, DM Stevens, WJB Butler, S Smith.
We use the word 'Partner' to refer to a member of the LLP or an employee or consultant who is a lawyer with equivalent standing and qualifications. No service accepted by e-mail or fax.



ISO 9001
Certificate No. FS 27707

86









06



91



A dirt road stretches from the foreground into the distance, flanked by trees and a grassy field. On the left, a grey wooden shed with a window is visible. The sky is overcast. The number '92' is overlaid on the image.

92



93



94

95



96



97

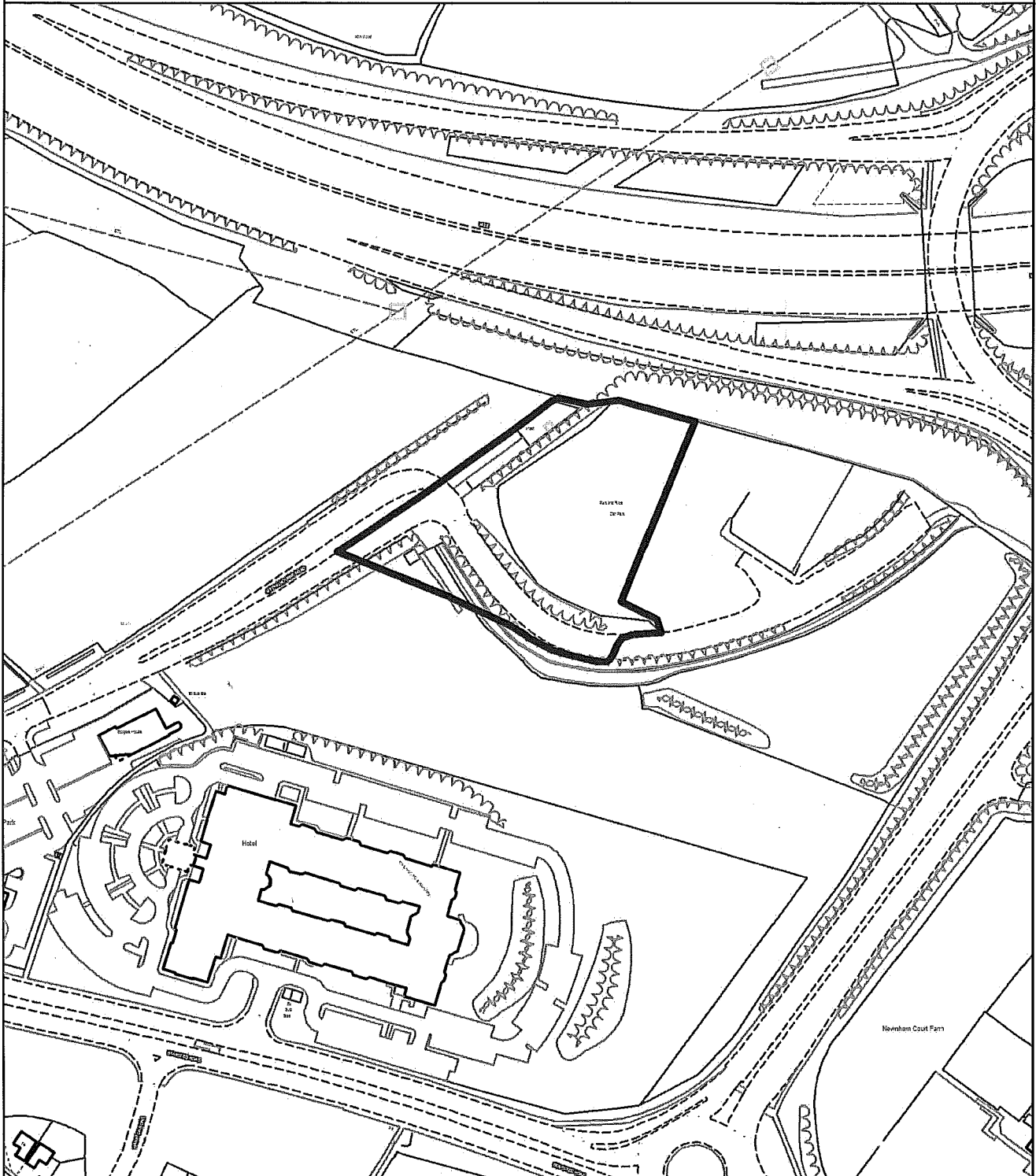


THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/09/1784

GRID REF: TQ7757

ECLIPSE PARK, SITTINGBOURNE ROAD,
MAIDSTONE.



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 1000019636, 2009. Scale 1:2500



Alison Broom
Director of Prosperity and Regeneration

APPLICATION: MA/09/1784 Date: 2 October 2009 Received: 4 February 2010

APPLICANT: Gallagher Properties Ltd

LOCATION: ECLIPSE PARK, SITTINGBOURNE ROAD, MAIDSTONE, KENT

PARISH: Boxley

PROPOSAL: Outline planning permission for the erection of a new hotel with access to be considered at this stage and all other matters reserved for future consideration as shown on drawing nos. DHA/6806/01, 279/PL200, 101062/ENG/SK003, 1010062/SK001revF and design and access statement, planning statement transport assessment and ecological assessment received 02/10/2009 and as amended by letter dated 2 February 2010, Transport Assessment addendum, and drawing nos. T0028/SK002, SK022 and SK023 received 04 February 2010.

AGENDA DATE: 18th March 2010

CASE OFFICER: Steve Clarke

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

- It is a departure from the Development Plan in that the site is allocated for development within Use Classes B1 and B2 whereas a hotel use is Class C1.

Referral to the Government Office for the South East (GOSE) under the Town and Country Planning (Consultation) England) Direction 2009 as the site is an 'out of centre site', would be required if the floorspace of the building comprises 5000 square metres or more.

Referral is also necessary if the floorspace of the building is greater than 2500 square metres and this floorspace, together with existing development of the same type that has been substantially completed or approved within the period of 5 years before the referral application was submitted or has already been provided, or development that is subject to an application for a use of the same type received but not determined, within a 1km radius of the site exceeds 5000 square metres in aggregate.

The issue is covered further in the main body of the report.

1: POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV49, ED1, ED17, T13, T17, T23
South East Plan 2009: SP2, SP3, CC1, CC4, CC6, RE1, RE3, T1, T4, T5, NRM1, NRM5, NRM7, BE1, TSR5, AOSR7
Village Design Statement: N/A
Government Policy: PPS1, PPS4, PPS9, PPG13

2: HISTORY

2.1 Relevant planning history relating to the site is outlined below.

MA/09/0017: Change of use of land to provide extension to and remodelling of existing Park & Ride car-park site to provide approximately 150 (net) additional vehicle parking spaces for a temporary three year period: APPROVED 19/02/2009

MA/07/1851: Application to discharge the Section 106 Agreement dated 15th March 2002 attached to the outline planning permission reference MA/01/0249 (for the erection of buildings for use for the purposes of either class B1 or B2). This would allow all new development on the premises to fall within use classes B1 (a), B1 (b), B2(c) and B2 of the use classes order without a stipulation on the quantitative split between these uses (currently no more than 40% B1 (a) and at least 60% falling within classes B1 (b) and B2(c) of the use classes order): APPROVED 07/08/2008

MA/07/1414: Partially retrospective application for the completion of estate roundabout to provide access to park and ride car park: APPROVED 14/08/2007

MA/07/0641: An application for the prior approval of the Local Planning Authority by Orange PCS Ltd to operate a public electronic communications network (raising height of mast from 18 to 23m): REFUSED 14/05/2007

MA/05/1871: Variation of condition 1 of planning permission MA/01/0249 (outline application for erection of buildings for employment purposes - class B1 and class B2 with access and car parking to extend the time within which the development may commence and for imposition of a revised condition 1 to allow a further period in which to submit details pursuant to the outline planning: APPROVED 15/11/2005

MA/04/0258: Variation of condition 11 of planning permission MA/01/0249 (outline application for the erection of buildings for employment purposes, class B1 and class B2, with access and car parking) to allow development to commence before a Section 278 Highways Agreement is completed: APPROVED 05/04/2004

MA/01/0249/02: Application for approval of reserved matters being details of access/estate road to serve Phase 2 of business park, pursuant to outline application MA/01/0249 erection of buildings for employment purposes (class B1 and B2) with access and car parking: APPROVED 21/12/2006

MA/01/0249: An outline application for erection of buildings for employment purposes (class B1 and class B2) with access and car parking, with all matters reserved for future consideration: APPROVED 15/03/2002

MA/99/1551: Erection of 18 metre high telecommunications mast and associated equipment and cabin: APPROVED 07/04/2000

MA/97/1305: Change of use of land from highways/contractors depot to provide a Park & Ride car park and access amended site and layout: APPROVED 30/10/1997

Site history considerations

- 2.2 The application site lies outside the area subject to the original outline planning permission for the business park approved under application MA/01/0249, but is within the area designated for employment purposes (Class B1 and Class B2) under policy ED1 of the Maidstone Borough-wide Local Plan 2000.

3: CONSULTATIONS

3.1 Boxley Parish Council:

Do not wish to object. The Parish Council also confirmed on 2 March 2010 that they have noted the additional highways information and have made no further comment.

3.2 Highways Agency:

- 3.2.1 Commented on 5 November 2009. They do not object to the development. They stated in their response that their interest relates to their management of the Strategic Road Network (SRN) specifically in this case M20 junction 7 and their duty to safeguard the operation and safety of trunk roads. They stated that the submitted Transport Assessment (TA) did not fully consider the likely traffic implications of the proposed development for the following reasons:
- Trip generation associated with the restaurant not considered.
 - They did not consider it appropriate to apply the trip generation associated with the Hilton Hotel to this development site on the basis that the proposed development does not offer the same facilities which would attract local service users. We consider that the consequence of this is that the TA currently underestimates the likely impact at M20 J7.
 - They consider the TA underestimates the expected level of background traffic growth anticipated throughout the review period (2009-2019)

3.2.2 However they then go on to state that sufficient information was provided to allow them to come to a view in responding to the consultation and state:-

“As the future year impact assessments have been carried out on the basis the M20 J7 has the signal controlled layout conditioned on nearby committed development, we are therefore directing the same condition in respect of this proposed development. We are also directing conditions relating to the level of parking and the requirement of a Travel Plan.”

3.2.3 The directed conditions are as follows;

1: No development hereby permitted shall be occupied unless and until the completion and opening to traffic of a scheme of improvements generally shown on drawing no. HTT91271A/1080.1/1A (or other such scheme of works substantially to the same effect which has first been approved in writing in writing by the Secretary of State for Transport (in consultation with the Local Highway Authority) and thereafter approved in writing by the Local Planning Authority.

Reason: To ensure that the M20 motorway continues to be a safe and effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980.

2: No more than 175 parking spaces shall be provided on the site at any time.

Reason: To ensure that no more trips are generated than predicted and in the interests of sustainability and to reduce reliance on the use of the private car as a means of transport pursuant to Planning Policy Guidance Note 13.

3: No part of the development hereby permitted shall be brought into beneficial use unless and until a detailed Travel Plan has been prepared and approved in writing by the Maidstone Borough Council in consultation with the Secretary of State for Transport and the Local Highway Authority. The agreed Travel Plan measures shall subsequently be implemented and thereafter maintained in full respect within 3 months of the occupation of the hotel, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that no more trips are generated than predicted and in the interests of sustainability and to reduce reliance on the use of the private car as a means of transport pursuant to Planning Policy Guidance Note 13.”

3.2.4 No further comments have been received to-date from the Highways Agency relating to the additional highway information received on 4 February 2010.

3.3 Kent Highway Services:

3.3.1 Initially commented on 12 November 2009 and sought further information as follows:

"A Transport Assessment and Travel Plan have been submitted in respect of this application for a 150 bedroom hotel with 175 parking spaces. Trip rates have been calculated using TRICS 85%ile data which is considered to be acceptable. The traffic distribution and assignment has been based on survey data of the existing Hilton Hotel traffic which was agreed at the scoping meeting and is considered to be acceptable.

Growth rates have been applied to the traffic data in order that capacity assessments could be completed for the 2009 and 2019 scenarios. Committed development traffic has been included in the capacity assessments.

Capacity assessments have been completed on the following junctions:-

1. M20 junction 7
2. Bearsted Road roundabout
3. Chiltern Hundred roundabout
4. Proposed new signalised junction to access the site from Bearsted Road

1. The M20 junction 7 has been tested with the previously agreed improvement scheme and the results indicate that the hotel traffic would not have a significant impact.

2. The Bearsted Road roundabout has been assessed assuming the previously agreed improvements to the roundabout have been made. The results indicate that the introduction of the traffic signal junction along Bearsted Road to access Eclipse Park will actually improve capacity at the Bearsted Road roundabout both in 2009 and 2019. This is due to the reassignment of the Eclipse Park traffic and removal of u-turners.

3. The proposed new signalised junction along Bearsted Road has been modelled with a 70 second cycle time and assuming pedestrian phases are called every cycle; this being a 'worst case'. The results indicate that the introduction of the new traffic signal controlled junction will not have an unreasonable effect of capacity in the 'worst case' scenario in the design year 2019.

4. The Chiltern Hundreds roundabout has been tested both with and without the previously agreed modifications. The modifications include the replacement of the existing single lane, free flow exit from the Eclipse Park access onto Sittingbourne Road with a 2 lane give way exit and signing/lining alterations on the roundabout. In addition to this a signalised bus exit from Eclipse Park was proposed. The signalisation element of the proposal would no longer be required if the new signalised junction is provided as part of the hotel application as buses will be able to use the new junction to access the Park and Ride site.

The results of the capacity assessments indicate that there would be sufficient capacity at this roundabout to accommodate the hotel traffic if the agreed improvements to the roundabout are implemented. Without the improvements the hotel traffic will have a detrimental effect on capacity.

In summary the previously agreed modification are required to the junctions of the M20 junction 7, the Bearsted Road roundabout and the Chiltern Hundreds roundabout prior to the implementation of the development. The modifications to both the Bearsted Road roundabout and the Chiltern Hundreds roundabout are subject to safety audit and it is considered that a Stage 1 safety audit should be provided prior to the granting of any permission for this site.

Further information is also required in respect of the following:-

- A stage 1 safety audit and technical approval is also required in respect of the proposed new signalised junction to the site off Bearsted Road. This is a new junction on a principal route, therefore, this should be provided prior to any permission being granted.
- Plans should be provided indicating a cycle link which is required between the development site and the existing cycle route on Hampton Road, including crossing facilities on Bearsted Road.
- Measures are required to improve bus services between the site and Maidstone Town Centre during evenings and Sundays.
- An Interim Travel Plan is required in respect of this site.”

3.3.2 Additional information was supplied by the applicant on 4 February in response to the above requests and following the undertaking of a Stage One safety audit of the scheme.

3.3.3 Revised comments have been received from Kent Highway Services as follows: - Kent Highway Services do not object to the development.

“Trip rates have been calculated using TRICS data which is considered to be acceptable. The traffic distribution and assignment has been based on survey data of the existing Hilton Hotel traffic which was agreed at the scoping meeting and is considered to be acceptable. Growth rates have been applied to the traffic data in order that capacity assessments could be completed for the 2009 and 2019 scenarios.

Committed development traffic has been included in the capacity assessments. Capacity assessments have been completed on the following junctions:-

1. M20 junction 7
2. Bearsted Road roundabout
3. Chiltern Hundred roundabout
4. Proposed new signalised junction to access the site from Bearsted Road

1. The M20 junction 7 has been tested with the previously agreed improvement scheme incorporating the provision of traffic signals, and the results indicate that the hotel traffic would not have a significant impact.

2. The Bearsted Road roundabout has been assessed assuming the previously agreed improvements to the roundabout have been made. The results indicate that the introduction of the traffic signal junction along Bearsted Road to access Eclipse Park will actually improve capacity at the Bearsted Road roundabout both in 2009 and 2019. This is due to the reassignment of the Eclipse Park traffic and removal of u-turners.

3. The proposed new signalised junction along Bearsted Road has been modelled with a 70 second cycle time and assuming pedestrian phases are called every cycle; this being a 'worst case'. The results indicate that the introduction of the new traffic signal controlled junction will not have an unreasonable effect of capacity in the 'worst case' scenario in the design year 2019.

4. The Chiltern Hundreds roundabout has been tested both with and without the previously agreed modifications. The modifications include the replacement of the existing single lane, free flow exit from the Eclipse Park onto Bearsted Road with a 2 lane give way exit and signing/lining alterations on the roundabout. In addition to this a signalised bus exit from Eclipse Park was proposed. The signalisation element of the

proposal would no longer be required if the new signalised junction is provided as part of the hotel application as buses will be able to use the new junction to access the Park and Ride site.

The results of the capacity assessments indicate that there would be sufficient capacity at this roundabout to accommodate the hotel traffic if the agreed improvements to the roundabout are implemented. Without the improvements the hotel traffic will have a detrimental effect on capacity.

In view of this information I can confirm that I have no objections to the proposals in respect of highway matters subject to the following condition(s) being attached to any permission granted:-

1 No work shall commence on the development site until the highway works listed below have been carried out and a full stage 1 approval is attained, in accordance with a design and specification to be approved in writing with the Local Planning Authority and to be fully implemented to the satisfaction of the Local Planning Authority.

1. Improvements to Junction 7 of the M20 incorporating the provision of traffic signals.
2. Improvements to the A249 Bearsted Road roundabout incorporating the replacement of the dedicated left turn lane on the eastbound approach to the roundabout with a 3 lane give way entry and signing and lining alterations to the roundabout as shown in principle on Drawing Number T0042/SK002 dated January 2010.
3. Improvements to the A249 Sittingbourne Road/ Bearsted Road/Penenden Heath Road roundabout (Chiltern Hundreds roundabout), incorporating the replacement of the existing single lane, free flow exit from the Eclipse Park onto the A249 Bearsted Road with a 2 lane give way exit and signing and lining alterations to the roundabout, as shown in principle on Drawing Number T0028/SK023 dated January 2010.
4. Provision of a new signalised junction forming the new access to the site from the A249 Bearsted Road and replacing the existing left in/left out access as shown in principle on Drawing Number T0042/SK002 Rev A dated January 2010.
5. Provision of a new pedestrian and cycle lane on the east side of the access road into the Eclipse Park site as shown in principle on Drawing Number T0042/SK002 rev A.

In addition to the above a full Travel Plan should be submitted and approved prior to first occupation of the development.

2 Before any work is commenced a Method Statement showing the phasing of the development shall be submitted to and approved in writing by the Local Planning Authority and the development shall not proceed other than in accordance with the approved programme.

3 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.

4 The area shown on the submitted layout as vehicle parking space or garages shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before the use

is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the

Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

5 No dwelling/building shall be occupied or the approved use commenced until space has been laid out within the site for cycles to be parked in accordance with the Kent & Medway Vehicle Parking Standards."

3.4 Natural England:

3.4.1 Have commented as follows on the ecological surveys submitted with the application. They have not objected to the development proposals.

"Bats: The survey information provided by the applicants indicates that bats may be utilising trees in an adjacent area that may be indirectly affected by these proposals through lighting and other effects. However, it should be possible to mitigate these effects by the use of appropriate lighting during construction and operation of the development. Therefore, subject to the condition listed below, Natural England is satisfied that these proposals should not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range (as defined in Regulation 44 of the Habitat Regulations). The following condition is required to ensure that development does not breach English or European legislation.

Prior to the commencement of any works which may affect bats or their breeding sites or resting places, a detailed lighting strategy shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.

Dormice: Natural England is satisfied that the survey information provided by the applicants demonstrates that no dormice are present within the application site. However there is the potential for dormice to be present in the boundary hedge/tree line. Although it is indicated that this area will not be affected by the proposals, and is in fact not in the applicant's ownership, the Council should seek confirmation that this is the case. Provided that the hedge line is not affected and that a suitable buffer zone is in place then, Natural England is satisfied that these proposals should not be detrimental to the maintenance of the population of dormice at a favourable conservation status in their natural range (as defined in Regulation 44 of the Habitat Regulations). However, if the hedge will be encroached upon then it will be necessary to ascertain the presence or absence of dormice before the determination of this application in accordance with Natural England's Standing Advice

Widespread Reptiles: Natural England is satisfied that the survey information provided by the applicants demonstrates that no reptiles are present within the application site.

Breeding Birds: Whilst no specific breeding bird survey was conducted at the application site, it is likely that a number of species of bird nest within the application site. However, providing any site clearance works are conducted outside of the breeding bird season and replacement nesting opportunities are provided through the landscaping strategy at the detailed application stage, Natural England is satisfied that this proposal should not be detrimental to local breeding bird populations."

Biodiversity Enhancements: This application has many opportunities to incorporate features into the design which are beneficial to wildlife such as the incorporation of roosting opportunities for bats, the installation of bird nest boxes or the use of native species in the landscape planting, for example. As such we would recommend that should the Council be minded to grant permission for this application, measures to enhance the biodiversity of the site are secured from the applicant. This is in accordance with Paragraph 14 of Planning Policy Statement 9. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

Summary and conclusions: Based on the information provided, **Natural England has no comments to make** regarding protected species subject to the conditions described above."

3.5 Environment Agency:

3.5.1 Confirm that they have no objections to the proposals but have provided advice in respect of foul and surface water drainage, contamination on the site.

"Surface water

Only clean uncontaminated water should drain to the surface water system. Roof water shall discharge direct to soakaway via a sealed down pipes (capable of preventing accidental/unauthorised discharge of contaminated liquid into the soakaway) without passing through either trapped gullies or interceptors. Open gullies should not be used.

A minimum amount of unsaturated zone should be maintained at all times during the year, between the invert level of the soakaway and the maximum height of groundwater. This zone should be at least 10m in depth.

Prior to being discharged into any soakaway system, all surface water drainage from parking areas, roads and hardstanding areas shall be passed through trapped gullies to BS 5911:1982, with an overall capacity compatible with the site being drained.

There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water.

Foul

There is no objection to the foul drainage draining directly to the foul mains sewer as indicated in the planning application.

Land Contamination

Condition: If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, details of how this unsuspected contamination shall be dealt with. Reason: This site lies on the Folkestone Sandstone Formation, which is classified as a principal aquifer in the Groundwater Protection: Policy and Practice. This site also lies in a Source Protection Zone (SPZ) 3 for the Hockers and Springfield Mill public water abstraction. Public water abstractions are therefore at risk from activities and all precautions must be taken to prevent discharges and spillages to ground both during and after construction.

Storage of Fuels/chemicals

Where it is proposed to store more than 200 litres (45 gallon drum = 205litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials (such as detergents) should be stored in bunded areas secured from public access, so as to prevent accidental/unauthorised discharge to ground. The areas for storage should not drain to any surface water system.”

3.6 Southern Water:

3.6.1 Have not made detailed comments as the development appears to be a low risk development. They have requested that the developer makes appropriate checks in relation to ascertain the location of public sewerage and water supply apparatus.

3.7 Southern Gas Networks:

3.7.1 Have provided a plan showing their plant and apparatus in the vicinity of the site. There is none adjacent to or within the site.

3.8 EDF Energy:

3.8.1 No objections

3.9 MBC Environmental Health:

3.9.1 No objections subject to informatives governing hours of operation and conduct on site during construction.

3.10 MBC Landscape Officer:

3.10.1 “The access point as shown on the site plan which is part of the design statement indicates that the access point will be at an existing entry point which

is along the southern boundary. There are no trees of significance which will be affected by the access point. There are however a group of trees to the east which are subject to TPO 32 of 2008. The proposed footprint suggests that they will not be affected, however in order that no unnecessary damage occurs during the construction a tree protection plan and associated documents should be supplied."

3.11 MBC Economic development

3.11.1" The principle of this proposed development is acceptable in economic development terms and accords with the thrust of local economic development objectives for Eclipse Business Park and more generally in terms of supporting Maidstone's profile as a modern business location with facilities to meet the identified needs of business users.

These comments are, however, underpinned by our understanding that suitable alternative park and ride provision will be made. This is essential to the management of town centre congestion and hence Maidstone's wider economic vitality and sustainable development.

Our support for this proposal is based upon the following:

- As a strategic employment site, the future success of Eclipse Business Park in terms of attracting commercial investment will be supported by the development of a dedicated business hotel, providing convenient accommodation/meeting room services to adjacent businesses and their clients.
- As a high profile development in a key strategic location adjacent to the M20, this proposal would help to visibly improve Maidstone's profile and growth point plans.
- For a town of its size and commercial aspirations, Maidstone lacks a significant concentration of business hotels to service business needs and so this development would serve a wider strategic need within the hotel sector locally.
- Tourism is a significant employer important to the local economy (supporting approximately 3,500 FTE jobs and 4,700 actual jobs) and a key component of the recently adopted Economic Development and Tourism Strategy. A new hotel would generate employment in the sector and provide a significant additional asset."

4: REPRESENTATIONS

4.1 Cllr Naghi has made the following comments on the application:-

"I am writing to you to outline my concerns relating to the above Outline Planning Application at Eclipse Park. Firstly I believe it is unfortunate that the applicant has chosen to submit an outline application and to reserve most matters for later consideration. If this application is approved it is important to set down firm guidelines for the development in terms of its design, particularly in relation to the height and elevations of the building, landscaping and materials. Whilst this is an outline application I would urge the planning department to set firm guidelines at this stage and not to sign any blank cheques.

Secondly, I believe this application should in fact be refused at this point. Whilst some progress has been made there are still outstanding highways issues relating to safety concerns for both drivers and pedestrians. In addition, there are still some areas where

there are likely to be capacity problems for example at the Notcutts roundabout. In addition it is very likely that the increased traffic movements caused by additional development at this site will rapidly catch up with the capacity produced by the proposed highway works.

Thirdly I am unhappy at the robustness of the proposed travel plan for the development and the refusal of the applicant to consider any financial contribution to local bus services. Additionally I believe that the under provision of car parking spaces for the development is very likely to cause overspill parking in to the surrounding area. Perhaps under providing parking spaces or not supporting local bus services might be logical but not both at the same time.

Thank you very much for your time and consideration."

4.2 Six letters were received from Maidstone CPRE and local residents to the original consultation and a further **two** letters have been received as a result of the consultation on the additional details received 4 February from local residents who had written previously. The issues raised are summarised as follows:-

- There is no need for another hotel as the Hilton is close-by and there are others within a short drive of the site
- The proposed traffic signals would be detrimental to traffic flows along Bearsted Road especially at peak times
- Old Sittingbourne Road should be heavily traffic-calmed to ensure people don't use to as a rat-run to avoid the traffic lights and cut speeding
- The design of the building is too modern inappropriate materials are proposed
- The building is too high at 7 storeys, obstructing views of the North Downs, it should be a maximum of 4-5 storeys
- The development would attract even more traffic into an already busy area and make air quality worse
- The development would not provide the high quality jobs that Maidstone needs
- The site is not close to the town centre or good public transport links
- The hotel should not be approved until the future of the Park & Ride site has been determined
- The parking spaces should be below ground under the hotel enabling greater green areas around the hotel for the guests to use

CONSIDERATIONS

5: Site location and description

5.1 The application site is located to the north west of the Eclipse Business Park, Sittingbourne Road. It is currently occupied by the western section of the existing park and ride car park (an area of approximately 4000m²) and a telecommunications mast together with its associated equipment and access road. To the north of the site lies the M20 motorway which is in a cutting at this

point and lower than the site. The motorway carriageway is approximately 4-5m lower than the highest point of the site as currently exists. There is also a National Grid electricity pylon located to the west of the 'phone mast outside the site boundary.

- 5.2 To the east of the site is the remainder of the existing park and ride car park, the Townergate building and beyond, the A249. To the south lie the other three occupied units of Eclipse Park and to the west an open area bounded to its west by Hoath Wood. Shaw Close a residential development constructed approximately 7 years ago is located some 150m to the south west of the site.
- 5.3 The site is currently on two levels with the higher level where the existing 'phone mast is located and the lower level within the Park and Ride car park site. The difference is approximately 4-5m. The site also generally falls from north to south away from the motorway in a gentle gradient.
- 5.4 The site is within the urban area as defined by the Maidstone Borough-wide Local Plan 2000 and is allocated under policy ED1 for employment development and also as a Park & Ride site under policy T17.

6: Proposals

- 6.1 The application has been submitted in outline with all matters except access reserved for subsequent approval. Permission is sought for the erection of a 3-star 150 bedroom business hotel. It is classified as a business hotel because it contains no leisure complex and smaller restaurant/bar facilities. This is in contrast for example to both the nearby 'Hilton' hotel and the 'Village' hotel at Junction 6 of the M20 which have extensive restaurant/bar and leisure suites. The proposals are not intended as a replacement for the Hilton Hotel.
- 6.2 The building would be up to 7 storeys in height. The illustrative details indicate that there would be a small fitness room, a restaurant/bar, 2 meeting rooms and a 300m² function room on the ground floor of the building. It would accommodate 30 bedrooms on each floor from the 1st up to the 5th floors. The plant would be located on the 6th floor at roof level.
- 6.3 The submitted drawings indicate 175 car parking spaces
- 6.4 It is indicated that the development would employ in the region of 56 full-time equivalent employees.
- 6.5 The application indicates that the hotel will not be higher than 23m from ground level (taken from the level of the park and ride site) and therefore no higher than the existing telephone mast located on the higher ground, the top of which is some 23m higher than the M20 carriageway level and its base, as stated earlier, some 4-5m higher than the level of the park and ride site.

- 6.6 The ground level of the hotel would therefore be approximately the same level as the main motorway carriageway beyond the embankment and the J7 London-bound slip road to the north of the site and its top approximately 23m above carriageway level.
- 6.7 The building would sit on a ragstone plinth and the upper elevations would utilise metal rain-screen cladding and timber cladding and extensive glazing which also provides an opportunity to use subtly coloured glazing.
- 6.8 A wildlife pond of approximately 55m² would be formed within the site located close to the building, two other ponds of approximately 36m² and 28m² are also indicated. Due to the lowering of ground levels within the site, retaining walls would be necessary and the application indicates that the retaining walls would be formed using gabions enabling the provision of planting to provide green walls. An avenue of existing trees along the western site boundary would be continued and comprehensive tree planting provided along the northern boundary with the M20 motorway linking with established planting and the planting on the motorway embankment.
- 6.9 As part of the proposals a number of improvements to the local highway network are proposed. These are as follows
- The alteration of the existing left-in one-way access to Eclipse Park off Bearsted Road to allow two-way operation and the ability through the provision of signal control at the junction with Bearsted Road to allow traffic to turn right from Bearsted Road into Eclipse Park and to allow Eclipse Park traffic to turn right on exiting the road towards Maidstone.
 - Alterations to the 'Notcutts' roundabout to remove the existing free flow lane towards M20 junction 7 and alterations to the exit lanes from the section of Bearsted Road travelling westbound past The Crematorium.
 - Alterations to the 'Chiltern Hundreds' roundabout and the exit from Eclipse Park to remove the free flow lane and to replace it with a two-lane 'give way' junction.
 - The proposals also assume that the previously approved partial signalisation of the M20 junction 7 will be in place prior to the opening of the hotel.
- 6.10 Illustrative plans have also been submitted that show the replacement of the car parking spaces in the Park & Ride car park lost to the hotel site to the east of the current car park on an area of land north of the 'Towergate' building.
- 6.11 The application was accompanied by a design and access statement, a planning statement, transport assessment, an ecological assessment and a market

assessment report incorporating a sequential test on the suitability of the site as hotel site.

7: Principle of development

- 7.1 The site is within the defined urban area of Maidstone, and contains development in the form of the phone mast and associated equipment. The park and ride car park whilst not falling within the definition of previously developed land does constitute development and following the approval granted under application MA/09/0017 for the enlarged car park, the previous form and topography of the site changed. The main issue to be considered is whether development of a hotel use (Class C1) on an employment site designated for B1 and B2 uses would be acceptable.
- 7.2 Since designation in the Borough-wide Local Plan, the nature of the employment market has changed, for example, no class B2 development has been forthcoming on the adjacent Eclipse Park or on the larger site designated in the Borough-wide Local Plan, in fact, no class B2 uses have come forward on any allocated site in the Borough-wide Local Plan. Members will note from the site history that the s106 agreement which restricted B1 development to 40% of the floorspace within the site has been revoked.
- 7.3 In addition the development should be assessed against policy ED17 of the Borough-wide Local Plan as follows:-

POLICY ED17: WITHIN THE URBAN AREA AND VILLAGE BOUNDARIES AS DEFINED ON THE PROPOSALS MAP, A NEW HOTEL, GUEST HOUSE OR OTHER SERVICED ACCOMMODATION AND SELF-CATERING ACCOMMODATION FOR VISITORS, THE EXTENSION OR UPGRADING OF SUCH ACCOMMODATION OR THE CHANGE OF USE OF A BUILDING TO PROVIDE SUCH ACCOMMODATION WILL BE PERMITTED IF ALL THE FOLLOWING CRITERIA ARE MET:

- (1) IT IS COMPATIBLE WITH ITS SURROUNDINGS IN SITING, SCALE, DESIGN, MATERIALS AND LANDSCAPING; AND**
- (2) IT WILL NOT HARM THE AMENITIES OF PEOPLE LIVING NEARBY; AND**
- (3) IT WILL NOT HARM BUILDINGS OR AREAS OF HISTORIC OR ARCHITECTURAL INTEREST; AND**
- (4) IT WILL NOT IMPAIR ROAD SAFETY OR THE FREE FLOW OF TRAFFIC; AND**
- (5) IT WILL HAVE ENOUGH VEHICLE PARKING IN THE CURTILAGE OF THE PROPERTY; AND**
- (6) IT WILL NOT CAUSE THE LOSS OF RESIDENTIAL ACCOMMODATION IN A TOWN CENTRE COMMERCIAL AREA; AND**
- 7) ACCESS IS AVAILABLE BY A CHOICE OF MEANS OF TRANSPORT.**

IN THE CASE OF SELF-CATERING ACCOMMODATION A HOLIDAY OCCUPANCY CONDITION WILL BE ATTACHED, PREVENTING THEIR USE AS A SOLE OR MAIN RESIDENCE. THE CONDITION WILL LIMIT OCCUPATION TO A SPECIFIED TEN MONTH PERIOD IN ANY CALENDAR YEAR.

- 7.4 Members will note that this policy, whilst now clearly of some considerable age since it was adopted, does not preclude development of hotels on non-allocated hotel sites or sites designated for other uses.
- 7.5 Government advice has also changed in the form of PPS4 published in December 2009. This advice is clearly more up-to date than the saved policies in the Borough-wide Local Plan. It is important also because it has expanded the definition of economic development within which, hotel development as an 'arts, culture and tourism development use' is included and also includes development that creates employment opportunities.
- 7.6 I consider therefore, that despite not being a Class B1 or B2 use, the provision of a hotel on the site would not be contrary to recently published government policy, which makes no distinction between the various Use Classes in terms of employment generation and economic development and is therefore acceptable in principle subject to the tests set out in PPS4 and ED17 of the Borough-wide Local Plan being satisfied.
- 7.7 In terms of PPS4, this site has been assessed as an 'out of centre site' as it is not within the main town centre but is within the urban area. The initial requirement of policy ED17 that the site be located within the urban area is also therefore met.
- 7.8 PPS4 sets out a number of policy requirements that should be considered when assessing planning applications for economic development. The PPS states that development on out of centre sites and not in accordance with an up to date Development Plan should be assessed against the following criteria;
- A) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal
 - B) the impact of the proposal on town centre vitality and viability, including local consumer choice and the range and quality of the comparison and convenience retail offer
 - C) the impact of the proposal on allocated sites outside town centres being developed in accordance with the development plan
 - D) in the context of a retail or leisure proposal, the impact of the proposal on in-centre trade/turnover and on trade in the wider area, taking account of current and future consumer expenditure capacity in the catchment area up to five years from the time the application is made, and, where applicable, on the rural economy
 - E) if located in or on the edge of a town centre, whether the proposal is of an appropriate scale (in terms of gross floorspace) in relation to the size of the centre and its role in the hierarchy of centres
 - F) any locally important impacts on centres under policy EC3.1.e"

- 7.9 Whilst the proposed hotel clearly does not compete with existing retail facilities in the town centre and therefore criteria 'B', above does not largely apply here, it is necessary to address the impact of the development on the town centre in terms of its vitality and viability.
- 7.10 There is no direct competitor to the proposed hotel within the town centre. The submitted market assessment report and alternative sites assessment has therefore been taken into account in accordance with the advice in PPS4. This assessment has looked at a range of sites such as Maidstone East, Lockmeadow, the former Council offices at 26 Tonbridge Road, the Peugeot garage, Mill Street, Land off Mote Road (27), Haynes garage, Land at St Peters Street, Terrace Road, Bower Terrace, land north of Rocky Hill, 24-32 Well Road, Wrens Cross, Medway Street Car Park and Springfield.
- 7.12 The conclusion of the assessment is that of the sites identified and examined, none are capable of providing the type of hotel that would fill the market need identified, and which the proposals seek to fill.
- 7.13 Of the sites assessed in the report, there is an extant permission for a hotel on the site at 26 Tonbridge Road/Terrace Road (the former Council offices), but this is for a different type of hotel at the budget end of the market. Members will be aware that the future of the Maidstone East site is currently uncertain. Whilst possibly large enough to support a hotel on part of the site, to be viable it would need to be part of a wider redevelopment scheme. Part of the Lockmeadow employment area is allocated for a hotel use but the allocated area is currently in active use and there seems little prospect of the site or part of the site coming forward. Members may recall that the site at the Medway Street car park was approved under application MA/98/0524 (on 24/07/1998) for a hotel development which also sought to replace the previous multi-storey car park on the site. This site remains potentially suitable for a hotel development, but it currently in active use as a well-used car park facility.
- 7.14 Well Road has an extant permission for a supermarket and is not available. Springfield is considered not to have a strong relationship to demand generators and therefore not suitable for the type of hotel proposed in this application. Sites at the Peugeot garage and Wrens Cross and Bower Terrace are constrained by the presence of listed buildings on the site. The sites identified at St Peters Street, Rocky Hill, Mote Road and the Haynes site, are not currently available.
- 7.15 I am satisfied that the assessment is comprehensive and I concur with its conclusions.

- 7.16 Members will have noted the comments of the Council's Economic Development section set out in paragraph 3.11.1 above. They consider that the development would increase Maidstone's offer in terms of business hotels which it currently lacks and would serve a wider strategic need within the hotel sector locally. It is their view that the vitality of the local economy would not be prejudiced by the construction of a hotel of this type on this site, in fact they state that it will help generate employment in this important sector of the local economy that supports some 4500 jobs (3700 Full Time Equivalent) and provide a significant additional asset.
- 7.17 Given these conclusions, I do not consider that the development of a hotel on the application site would be contrary to criteria D (which primarily relates to turnover/trade of retail and leisure development) and E (whether the scale of the development is acceptable) set out in paragraph 7.8 of the report above.
- 7.18 Criterion 'C' is not relevant as there are no sites for hotels outside the town centre allocated in the development plan. There are currently no other proposals for hotels in the town centre other than the extant planning permission for the former Council offices at 26 Tonbridge Road which was for a different type of hotel at the budget end of the market, I consider therefore that criterion 'A' has also been satisfied. I do not consider that there will be any impact in terms of Criterion 'F'.
- 7.19 It is recognised that whilst the hotel development does not directly impact on the town centre, the accommodation of people outside the town centre will to a certain extent, prevent them utilising retail, restaurant and leisure facilities in the town centre. This is not significant in terms of the advice in PPS4 and in any event the site does have transport links to the town centre allowing trips to be made.
- 7.20 The development of a hotel on the application site would not be contrary to the advice in PPS4. It is not a retail or leisure development and would not have a direct impact on existing town centre uses or their vitality or viability. A reasonable level of employment would also be generated. Further more with the required travel plan and restrictions on car parking provision within the site, and the provision of pedestrian and cycle links from existing facilities, the development does contain measures to reduce car-borne traffic as encouraged in the PPS. The replacement of the Park & Ride car park spaces is also welcomed.
- 7.21 I also consider that the proposals comply with the remaining criteria of policy ED17 of the Borough-wide Local Plan as set out above.
- The proposed siting is acceptable and the indicated design, materials and landscaping will secure an acceptable development that will not detract from its surroundings.

- There will be no harm to the occupiers of residential properties in Shaw Close and
- There are no listed buildings close to the site and it is not within or adjacent to a conservation area.
- The issues of highway safety and parking are addressed below.
- There would be no loss of residential accommodation.

7.22 In conclusion on the issue of the principle of the development whilst located within an area designated for employment purposes and therefore strictly contrary to the provisions of the Borough-wide Local Plan 2000, I do consider that the hotel would constitute an acceptable form of economic development as defined in and tested against PPS4 which is more recent government advice. In addition, the proposals comply with policy ED17 of the Borough-wide Local Plan.

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

8: Highways

8.1 This is a key consideration in relation to the application. Members will have noted the views of both the Highways Agency and Kent Highway Services set out in the report. Neither organisation has raised objections to the development or the proposed changes to the local road network.

8.2 There are two elements to the highway considerations, parking and the alterations to the local network in the vicinity of the site.

8.3 In respect of parking, The advice in PPS4 states under Policy EC8: Car Parking for non-residential development

“EC8.1 Local planning authorities should, through their local development frameworks, set maximum parking standards for non-residential development in their area, ensuring alignment with the policies in the relevant local transport plan and, where relevant, the regional strategy. Local planning authorities should not set minimum parking standards for development, other than for parking for disabled people.”

PPS4 also states that local parking standards should apply and in the absence of a local standard (as is the case with Maidstone) the maximum standards set out in Annexe D to PPG13 should be applied. However, there is not a maximum standard for Class C1 Hotel development.

8.4 Notwithstanding the above, and the lack of a locally adopted standard, Members will have noted that the Highways Agency have directed that a condition be imposed limiting the total number of spaces on the site to 175. This is on the basis of seeking to reduce reliance on the use of the private car in conjunction with the required Travel Plan (also a conditional requirement). Kent Highway Services have raised no objections to the condition and have not raised road

safety as an issue in relation to parking levels on the site. I am satisfied that with this level of provision which still amounts to greater than 1 space per bedroom there will be no adverse impact on road safety on surrounding roads.

- 8.5 I consider therefore that the level of parking provision for the development is acceptable.
- 8.6 The other element of highway consideration relates to the proposed changes to the local road network. The main element of this is the enabling of right turns into and right turns out of the existing access road located east of the Hilton Hotel via a new signal controlled junction on Bearsted Road. Other changes to the 'Chiltern Hundreds' and 'Notcutts' Roundabouts along Bearsted Road are also proposed.
- 8.7 It has been assumed as directed by the Highways Agency that the previously approved partial signalisation of M20 Junction 7 would be in place before the proposed hotel is first occupied and brought into use. I would remind Members that this is a requirement on the extant planning permissions for the Kent Clinic Institute and the residential development at the TV studios.
- 8.8 Members will have noted from the Kent Highway Services comments set out earlier in the report that these proposed changes have been subject to an initial safety audit and capacity assessment. Committed development traffic (such as the Kent Clinic and TV Studio development) has been included in the capacity assessments.
- 8.9 Capacity assessments have been completed on the following junctions:-
1. M20 junction 7
2. Bearsted Road roundabout
3. Proposed new signalised junction to access the site from Bearsted Road
4. Chiltern Hundreds roundabout
- 8.10 The M20 junction 7 has been tested with the previously agreed improvement scheme incorporating the provision of traffic signals, and the results indicate that the hotel traffic would not have a significant impact.
- 8.11 The Bearsted Road roundabout has been assessed assuming the previously agreed improvements to the roundabout have been made (Plot 4 Eclipse Park, application MA/08/1732). The results indicate that the introduction of the traffic signal junction along Bearsted Road to access Eclipse Park will actually improve capacity at the Bearsted Road roundabout both in 2009 and 2019. This is due to the reassignment of the Eclipse Park traffic and removal of 'u-turners'.
- 8.12 The proposed new signalised junction along Bearsted Road has been modelled with a 70 second cycle time and assuming pedestrian phases are called every

cycle; this being a 'worst case'. The results indicate that the introduction of the new traffic signal controlled junction will not have an unreasonable effect of capacity in the 'worst case' scenario in the design year 2019.

- 8.13 The Chiltern Hundreds roundabout has been tested both with and without the previously agreed modifications suggested under application MA/08/1732 (Plot 4, Eclipse Park). The modifications include the replacement of the existing single-lane, free-flow exit from the Eclipse Park onto Bearsted Road with a two-lane 'give-way' exit and signing/lining alterations on the roundabout. In addition to this a signalised bus exit from Eclipse Park was proposed. It has been confirmed that the signalisation element of the proposal would no longer be required if the new signalised junction is provided as part of the hotel application as buses will be able to use the new junction to access the Park and Ride site. The results of the capacity assessments indicate that there would be sufficient capacity at this roundabout to accommodate the hotel traffic if the agreed improvements to the roundabout are implemented. Without the improvements the hotel traffic would have a detrimental effect on capacity.
- 8.14 Kent Highway Services have raised no objections to the proposed road changes and that they are satisfied that there will be no adverse impact on conditions of highway safety or congestion.
- 8.15 An illustrative plan showing how the park and ride car park spaces lost to the development could be replaced on land to the east of the existing car park has been submitted as part of the application. Given that the land in question is in the ownership of the applicant it is possible to impose a suitably worded condition to ensure replacement parking is available before development of the hotel commences.
- 8.16 No objections are therefore raised to the development on highway capacity or safety grounds subject to the conditions requested by both the Highways Agency and Kent Highway Services.

9 Design and site layout

- 9.1 The indicated elevations are illustrative. The design is contemporary and reflects the development that has already taken place or has been approved within the adjacent Eclipse Park.
- 9.2 The height and massing of the proposed building are key elements for consideration. The proposals have been subject to detailed discussion by your officers with the applicants to ensure the development does not result in an unacceptable impact on the skyline particularly in views from the Chiltern Hundreds Public House looking towards the North Downs escarpment and the impact of the development from the M20 motorway. The maximum height parameter set at 23m will ensure that the hotel does not intrude into the skyline

and most importantly will not breach the top of the escarpment of the North Downs ridge.

- 9.3 Viewed from the M20, the hotel will not be readily visible travelling London-bound until Junction 7 has been passed, and then only upper floors of an 'end-on' elevation will be seen. Travelling coast-bound, due to the woodland at Hoath Wood and the alignment of the carriageway, the hotel will not be visible until the start of the slip road to the junction when the upper parts of the west flank elevation will be visible. The building will be lower than the existing national grid pylons but clearly have more mass. The building is indicated to have a higher feature tower at its northern end to provide interest and vitality and an identity to the building and a further taller element on the south east elevation to mark the entrance. I do not consider that the massing of the building will be unacceptable.
- 9.4 The material elements introduced into the illustrative design, namely, the ragstone plinth, the use of rainscreen cladding, timber cladding and glazed curtain walling are all acceptable materials. The metal rainscreen cladding elements would frame the curtain glazing and face the motorway with the more natural elements used on the entrance elevation. Ragstone would be used to form a solid base to the building and the entrance tower feature would be timber clad. The juxtaposition of the materials would provide visual interest and together with elements of the design that project or are recessed provide layering on the building, giving it vitality. The green roofs will also add interest to the building and with appropriate species support biodiversity and ecology.
- 9.5 No objections are therefore raised to the indicated design or height of the building as proposed.

10 Impact on residential amenity

- 10.1 The development will be located some 150m from the nearest dwelling. There will be no loss of privacy to any dwelling or overshadowing.
- 10.2 Concern has also been expressed regarding traffic levels. However, Members will have noted that neither the Highways Agency nor Kent Highway Services have raised objections to the impact of traffic likely to be generated by the development on the existing road network. In the context of existing traffic using Eclipse Park and the Park and Ride car park, the proposed hotel development would not significantly add to levels. Furthermore with the provision of the signal controlled entrance/exit to Eclipse Park from Bearsted Road, it is possible that there will be a reduction in traffic past Shaw Close.

11 Ecology and Landscaping

- 11.1 An ecological assessment of the site has been undertaken and submitted with the application. This has been assessed by Natural England. They have voiced no

objections to the application subject to a specific lighting condition to ensure any lighting scheme would not adversely affect bats. They also recommend that opportunity in accordance with PPS9 is taken to ensure biodiversity enhancement as part of the scheme.

- 11.2 The submitted illustrative details indicate that there would be planting along the northern site boundary to provide greater connectivity with existing planting on the north side of Eclipse Park and along the motorway embankment, that a wildlife pond would be included and that planting would take place on the gabions proposed to be used as retaining walls around the site particularly on its western side. Living/green roofs are also proposed for the hotel building.
- 11.3 I consider these to be beneficial in terms of biodiversity and that they can be secured by means of an appropriate condition relating to the submission of the reserved matter of landscaping.
- 11.4 As indicated above, the indicative landscaping shown will provide greater robustness to the site's northern boundary and provide an avenue of trees along the northwest boundary and planting to the retaining gabion walls.
- 11.5 Elsewhere within the site other than at the site access point from the Eclipse Park access road, there will be low-level and tree planting around the site's perimeter. The frontage to the Eclipse Park access road will provide for the planting of trees that would mirror the tree planting agreed for the development plots on the south side of the road and thus provide an avenue of trees along the both sides of the estate road. The car parking area and the bays are also shown to be broken up by low-level and tree planting. Landscaped areas are also indicated adjacent to the building.
- 11.6 I consider that subject to the submission of a fully detailed planting scheme at reserved matters stage that is designed in accordance with the Council's adopted Landscape Guidelines, the indicative provision shown on the submitted site layout plan shows that it will be possible to provide an appropriate and attractive landscaped setting for the development.

12 Sustainability

- 12.1 There is not a direct BREEAM standard for hotel development. A statement has however been included within the Design and Access statement relating to sustainable construction. It is the intention of the architects to design a building that exceeds the requirements of Part L of the Building Regulations using a number of energy efficient measures and ensuring the building fabric reduces space heating demands. Energy efficient lighting and appliances would be used in the building. The use of low carbon and renewable energy technologies and systems will be analysed including biomass heating, wind, ground source heat pumps, solar thermal and photovoltaics.

- 12.2 The materials to be used including hard landscaping and boundary treatment are to be selected in accordance with the BRE's Green Guide to Specification. Any timber used will be sustainably sourced and FSC or PEFC certified wherever possible. A waste management system will be implemented.
- 12.3 In terms of water use a number of measures will be included such as dual flush toilets all taps except kitchen taps, cleaners' sinks, and external taps will be designed with a water flow of less than 6ltrs/min. Low water use washing machines and dishwashers will be specified. Water metering with a pulsed output will be provided which will help to accurately monitor water use and identify systems that are not performing as expected, sub metering will also be provided to areas of high water use. A leak detection system will also be employed on site, grey water recycling proposals will also be considered and finally the use of sedum/green roofs will attenuate surface water discharge.
- 12.4 Adoption of these suggestions at detailed design stage should ensure a sustainably constructed development.
- 12.5 Members may also be aware of Policy NRM11 of the South East Plan 2009. This requires all commercial buildings of greater than 1000m² to provide a minimum of 10% of their energy requirements from renewable sources. I consider it appropriate for a suitable condition to be imposed requiring this.

13 Other issues

- 13.1 Reference was made at the start of the report to the Town and Country Planning (Consultation) England) Direction 2009. The development is contrary to policy ED1 of the Maidstone Borough-wide Local Plan as it not Use Class B1 or B2 development. The development has been advertised as a departure and no representations were received as a result of the advertisement.
- 13.2 Under the Direction it is necessary to refer the development to GOSE as a leisure development if the floorspace of the proposed building exceeds 5000 square meters.
- 13.3 Although the floor plans are only illustrative, they do indicate that the building is likely to exceed the threshold of 5000 square metres, this has been confirmed by the applicant. I consider therefore, that whilst a hotel development is a Class C1 development and not within the 'Assembly and Leisure' Class D2, it is a form of leisure related development and in my view it is necessary to formally refer the application to GOSE before any planning permission can be issued.

14 Conclusion

- 14.1 The proposed development is considered acceptable in principle as economic development on this site. There are no highway objections to the proposals. The

illustrative elevations indicate that a building of quality can be secured and that the development will not have an adverse impact on ecology or biodiversity.

- 14.2 Subject to the referral to GOSE, I consider the development to be acceptable and recommend permission subject to appropriate conditions.

RECOMMENDATION

Subject to the referral of the application to the Government Office for the South East and the subsequent expiry of the formal referral period and receipt of no Direction preventing the grant of planning permission, I BE GIVEN DELEGATED POWERS TO GRANT PLANNING PERMISSION subject to the following conditions:

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

a. Layout b. Scale c. Appearance d. Landscaping

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

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

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

2. No development hereby permitted shall be occupied unless and until the completion and opening to traffic of a scheme of improvements generally shown on drawing no. HTT91271A/1080.1/1A (or other such scheme of works substantially to the same effect which has first been approved in writing in writing by the Secretary of State for Transport (in consultation with the Local Highway Authority) and thereafter approved in writing by the Local Planning Authority.

Reason: To ensure that the M20 motorway continues to be a safe and effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980.

3. No more than 175 parking spaces shall be provided on the site at any time.

Reason: To ensure that no more trips are generated than predicted and in the interests of sustainability and to reduce reliance on the use of the private car as a means of transport pursuant to Planning Policy Guidance Note 13.

4. No part of the development hereby permitted shall be brought into beneficial use unless and until a detailed Travel Plan has been prepared and approved in writing by the Maidstone Borough Council in consultation with the Secretary of State for Transport and the Local Highway Authority. The agreed Travel Plan measures shall subsequently be implemented and thereafter maintained in full respect within 3 months of the occupation of the hotel, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that no more trips are generated than predicted and in the interests of sustainability and to reduce reliance on the use of the private car as a means of transport pursuant to Planning Policy Guidance Note 13.

5. The development shall not commence until the highway works listed below have been carried out and a full stage 1 safety audit approval is attained, in accordance with a design and specification to be approved in writing by the Local Planning Authority in consultation with the highway authority and to be fully implemented thereafter to the satisfaction of the Local Planning and Highway Authorities.

1. Improvements to the A249 Bearsted Road roundabout incorporating the replacement of the dedicated left turn lane on the eastbound approach to the roundabout with a 3 lane give way entry and signing and lining alterations to the roundabout as shown in principle on Drawing Number T0042/SK002 dated January 2010.

2. Improvements to the A249 Sittingbourne Road/ Bearsted Road/Penenden Heath Road roundabout (Chiltern Hundreds roundabout), incorporating the replacement of the existing single lane, free flow exit from the Eclipse Park onto the A249 Bearsted Road with a 2 lane give way exit and signing and lining alterations to the roundabout, as shown in principle on Drawing Number T0028/SK023 dated January 2010.

3. Provision of a new signalised junction forming the new access to the site from the A249 Bearsted Road and replacing the existing left in/left out access as shown in principle on Drawing Number T0042/SK002 Rev A dated January 2010.

4. Provision of a new pedestrian and cycle lane on the east side of the access road into the Eclipse Park site as shown in principle on Drawing Number T0042/SK002 rev A.

Reason: To ensure appropriate means of access to the site and to ensure an acceptable impact on the local highway network in the interests of highway and pedestrian safety pursuant to policy T23 of the Maidstone Borough-wide Local Plan 2000.

6. The details of the reserved matter of landscaping which shall accord with the principles indicatively shown on drawing no. 279/PL200, shall show the use of indigenous species and shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. The submitted scheme shall include inter-alia, the following details:-
- i) The provision of a wildlife pond and associated planting,
 - ii) The provision of additional planting on the site's northern boundary to add robustness to the established planting on the motorway embankment and to provide connecting habitat corridors
 - iii) Planting on the proposed gabion walls
 - iv) The provision of an avenue of lime trees along the site's north western boundary
 - v) Details of the specification and planting mix for the green roofs to the building
 - vi) Details of the external surfacing materials to be used for all pathways, roadways, parking spaces and terraced areas within the site.
 - vii) Retention of a proportion of the cordwood arising from the felling of any existing trees
 - viii) The provision of bat and bird boxes including swift boxes within the site

Reason: No such details have been submitted and to ensure a satisfactory visual appearance to the development in the interests of biodiversity and ecology pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000, policies CC6 and NRM5 of the South East Plan 2009 and the advice in PPS9.

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

variation;

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

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

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development pursuant to policies CC6 and NRM7 of the South East Plan 2009.

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

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

10. The details submitted pursuant to condition 1 above shall show a building no higher than 23m above ground level and of no greater than 150 bedrooms.

Reason: To ensure a satisfactory visual impact to the development pursuant to policy CC6 of the South East Plan 2009 and to accord with the parameters set out in the application.

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

Reason: In order to secure a satisfactory form of development having regard to the topography of the site and the proposed reductions in land levels within the site pursuant to policy CC6 of the South East Plan 2009.

12. The development shall not commence until, details of any external lighting to be placed or erected within the site or on the building have been submitted to and approved by the local planning authority. The submitted details shall specifically address the impact of the lighting scheme on bats, including their breeding and resting places within and adjoining the site. The development shall thereafter be undertaken in accordance with the approved details and no additional lighting shall be placed or erected within the site or on the buildings at any time without the prior approval of the local planning authority.

Reason: In the interests of the character and visual amenity of the area and in the interests of ecology and biodiversity pursuant to policies ENV49 of the Maidstone Borough-wide Local Plan 2000 and policy NRM5 of the South East Plan 2009.

13. If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, details of how this unsuspected contamination shall be dealt with.

Reason: This site lies on the Folkstone Sandstone Formation, which is classified as a principal aquifer in the Groundwater Protection: Policy and Practice. This site also lies in a Source Protection Zone (SPZ) 3 for the Hockers and Springfield Mill public water abstraction. Public water abstractions are therefore at risk from activities and all precautions must be taken to prevent discharges and spillages to ground both during and after construction and pursuant to policy NRM1 of the South East Plan 2009..

14. The development shall not be commenced until details of a scheme to provide for the displaced Park & Ride vehicle parking provision resulting from the construction of the hotel, to be provided on land identified on drawing 1010062/ENG/SK03, has been submitted to and approved by the local planning authority. The subsequently approved details shall be provided prior to the commencement of construction of the hotel.

Reason: To safeguard the existing park and ride car park facilities pursuant to policy T17 of the Maidstone Borough-wide Local Plan 2000.

15. The development shall not commence until details of cycle parking spaces have been submitted to and approved by the local planning authority. The building shall not be occupied or the approved use commenced, until the approved spaces have been implemented and they shall be maintained thereafter.

Reason: In the interests of sustainability and to reduce reliance on the use of the private car as a means of transport pursuant to Planning Policy Guidance Note 13.

16. The development shall not commence until details have been submitted showing that a minimum of 10% of the energy requirements of the building are to be met from renewable sources. The development shall not be occupied until the subsequently approved details have been implemented and they shall be maintained thereafter.

Reason: In the interests of sustainability and to provide an energy efficient form of development pursuant to policy NRM11 of the South East Plan 2009.

Informatives set out below

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

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.

Only clean uncontaminated water should drain to the surface water system. Roof water shall discharge direct to any soakaway via a sealed down pipes (capable of preventing accidental/unauthorised discharge of contaminated liquid into the soakaway) without passing through either trapped gullies or interceptors unless collected as part of a rainwater harvesting system. Open gullies should not be used. A minimum amount of unsaturated zone should be maintained at all times during the year, between the invert

level of any soakaway and the maximum height of groundwater. This zone should be at least 10m in depth.

Prior to being discharged into any soakaway system, all surface water drainage from parking areas, roads and hardstanding areas shall be passed through trapped gullies to BS 5911:1982, with an overall capacity compatible with the site being drained.

Where it is proposed to store more than 200 litres (45 gallon drum = 205litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials (such as detergents) should be stored in bunded areas secured from public access, so as to prevent accidental/unauthorised discharge to ground. The area's for storage should not drain to any surface water system.

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

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

Item 18, Page 51

MA/09/1784:

**Address
Eclipse Park Sittingbourne Road
Maidstone**

Officer Comment

I wish to correct two errors in the report for which I apologise.

- Page 64 (para 6.3): The originally submitted illustrative site layout plan 279/PL200 indicates 185 car-parking spaces not 175 as set out on the papers.

However, I can now advise Members that the number shown within the site on the attached illustrative site layout plan has been reduced to 175 to reflect the direction from the Highways Agency. This has enabled greater landscaping to be provided in the south east and south west corners of the site.

I would advise Members that the applicants have also agreed to the relocation of the two remaining spaces located in the south west corner of the site to provide further landscaping in this corner.

- The reason for approval set out at the end of the report is incorrect it should read as follows

The proposed development is not in accordance with the policies of the Maidstone Borough-Wide Local Plan 2000. However, the development, subject to the conditions stated, is considered to comply with recent Government guidance contained within PPS4: Planning for Sustainable Economic Growth, which is considered to represent circumstances that outweigh the existing policies in the Development Plan and there are no overriding material considerations to indicate a refusal of planning consent.

I also wish to amend the wording of conditions 2 and 5 to clarify the conditions

Amendments to recommendation

Amend condition 2 to read

No development hereby permitted shall be occupied unless and until the completion and opening to traffic of a scheme of improvements to M20 Junction 7 generally shown on drawing no. HTT91271A/1080.1/1A (or other such scheme of works substantially to the same effect which has first been approved in writing in writing by the Local Planning Authority.

Reason: To ensure that the M20 motorway continues to be a safe and effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980.

Amend condition 5 to read

The development shall not commence until the highway works listed below have been carried out and a full stage 1 safety audit approval is attained, in accordance with a design and specification to be approved in writing by the Local

Planning Authority and to be fully implemented thereafter to the satisfaction of the Local Planning Authority.

1. Improvements to the A249 Bearsted Road roundabout incorporating the replacement of the dedicated left turn lane on the eastbound approach to the roundabout with a 3 lane give way entry and signing and lining alterations to the roundabout as shown in principle on Drawing Number T0042/SK002 dated January 2010.

2. Improvements to the A249 Sittingbourne Road/ Bearsted Road/Penenden Heath Road roundabout (Chiltern Hundreds roundabout), incorporating the replacement of the existing single lane, free flow exit from the Eclipse Park onto the A249 Bearsted Road with a 2 lane give way exit and signing and lining alterations to the roundabout, as shown in principle on Drawing Number T0028/SK023 dated January 2010.

3. Provision of a new signalised junction forming the new access to the site from the A249 Bearsted Road and replacing the existing left in/left out access as shown in principle on Drawing Number T0042/SK002 Rev A dated January 2010.

4. Provision of a new pedestrian and cycle lane on the east side of the access road into the Eclipse Park site as shown in principle on Drawing Number T0042/SK002 rev A.

Reason: To ensure appropriate means of access to the site and to ensure an acceptable impact on the local highway network in the interests of highway and pedestrian safety pursuant to policy T23 of the Maidstone Borough-wide Local Plan 2000.

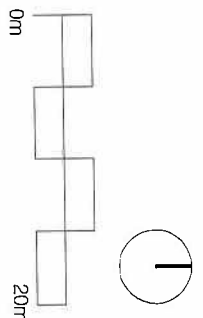


Do not scale from this drawing.
 If in doubt, ask.
 This drawing is the property of Ica and must not be copied, reproduced or disclosed without written permission.

Revisions: **SM** **18.03.10**
 Revision A
 Amended to reduce parking spaces to 175 with net increase to soft landscaped areas.

Height Parameters:
 Upper - 23.0m AFGL
 Lower - 20.0m AFGL

Note:
 * denotes plot layouts as consented schemes by others yet to be constructed.



Ica Architects
 2 Orbital Court, Peel Park, East Kilbride, G74 5PH
 Tel: +44 (0)1355 578 070 Fax: +44 (0)1355 574 992
 www.icaarchitects.com

Ica Architects Ltd
 registered in Scotland company no. 267727
 project title:
Proposed Hotel Development
 Eclipse Park
 Malsstone

drawing title:
 Indicative Site Layout
 & Scale Parameter Plan

Issue stage:
 Outline Planning
 date: **Sep1 09** draw: **SM** scale @ A3: **1/500**

drawing number: **279_PL200** revision: **A**

133

09.03.2010

134

09.03.2010

130

09.03.2010

136

09.03.2010

137

09.03.2010

138

09.03.2010

139

09.03.2010

140

09-03-2010

141

09.03.2010

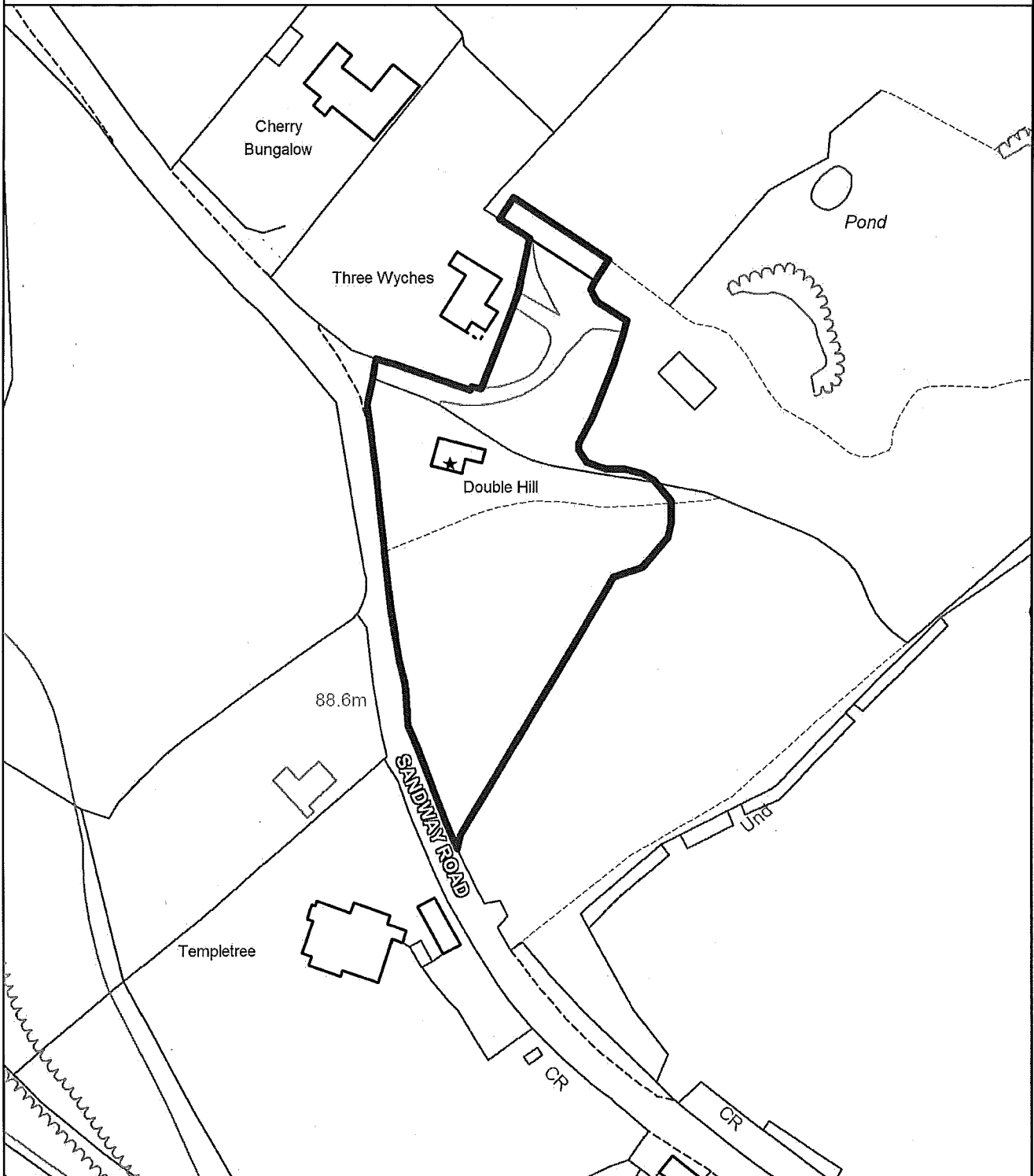


THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/09/2043

GRID REF: TQ8752

STUBBLE HILL COTTAGE,
SANDWAY ROAD, HARRIETSHAM.



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 1000019636, 2009. Scale 1:1250



Alison Broom
Director of Prosperity and Regeneration

APPLICATION: MA/09/2043 Date: 10 November 2009 Received: 10 November 2009

APPLICANT: Mr D Adams

LOCATION: STUBBLE HILL COTTAGE, SANDWAY ROAD, HARRIETSHAM, MAIDSTONE, KENT, ME17 1HT

PARISH: Harrietsham

PROPOSAL: Erection of a replacement dwelling with double garage and creation of a new driveway (re-submission of MA/09/1298), shown on drawing numbers 08.15.35 Rev B, 08.15.34 Rev B, 08.15.30, 08.15.31 Rev A, 08.15.32 Rev A, 08.15.33 Rev A, 08.15.36, 08.15.29 Rev C and 08.15.28 Rev B, a Design & Access Statement and a Tree Survey received on 10/11/09.

AGENDA DATE: 18th March 2010

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

POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV28, H32.
South East Plan 2009: C4, CC4.
Government Policy: PPS1, PPS7.

HISTORY

MA/09/1298 Erection of a replacement dwelling.
This application was withdrawn, due to concerns over the impact that the development would have upon the protected Oak tree.

MA/83/1486 Single storey extension and porch - Approved

CONSULTATIONS

Harrietsham Parish Council: Wishes to see the application refused and request the application is reported to the Planning Committee for the planning reasons set out below:

- The footprint for the development is far too large;
- The scale and mass of the development is obtrusive

Maidstone Borough Council Landscape Officer:

“The issue that I have been consulted on is specifically whether the development will compromise a maturing Oak tree growing toward the rear of the existing property made subject to TPO 23 of 2009.

Having looked at this amended proposal, I welcome the relocation of the dwelling and retaining wall a further 2m away from the protected Oak tree. Moving the dwelling by this amount has now positioned the retaining wall, new access drive, garage and property outside the Oaks Root Protection Area (RPA) as prescribed in British Standard 5837: 2005. Therefore, I am satisfied that this revised development will not compromise the tree’s long-term health or stability.

Recommendation - It is, therefore, recommended that on arboricultural grounds no objections are raised to the application subject to the following conditions.

1. Tree Protection details – Fencing etc
1. Details on construction of the nearby retaining wall & garage.”

Maidstone Borough Council Environmental Health Manager: No objections.

Recommends a drainage condition and informatives.

Kent Highway Services: No response.

REPRESENTATIONS

Neighbouring occupiers were notified and raised no objection

CONSIDERATIONS

SITE AND SITUATION

The application site contains a detached bungalow, dating from c.1930s. It is located in the parish of Harrietsham, between Harrietsham village and Sandway, and it is one of a scattered group of houses in Sandway Road.

The house is set above the road level by approximately 2.5m and is set back from the road by between approximately 8 and 11m (the road is at an angle to the house). The western boundary with the road is lined with a mixed hedge, (over which the dwelling

is visible) and a high row of conifers, located further southwards, which obscure views of the dwelling.

Beyond the house, the land slopes upwards further. To the south of the dwelling is what appears to be a disused quarry, (which, incidentally, is within the Channel Tunnel safeguarding area) and perched on the edge of the quarry is a mature Oak Tree. This Oak Tree is of high amenity value and is clearly visible from Sandway Road, to the front of the house. It is protected by Tree Preservation Order 23 of 2009.

To the north of the house lies a driveway leading to an outbuilding, (which is understood to be associated with the subject dwelling), and also "Three Wyches", the nearest neighbouring dwelling to the site, which is located upon the opposite side of the driveway.

"Three Wyches" is a much taller, two storey dwelling and this is seen in the background when approaching from the south. To the north, boundary hedging and trees at "Three Wyches" provide some screening of the site, together with, to a certain degree, the alignment of the road.

The existing dwelling upon the site is a modest bungalow of no aesthetic merit. It has an eaves height of approximately 2.4m and a ridge height of approximately 5.5m.

PROPOSAL

Planning Permission is sought for the demolition of the existing dwelling and the erection of a replacement dwelling, with associated double garage and driveway. The proposed dwelling would have an eaves height of approximately 2.9m – 3.8m and ridge heights of approximately 4.8m and 5.5m. It would have three gables facing the road. Accommodation would include three bedrooms and there would be a lower ground floor, (mainly below the existing ground floor level), with a double garage projecting out into the disused quarry.

Materials comprise facing brickwork and render for the walls and it is suggested that cedar shingles may be used upon the roof.

A sweeping driveway is proposed around the protected Oak Tree, outside of its Root Protection Area. It is also proposed to increase the residential curtilage into the disused quarry area.

PLANNING CONSIDERATIONS

Principle of Development

Central Government Guidance contained within PPS7 advises that built development within the open countryside should be strictly controlled and this theme of restraint is

filtered down to the Maidstone Borough-Wide Local Plan 2000. However, Policy H32 of the Local Plan does allow for the rebuilding of existing dwellings which have a lawful residential use, providing that a number of criterion are met.

The planning history for the site indicates that the dwelling does have a lawful residential use. The principle is therefore considered acceptable.

The main issues arising from this case relate to the visual impact of the development on the character and appearance of the open countryside and the impact upon the Protected Oak Tree.

Visual Impact upon the Countryside

Policy H32 of the Local Plan requires replacement dwellings to be "no more visually intrusive" than the original dwelling upon the site. The reason for this is to protect the character, appearance and openness of the countryside.

The existing dwelling is a bungalow, which is of no aesthetic merit. In essence, it is a rectangular block, with little visual interest in the way of materials or detailing. The house is visible from Sandway Road, outside the site, but longer views are limited by the mature conifer hedge to the south, hedging and trees at "Three Wyches", to the north and, to a certain degree, the alignment of the road.

With a proposed increase of approximately 247m², the proposed dwelling would clearly have a substantially greater footprint than the existing dwelling. However, the policy requirement relates to visual intrusion, rather than footprint.

The ridge height of the proposed dwelling would remain the same as existing, at approximately 5.5m. The main section of the building would be positioned no closer to the road than the existing building. Other elements of the building which would be above ground level would be set back from the front gable by more than 5m and more than 10m, which would substantially reduce their visual impact when viewed from the road.

In terms of design, the new dwelling would be more visually interesting than that existing. The use of several ridges means that the mass of the building would be broken up and it would not appear as one solid, rectangular block. This also results in a low height and mass at roof level.

The use of various ridgelines, gables and details such as exposed rafter feet all contribute, in my view, to creating a good design within the policy requirements.

The retaining wall and garage would be well within the site to the south east of the dwelling. Given their positioning and heights in relation to the land levels, it is not

considered that they would have a significant or detrimental visual impact upon the character of the countryside.

In conclusion, the open character and rural appearance of the surrounding countryside would be adequately preserved by this application.

Although there is not a lot of landscaping upon the site, I do not consider that strong belts of additional landscaping would be appropriate, because the nature of the site is predominantly open, as are the surroundings. However, I do consider some further landscaping to soften the development to be appropriate and I therefore propose such a condition.

Impact upon the Protected Oak Tree

Initially, the previous application, MA/09/1298 proposed that the dwelling be sited closer to the oak tree with a retaining wall to be built within its Root Protection Area. The tree is of high amenity value to the landscape and is in good condition, and the previous application was therefore withdrawn due to concerns over the adverse impact it was considered likely to have upon this tree.

The house has therefore now been removed a further 2m away from the tree, closer to the road (but in line with the existing house), so that the dwelling and retaining walls are shown to be outside of the Root Protection Area. The driveway and re-grading works are also shown to be located outside of the Root Protection Area.

The Landscape Officer has been consulted and considers that this proposal is unlikely to result in significant harm to the health or stability of the oak tree, providing that conditions are attached regarding the method of construction of the retaining walls and garage and tree protection measures to be put in place during the course of construction. I agree with the Landscape Officer's view that, subject to the above conditions, there is unlikely to be a significant adverse effect upon this important tree, which is to be retained.

Visual Impact of the Proposed Driveway

The addition of a further driveway is not to be welcomed. However, it would not be of an excessive width, (being approximately 3m) and positioned relatively close to the house. It cannot be positioned closer to the house, because of the position of the protected Oak tree. The driveway would not be highly visible from the road, with only part of it visible from the entrance area. A condition regarding the proposed materials to be used would ensure suitable materials which would have a satisfactory appearance within this rural location and which would not appear harsh or obtrusive.

Curtilage

Drawing no. 08.15.35 Rev B outlines the site area and area which the applicant wishes to be considered as the curtilage for the new dwelling.

The exact curtilage of the existing building is not clear from an inspection of the site. It appears that a change of use to residential use may be required for some of the land, however, this is predominantly only the land within the former quarry. This is of no high landscape value, nor is it considered to be best or most versatile agricultural land. The extent to which the curtilage is to be increased is considered reasonable in connection with the size of the dwelling and it would not encroach excessively into the open countryside, or result in an excessive increase above the original curtilage.

Other Issues

The proposal would not give rise to any significant residential amenity issues, because the new dwelling would remain separated from the nearest dwelling, "Three Wyches", by approximately 20m and the new driveway would be no nearer to that property than the existing driveway. "Templetree", to the south, is separated from the site by the road.

The submitted application indicates the proposed dwelling would aim to achieve Level 2 of the Code of Sustainable Homes. This level is considered inadequate for a new replacement dwelling as policies CC4 and H5 of The South East Plan 2009 place greater emphasis on raising the sustainability levels of new dwellings. A condition has therefore been imposed to achieve Level 3 of the Code of Sustainable Homes.

No new access is being created and no objections have been received from Kent Highways with regards to the suitability of the existing access.

There would be no significant impact upon the Channel Tunnel Rail link because of the scale and type of development.

CONCLUSION

Although larger than the existing dwelling, the design and positioning of the new dwelling would ensure that it is not significantly more visually intrusive than the existing dwelling, and it would not significantly harm the character or appearance of the countryside.

In my view, the proposal complies with Development Plan Policy and I therefore recommend approval.

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

Reason: To ensure a satisfactory appearance to the development, in accordance with Policy C4 of the South East Plan 2009 and Policies ENV28 & H32 of the Maidstone Borough-Wide Local Plan 2000

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no development within Schedule 2, Part 1 Classes A, B, C, D, E & F and Part 2 Class A shall be carried out without the permission of the local planning authority.

Reason: To safeguard the character and appearance of the countryside, in accordance with Policy C4 of the South East Plan 2009 and Policies ENV28 & H32 of the Maidstone Borough-Wide Local Plan 2000.

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

Reason: No details have been submitted and to ensure a satisfactory appearance to the development in accordance with Policy C4 of the South East Plan 2009 and

Policies ENV28 & H32 of the Maidstone Borough-Wide Local Plan 2000.

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

Reason: To ensure a satisfactory setting and external appearance to the development, in accordance with Policy C4 of the South East Plan 2009 and Policies ENV28 & H32 of the Maidstone Borough-Wide Local Plan 2000.

6. No development shall take place until an independently verified report has been submitted to and approved in writing by the Local Planning Authority showing that the development achieves a score of Level 3 or better for each residential unit under 'The Code for Sustainable Homes'. Each residential unit shall be provided strictly in accordance with the approved report before it is occupied.

Reason: To ensure a sustainable and energy efficient form of development in accordance with policy CC4 of the South East Plan 2009 and Kent Design 2000 and PPS1.

7. The Oak tree which is the subject of Tree Preservation Order 3 of 2009 must be protected by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction-Recommendations'. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard the existing Oak tree which of high amenity value and which is to be retained and to ensure a satisfactory setting and external appearance to the development, in accordance with Policy ENV28 of the Maidstone Borough-Wide Local

Plan 2000, Policy C4 of the South East Plan 2009 and PPS7.

8. The development shall not commence until, details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land;

Reason: To ensure a satisfactory appearance to the development in accordance with Policy C4 of the South East Plan 2009 and Policies ENV28 & H32 of the Maidstone Borough-Wide Local Plan 2000.

9. The development shall not commence until, details of the method of construction of the retaining walls and the garage have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land;

Reason: To safeguard the existing Oak tree which of high amenity value and which is to be retained and to ensure a satisfactory setting and external appearance to the development, in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000, Policy C4 of the South East Plan 2009 and PPS7.

10. The development shall not commence until, details of drainage works have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land;

Reason: To ensure satisfactory drainage facilities in accordance with PPS23. and the following informatives:

Informatives set out below

It is possible that bats may be using the site. Should any bats or evidence of bats be found prior to or during works, works must stop immediately and a specialist ecological consultant or Natural England contacted for further advice before works can proceed. All contractors working on site should be made aware of it and provided with Natural England's contact details (Natural England, International House, Dover Place, Ashford, Kent, TN23 1HU Tel: 0300 060 4797)

As a below ground level basement is proposed, the applicant is encouraged to seek advice from the Environment Agency regarding any potential for flooding and any measures to be taken to mitigate against this.

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

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

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

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

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

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

It is also recommended that the applicant contacts the Environment Agency for advice on appropriate drainage for the proposed facilities. This may also be an opportunity for the applicant to investigate the possibilities of using grey water systems to save water.

Good quality materials should be used.

For the avoidance of doubt, the curtilage of the dwelling hereby permitted is as shown on drawing no. 08.15.35 Rev B received on 10/11/09.

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 South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.

Officer comments

I would like to clarify the purpose of the informative relating to bats. This was to draw the applicant's attention to the need to make contact with Natural England, should any bats be encountered during construction. Mature trees within the surroundings could provide habitat for bats, however, the bungalow, which it is proposed to demolish, is not of a type of construction or state of repair whereby it is considered likely that bats would be found within its fabric. Hence, there is considered to be no significant risk to bats and no bat survey has been requested. No mature trees are to be lost as a result of the development.

155





GD07 JVO



158

A landscape photograph showing a wide, grassy field in the foreground. In the middle ground, there is a line of trees, including some taller, leafier trees on the right and more sparse trees on the left. The background shows a hazy horizon under a sky filled with large, white, fluffy clouds. The number '158' is printed vertically in a large, black, sans-serif font on the left side of the image.



159

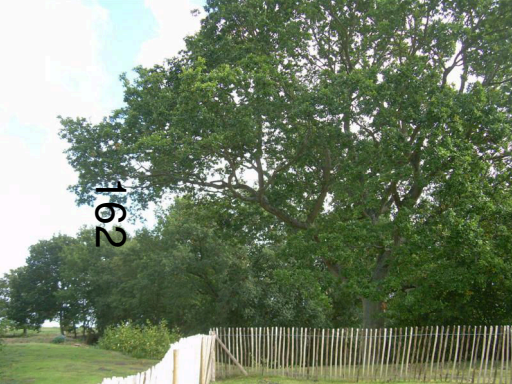
160





161

162



163

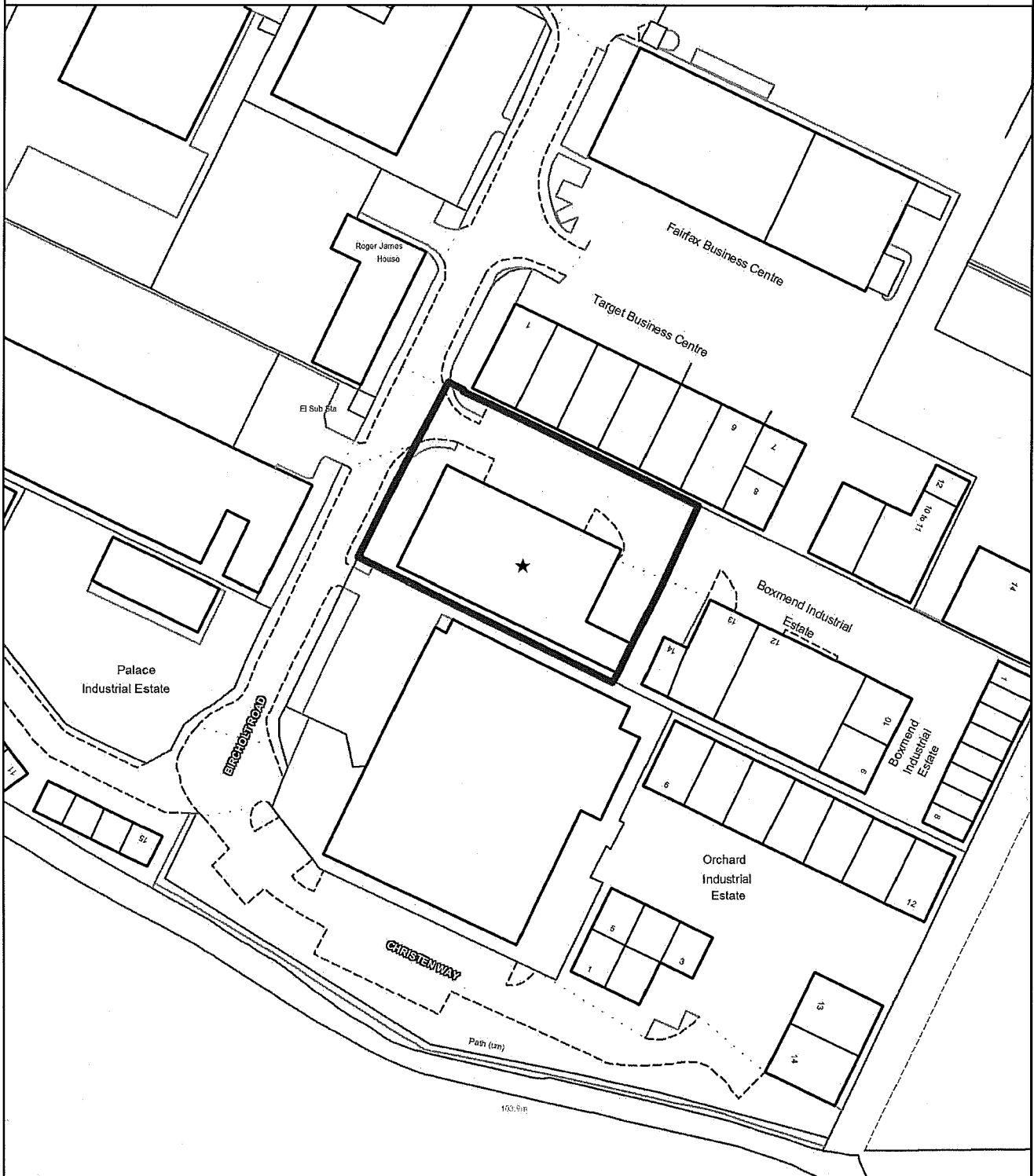


THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/09/2185

GRID REF: TQ7851

MARTIN HOUSE, BOXMEND INDUSTRIAL ESTATE,
BIRCHOLT ROAD, MAIDSTONE.



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 1000019636, 2009. Scale 1:1250



Alison Broom
Director of Prosperity and Regeneration

APPLICATION: MA/09/2185 Date: 23 November 2009 Received: 12 February 2010
APPLICANT: Revelan Group Plc
LOCATION: MARTIN HOUSE, BOXMEND INDUSTRIAL ESTATE, BIRCHOLT ROAD,
MAIDSTONE, KENT, ME15 9YG
PARISH: Boughton Monchelsea
PROPOSAL: Change of use to B1, B2 or B8 uses as shown on A4 site location
plan received on 30th November 2009 and email received on 12th
February 2010.
AGENDA DATE: 18th March 2010
CASE OFFICER: Richard Timms

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

- The Council has an interest in the application being the owner of the land

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: ED2, ED9
The South East Plan 2009: CC1, RE1, RE3
Government Policy: PPS1, PPS4

1. HISTORY

MA/98/0031 Change of use to storage and distribution (B8) – APPROVED WITH
CONDITIONS

MA/97/1160 Extension to and installation of mezzanine floor to warehouse unit with
offices– APPROVED WITH CONDITIONS

MA/79/2162 New single storey industrial unit containing two storey offices –
APPROVED WITH CONDITIONS

MA/77/1152 New building for the distribution of garden machinery, repairs and
servicing – APPROVED WITH CONDITIONS

MA/77/0515 Building for repair and distribution of agricultural machinery – APPROVED WITH CONDITIONS

2. CONSULTATIONS

- 3.1 **Boughton Monchelsea Parish Council:** Do not wish to object/comment.
- 3.2 **Kent Highway Services:** No objections
- 3.3 **Environmental Health Manager:** No objections.

3. CONSIDERATIONS

4.1 Site & Setting

- 4.1.1 This is an application for the change of use of Martin House to B1 and/or B2 and/or B8 uses. The application site is within the Parkwood Industrial Estate which falls within the parish of Boughton Monchelsea. The estate is designated for B1 (offices and light industry) and B2 (general industry) uses under policy ED2 of the Local Plan or car sales and showrooms under policy R18. The site is within the defined urban settlement boundary of Maidstone.
- 4.1.2 The application site relates to a two storey industrial building of typical construction being brickwork at ground floor and blue steel above, and its curtilage at the southern end of the estate on the east side of Bircholt Road. The building is currently vacant and has its staff and customer frontage to Bircholt Road on the west side with the service entrance to the rear, east via an access off Bircholt Road. There are 30 car parking spaces to the north of the building either side of the access road. The site is surrounded by other similar industrial buildings within the estate.
- 4.1.3 The building has some 1070m² of floorspace on the ground floor and 144m² provided by a mezzanine floor on the first floor (total of 1214m²).

4.2 Proposed Development

- 4.2.1 The application proposes a change of use to B1 (offices and light industry), B2 (general industry) or B8 (storage and distribution) uses. The application is seeking a flexible use of either a mix of B1, B2 and B8 uses, or solely a B1, B2 or B8 use. It is essentially a speculative application and no internal or external changes to the building are proposed.

4.3 Principle of Development & Assessment

- 4.3.1 Recent government advice (29th December 2009) is contained within PPS4: Planning for Sustainable Economic Growth. This outlines that Local Planning Authorities should adopt a positive and constructive approach towards applications for economic development with applications that secure sustainable economic growth treated favourably.
- 4.3.2 The South East Plan 2009, under policies RE1 and RE3 essentially outlines that Local Planning Authorities should facilitate a flexible supply of land to meet the varying needs of the economic sectors and give regard to strategic and local business needs.
- 4.3.3 Policy ED2 of the Local Plan designates the Parkwood Industrial Estate for B1 and B2 uses, so I consider this element of the proposals to be acceptable whether being solely used for one of these uses, or a mixture of both.
- 4.3.4 The proposed B8 use would not strictly accord with the designation for the industrial estate under this policy. However, policy ED9 relates to B8 uses and allows these to be located at sites designated for B2 uses such as the Parkwood Industrial Estate, provided the use supports existing manufacturing or commercial operations and is well related to the primary road network. This policy to my mind is seeking to prevent major distributors taking up designated employment sites as they can provide less benefit to local businesses and take up large amounts of space with lower staff numbers. In the case of Martin House, I consider that the layout of the building, with its relatively restricted rear HGV access, does not lend itself to a major bulk distributor so it is most likely that any B8 use would support existing manufacturing and commercial operations in the area. On this basis, I consider a B8 use would be acceptable in the industrial estate, which I consider to be well related to the primary road network. Clearly, all the proposed 'B' uses would provide for employment in accordance with the objectives of designated the estate for economic development.

4.4 Other Matters

- 4.4.1 In terms of parking provision and highway safety, there are 30 car parking spaces and loading areas to the rear of the building. There are no current local parking standards but I consider 30 spaces to be acceptable for any of the proposed uses. The site is accessible by public transport and I do not consider there would be any highway safety issues as a result of any of the proposed uses. I note that Kent Highway Services have raised no objections.

4.4.2 There are no nearby residential properties so there are no implications for residential amenity and on this basis I consider there to be no reason to limit the hours of use. I also note that hours have not been previously restricted on the property. The site benefits from a landscaped area to its front (the main public view point) with hedging, grassed areas, shrubs and trees, so I do not consider any further landscaping is necessary.

4.5 Conclusion

4.5.1 The proposed B1 (office or light industry), B2 (general industry) B8 (storage and distribution) uses are all considered to be in accordance with Local Plan policy for the reasons outlined above and all the uses would provide for employment in the designated industrial estate. On this basis, I recommend the application for approval subject to the following conditions.

5 RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following condition:

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

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 South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.

169

11.03.2010

170

11.03.2010

171

11.03.2010

172

11.03.2010

Agenda Item 21

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/09/2227

GRID REF: TQ8450

WILTON HOUSE, LENHAM ROAD,
KINGSWOOD.



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 1000019636, 2009. Scale 1:1250



Alison Broom
Director of Prosperity and Regeneration

APPLICATION: MA/09/2227 Date: 4 December 2009 Received: 9 February 2010

APPLICANT: Mr & Mrs P Furner

LOCATION: WILTON HOUSE, LENHAM ROAD, KINGSWOOD, MAIDSTONE, KENT, ME17 1LX

PARISH: Ulcombe

PROPOSAL: Planning permission for conversion of outbuilding to granny annexe as shown on the site location plan received on 04/12/09 and the 1:500 scale block plan and proposed floor plans and elevations received on 09/02/10.

AGENDA DATE: 18th March 2010

CASE OFFICER: Angela Welsford

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

- it is contrary to views expressed by the Parish Council

1.0 POLICIES

- 1.1 Maidstone Borough-Wide Local Plan 2000: ENV28, H33.
- 1.2 The South East Plan RSS 2009: CC1, CC6, C4.
- 1.3 Government Policy: PPS1, PPS7.

2.0 HISTORY

- 2.1 MA/09/0068 – Detached double garage – APPROVED
- 2.2 MA/07/1428 - Amendments to planning permission MA/06/0524 (erection of one detached dwelling) to include resiting, revised floor plans, erection of a chimney and fenestration amendments – APPROVED
- 2.3 MA/07/0372 - Erection of a detached garage (*at "The Oscars"*)– APPROVED
- 2.4 MA/06/0524 - Erection of 1 no. detached dwelling – APPROVED
- 2.5 MA/81/1573 – Loft extension – APPROVED
- 2.6 MA/79/0634 - Temporary change of use of existing garage/stable to use as a print room – APPROVED

3.0 CONSULTATIONS

3.1 ULCOMBE PARISH COUNCIL

- 3.1.1 03/03/10 – “Ref the above planning application (conversion of outbuilding to granny annex) please could you note that the additional information submitted does not alter the previously expressed view of Ulcombe Parish Council (that it wishes to see the application refused) because:
- 3.1.2 1) The use of the building for housing would still create an overdevelopment of the site and would therefore cause cramming in terms of parking and amenity space. Additional car movements to and from the site would contribute to the traffic hazards that already exist on Chartway Street. The council appreciates that the intended occupant would not herself drive a car and therefore create problems with parking space and additional car movements. However, consideration needs to be given to the future occupation of the building once it is no longer required for the purpose of housing the applicant's elderly mother, and the probable needs of those occupants.
- 3.1.3 2) The position of the annexe is extremely close to the boundary with the neighbouring property. Concerns still remain regarding the impact on the quality of life of these neighbours, with regard to the general loss of privacy and to the position of the kitchen with its associated smells. Again, whilst this impact might be more limited all the time the applicant's mother is in residence, consideration should be given in the long term to the possible effect on the neighbours' quality of life once she ceases to live there and the annexe is occupied by other residents.
- 3.1.4 Please could you note that the parish council wishes the application to be referred to committee.”
- 3.1.5 13/01/10 – “Please could you note that Ulcombe Parish Council wishes to see the above planning application (conversion of outbuilding to granny annex) refused because:
- 3.1.6 1) The use of the building for housing would create an overdevelopment of the site (which is outside the village envelope) and cause cramming especially in terms of parking and general amenity space. The existence of the new house, The Oscars (which was not shown on the plans), immediately behind the site, contributes to the sense of over-crowding that is likely to arise if more residential accommodation is provided.
- 3.1.7 2) The annex is very close to the neighbouring property and the design of the internal layout means that the position of the kitchen would be likely to impact

negatively upon the quality of life of the neighbours because of the effect of smells, noise and loss of light and privacy.

3.1.8 3) Additional car movements to and from the site would contribute further to the traffic hazards that already exist on Chartway Street.

3.1.9 The parish council wishes the decision to be referred to MBC planning committee."

4.0 REPRESENTATIONS

4.1 Objection received from the occupiers of "Roseleigh" (neighbours to the east) on the following (summarised) grounds:

- Plans and information are misleading as "The Oscars" and its boundary wall height and construction are not shown (*officer comment – this has now been rectified*);
- Smells from the kitchen;
- Light pollution from new windows and external lighting;
- Loss of light to annex from garage at "The Oscars";
- Overdevelopment;
- Lack of parking/number of vehicles;
- Noise pollution from recreational usage if the occupant has impaired hearing;
- Creation of a separate dwelling once the intended occupant has passed on.

5.0 CONSIDERATIONS

5.1 The Site

5.1.1 The application site is located in open countryside just outside of the Kingswood village envelope, as defined on the Maidstone Borough-Wide Local Plan 2000 proposals map. It is, however, situated in Ulcombe parish.

5.1.2 The plot is rectangular and contains, in its centre, a detached dwelling, ("Wilton House"), behind which sit a single-storey outbuilding (the subject of this application) and a detached double garage that is currently under construction (ref. MA/09/0068). It was formerly part of a much larger plot that was subdivided and a new dwelling, ("The Oscars") and associated detached garage were granted planning permission on the rear (southern) part, under references

MA/06/0524, MA/07/1428 and MA/07/0372. That development had almost been completed at the time of my site visit.

5.1.3 The outbuilding, which is the subject of the application now before Members, is 'L'-shaped, and sits in a courtyard type arrangement with "Wilton House", (the other two sides being marked by the boundary fence with "Roseleigh" (neighbour to the east) and a fence separating this garden/courtyard area from the drive. The main range of the outbuilding is positioned on an east-west axis, and has a pitched, gable roof of concrete interlocking tiles. At the western end of the southern (rear) elevation is a flat-roofed, single-storey extension. The building currently contains garage, store, utility and workshop facilities, and is understood to be used for purposes incidental to the domestic use of the dwelling, "Wilton House."

5.2 The Proposal

5.2.1 Planning Permission is sought for the conversion of the outbuilding to a fully self-contained granny annex.

5.2.2 This would involve some alterations to the fenestration, namely the addition of two windows to the north elevation (facing "Wilton House") and the replacement of the existing garage and personal doors to the west elevation (facing the drive) with two windows, plus internal works to create two bedrooms, a bathroom, a lounge/diner and a kitchen.

5.2.3 No changes are proposed to the external dimensions of the building.

5.2.4 It is important to note that planning permission is only required because the proposal involves material external alterations to the building (i.e. the fenestration changes), and therefore constitutes development. If no material external changes were proposed, planning permission would not be required as case-law is clear that the internal works in themselves would not constitute development so long as the accommodation is used in an ancillary manner and not as a separate dwelling, (the latter would constitute a change of use).

6.0 PLANNING CONSIDERATIONS

6.1 Principle of the Development

6.1.1 The proposal is to create a self-contained annex within an existing and lawful residential curtilage. The accommodation to be provided, though self-contained, would be ancillary to that in the main dwelling, "Wilton House", and, as such, no change of use would occur. Although the accommodation proposed is fully self-contained, and therefore, in theory, capable of occupation as a separate dwelling, I consider that the building's very close proximity to "Wilton House", (approximately 8m separation distance), and its intimate relationship therewith (windows looking straight into the rear courtyard garden area and facing a

number of principal windows on the rear elevation), would make it extremely unlikely that it could be occupied as a totally independent unit.

6.1.2 Furthermore, the agent has confirmed that the occupant would be a dependent elderly relative, Mr Furner's 89 year old, widowed mother, plus all services currently in the building (i.e. water, sewage, electricity, telephone) are linked to "Wilton House" and paid for as one dwelling, and this would not change. There is an existing internal telephone link, as the building is understood to have been formerly used in part as a games room.

6.1.3 In view of all the foregoing points, I am satisfied that the ancillary relationship with "Wilton House" could be adequately secured by a suitably worded condition and that the development is acceptable in principle.

6.2 Visual Impact

6.2.1 No changes are proposed to the external dimensions of the building. Consequently there would be no additional bulk or mass arising from the development. I therefore consider that its visual impact on the character and appearance of the countryside would not be significantly different as a result of this proposal.

6.2.2 In design terms, I consider that the proposed fenestration changes would actually represent an improvement to the overall appearance of the building, adding more interest to its currently fairly bland northern and utilitarian western elevations.

6.3 Loss of Light and Overbearing Impact

6.3.1 As this is an existing building, and no changes are proposed to its external dimensions, it would not have any different effect on the levels of daylight and sunlight reaching neighbouring properties as a result of this proposal than it does currently. Similarly, it would not result in an overbearing impact on any neighbouring property.

6.3.2 In terms of the impact in the proposed annex itself, I noted during my site visit that the detached garage of "The Oscars" is positioned fairly close to what would become the south-facing window of one of the bedrooms (just over 4m separation). However, given that this bedroom would have three windows, one on each of the eastern, southern and western elevations, and taking account of the fact that it would be a bedroom, rather than a main living room, and would form part of a unit of ancillary accommodation, on balance I do not consider that so significant a loss of light or overbearing impact would arise as to warrant grounds for refusal of this application.

6.3.3 Similarly, the approved garage for "Wilton House" would stand approximately 3m from the western elevation of the annex, which would feature two windows,

each serving one of the bedrooms. This garage, however, will be of a predominantly flat-roofed design with only a small pitched section at the front (northern end), and consequently, due to its low height and again the fact that these would be bedrooms, rather than main living rooms, in a unit of ancillary accommodation, on balance I consider the impact to be acceptable.

6.4 Privacy

6.4.1 Due to the close proximity of the building to "Wilton House" (approximately 8m) and the fact that it would have windows facing directly into that property's rear courtyard garden and a number of principal windows on its rear elevation, if the proposal was for a separate residential unit, the relationship and a loss of privacy would be unacceptable. However, as the proposal is for ancillary accommodation to "Wilton House" (in effect, a detached extension) no such concern arises as the whole site will remain as one residential unit.

6.4.2 The proposed windows to the west elevation would look onto the drive/new garage, so would not cause a loss of privacy.

6.4.3 No additional windows are proposed to the east elevation (facing "Roseleigh"), and views from the existing window in the flat-roofed rear addition to the building and from the proposed north-facing windows would be obstructed by the existing boundary treatments.

6.4.4 Although the south-facing windows would look towards "The Oscars" development, the uninterrupted separation distance to the house there would exceed 30m and is thus considered acceptable.

6.5 Parking/Highway Safety

6.5.1 There is an existing shared access, and no changes are proposed to this.

6.5.2 The submitted plans show three parking spaces adjacent to "Wilton House" in addition to the two in the garage that is currently under construction. This is considered more than adequate to serve this one residential property, for, as already mentioned, the proposal is for ancillary accommodation rather than an additional residential unit.

6.5.3 Any additional car movements could not be considered significant in the context of existing traffic volumes and movements on the local road network.

6.6 Landscaping

6.6.1 As this is an existing building in an existing residential curtilage and no significant external groundworks are proposed, I do not consider that, in this instance, a landscaping condition is necessary.

6.7 Ecology

6.7.1 As this is an existing building already in ancillary domestic use and the only external changes proposed relate to fenestration, there are no ecological matters to consider.

6.8 Other Matters

Turning to other matters raised as a result of consultation and not already considered above: -

6.8.1 CRAMMING – Ulcombe Parish Council and the occupiers of a neighbouring property have raised concern that the proposal would result in an over-development of the site. However, as mentioned above, this is an existing building and no additional built development is proposed; plus the accommodation would be ancillary to “Wilton House” and would not create an additional residential unit. Furthermore, as mentioned in paragraph 5.2.4, planning permission is only required as a result of the fenestration changes. Without these, the ancillary accommodation could be created without the need for planning permission, as no development would take place. The fenestration changes would not, in my view, constitute an over-development of the site. I do not, therefore, consider this to warrant grounds for refusal that could be sustained at appeal.

6.8.2 LIGHT POLLUTION – The occupiers of “Roseleigh” are concerned about light pollution from the proposed new windows. However, given the single storey domestic nature of the building, and the existing established boundary treatments, I do not consider that this would be significant enough to justify a refusal of planning permission that could be sustained at appeal.

6.8.3 SMELLS – The occupiers of “Roseleigh” have also raised concern as to smells arising from the proposed kitchen. However, this is an existing residential property and no change of use is proposed. Consequently, any smells beyond those which could be reasonably expected from a domestic property would be covered by environmental protection legislation rather than planning legislation. I do not therefore consider this to constitute grounds for refusal of planning permission.

6.8.4 NOISE – Similarly, any noise over and above that which could be reasonably expected from the domestic occupation of the property would be dealt with under separate legislation and is not a planning consideration since the proposal does not involve a change of use.

6.9 Conclusion

6.9.1 Taking all of the above into account, the proposal, subject to a suitably worded condition tying it as ancillary accommodation to “Wilton House”, is considered to comply with Development Plan policy and there are no overriding material

considerations to indicate a refusal. Consequently, I recommend that Members grant approval with conditions as set out below.

7.0 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 annex accommodation hereby permitted shall only be used as additional ancillary accommodation to the principal dwelling, currently known as "Wilton House", and shall not be sub-divided, separated or altered in any way so as to create a separate self-contained residential unit;

Reason: Its use as a separate unit would result in an unsatisfactory relationship with the principal dwelling contrary to Policies ENV28 & H33 of the Maidstone Borough Wide Local Plan 2000; and would be contrary to Central Government policy contained in PPS1 & PPS7, and policies CC1, CC6 & C4 of The South East Plan RSS 2009 and policies ENV28 & H33 of the Maidstone Borough Wide Local Plan 2000 which prevent new unjustified and unsustainable residential development in the countryside.

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 South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.



182

183

A photograph of a white building with a dark tiled roof. In the foreground, there is a clothesline with a blue bucket hanging from it. The building has a white door that is slightly ajar. The ground is paved with large, dark stones. The number 183 is overlaid on the left side of the image.

184



185

A photograph of a white brick building with a tiled roof. A satellite dish is mounted on the wall above a window. The number '185' is overlaid on the image. To the right, there is a pile of construction materials including pipes and a ladder leaning against the wall.



186

187



188





189

A photograph of a white house with a gable roof. The house features a large dormer window in the gable and a set of large white-framed glass doors on the ground floor. To the right, there is a smaller window with a white frame. The house is surrounded by a brick-paved area and some plants. The number '190' is overlaid on the image.

190

A photograph of a white garage with a tiled roof and a door. The number 191 is overlaid on the image. The garage has a white roller door on the left and a white door with a glass panel on the right. The roof is covered in brown tiles. There are some plants and a bucket in the foreground. A brick pillar is visible on the left side. The background shows another house with a white gable end.

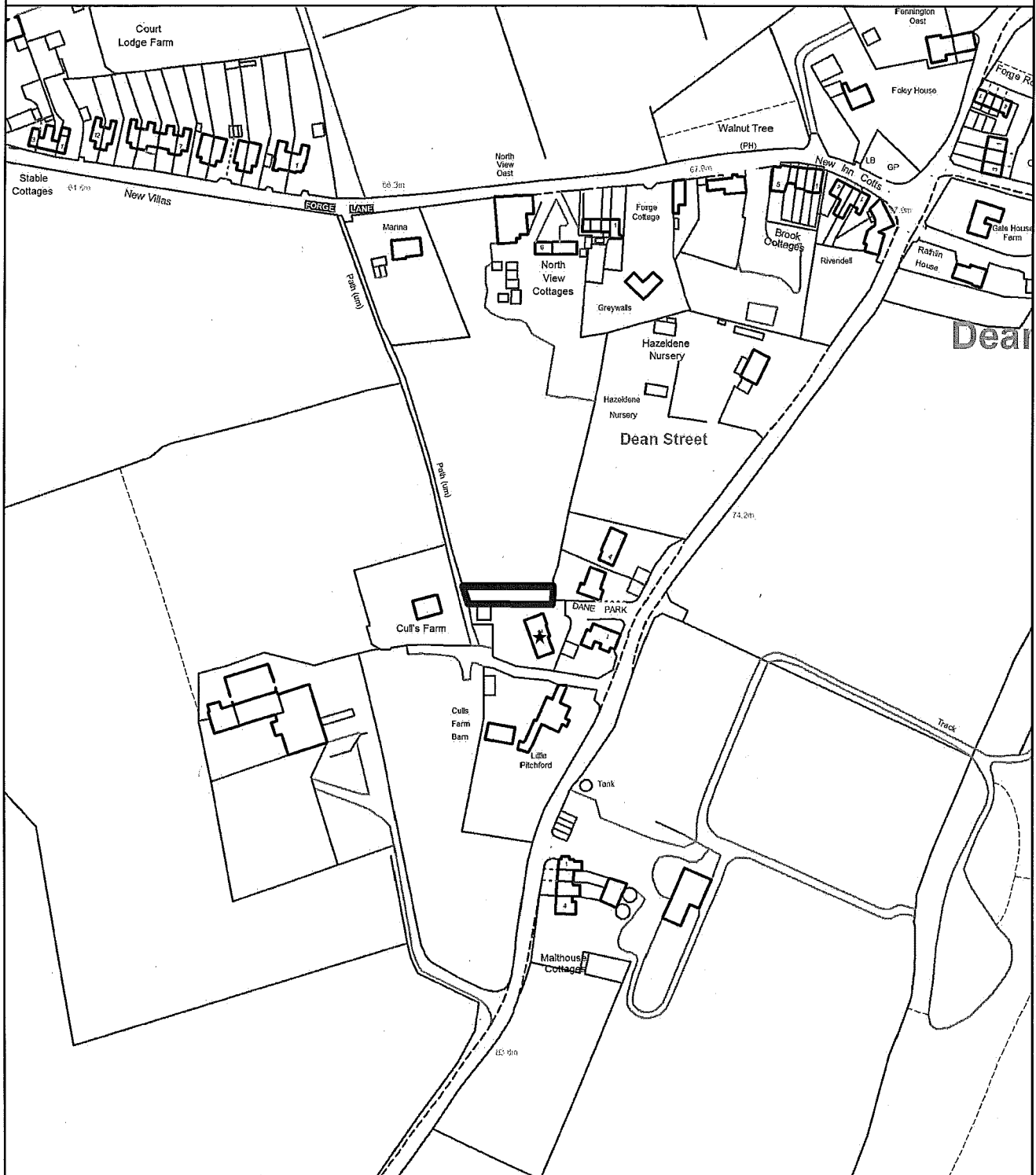
191

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/10/0015

GRID REF: TQ7452

2 DANE PARK, DEAN STREET,
EAST FARLEIGH.



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 1000019636, 2009. Scale 1:2500



Alison Broom
Director of Prosperity and Regeneration

APPLICATION: MA/10/0015 Date: 4th January 2010 Received: 18th January 2010

APPLICANT: Mr B Vollans

LOCATION: 2, DANE PARK, DEAN STREET, EAST FARLEIGH, MAIDSTONE, KENT, ME15 0DU

PROPOSAL: Retrospective application for the change of use of land from agricultural to residential garden land and installation of revised fencing and a vehicle turning area as shown on Design and Access statement and unnumbered drawings received 18/01/10.

AGENDA DATE: 18th March 2010

CASE OFFICER: Kathryn Altieri

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

- It is contrary to views expressed by East Farleigh Parish Council

POLICIES

Maidstone Borough-Wide Local Plan 2000: H31, H33, ENV8, ENV28

South East plan 2009: CC6, C4

Government Policy: PPS1 - Delivering Sustainable Development, PPS3 - Housing

HISTORY (relevant)

ENF/10746 - Change of use of agricultural land to garden - invited this application

MA/01/1908 - Erection of 1 no. dwelling and detached double garage (amended design of dwelling and garage on Plot 2 to that approved under reference MA/01/0812) - approved/granted with conditions

MA/01/0812 - Demolition of existing buildings and erection of 4 no. detached dwellings with associated access and ancillary works (resubmission of MA/00/1080) - approved/granted with conditions

MA/00/1080 - Demolition of existing buildings and erection of 4No. detached dwellings with associated access and ancillary works - approved/granted with conditions

RELEVANT APPLICATION FOR 4 DANE PARK

MA/10/0130 - Retrospective application for change of use of land to private residential garden - current application

CONSULTATIONS

East Farleigh Parish Council wish to see the application refused on the following grounds;

- *The Village Plan clearly states that there should be no further development in the village*
- *The proposed fences are not in keeping with the rural scene*
- *The agricultural land is being eroded*
- *Adverse effect on wildlife*

KCC Highways: Raised no objection;

"The application does not include any new access and it is considered that there are unlikely to be highway implications associated with the works."

Richard Lloyd-Hughes (Rural Planning Ltd):

"The judgement to be made in this case, therefore, appears to be whether there are sufficient exceptional Planning/Highway factors to overcome the loss of agricultural land (and any other harm to the countryside). The overall balance is for your judgement, but I would advise that the loss of best and most versatile agricultural land here may be regarded as very small (i.e. only 0.028 ha or 0.07 acres).

Also, because of the specific layout of this particular property and the position of the strip right across the bottom (southern boundary) of the field, the extension of the residential curtilage (if approved by virtue of acceptance of the claimed Highway safety reasons) should not lead to any equivalent/knock-on requirement for garden extensions on neighbouring properties that might have a greater cumulative impact on agricultural land."

REPRESENTATIONS

Neighbours: 1 objection raising concerns over the boundary treatment, loss of agricultural land and impact upon wildlife. 1 response was received in support of the application.

CONSIDERATIONS

1. The Site

1.1 The application site relates to a large detached property that forms part of a cluster of four properties that were built under planning approval MA/01/0812 and is known as 2 Dane Park. Sitting within the countryside, as designated by the Maidstone

Borough Wide Local Plan 2000, the property is set back more than 25m from Dean Street and is accessed by way of a gated entrance also used by 1 and 3 Dane Park.

1.2 To the south of the application site, residential properties are dotted along Dean Street, a paving manufacturer and a single dwelling sits to its west and with the junction of Forge Lane some 200m to the north of the site, the density of residential properties markedly increases. A public footpath (KM39) runs parallel with the applicant's western boundary and leads northwards a short distance onto Forge Lane.

1.3 The application site is not identified for any particular use in the Maidstone Borough Wide Local Plan 2000.

2. The Proposal

2.1 This is a retrospective application for the change of use of land from agricultural to residential garden, to create a vehicle turning area and for the installation of revised fencing.

2.2 This rectangular shaped piece of land extends the property's residential land northwards and covers an area of some 265m². The boundary treatment around this land consists of close boarded fencing and trellis that stands some 2.5m in height, matching what is existing on site.

2.3 The new turning circle is constructed of crushed concrete topped with 400mm of granular sub-base type 1 and kerb edgings together with tar and chips surface dressing, which continues the same surface type as the remainder of the hardstanding.

3. Planning Issues

3.1 Policy H31 of the Maidstone Borough Wide Local Plan 2000 allows the change of use of agricultural land to domestic garden, so the principal for this change of use is there, provided that it complies with this policy. Policy H31 states;

POLICY H31: PLANNING PERMISSION WILL NOT BE GRANTED FOR THE CHANGE OF USE OF AGRICULTURAL LAND TO DOMESTIC GARDEN IF THERE WOULD BE:

(1) HARM TO THE CHARACTER AND APPEARANCE OF THE COUNTRYSIDE; AND/OR

(2) LOSS OF THE BEST AND MOST VERSATILE AGRICULTURAL LAND

I will consider the proposal against the criteria set out in this policy.

3.2 The land in question is a relatively small section that covers an area of approximately 265m² and because of its positioning along the southern boundary of the field, the extension of residential garden is unlikely to have a knock-on effect for further domestic changes of use to neighbouring properties, which may in turn have a greater cumulative impact upon the loss of agricultural land.

3.3 Indeed, the land in question is at the southern end of an agricultural field that is bordered by a footpath to the west, the rear gardens of properties facing onto Forge Lane to the north and Dean Street to the east. This field is largely surrounded by domestic gardens, including a large section of land belonging to 'Hazeldene' that was subject to a Certificate of Lawful Development (MA/06/1072). The field is enclosed on three sides by dwellings and it is not unreasonable to expect further infilling by way of this application. This field is also a relatively small piece of land that is awkwardly shaped for agricultural machinery to use and I do not believe it could produce a high yield of good quality crop.

3.4 I therefore believe that this change of use would not have an adverse impact upon the function of this field and nor would it significantly extend into the countryside or cause detrimental harm to its character and appearance.

3.5 I also believe there is justification for a turning area on this site, as previously, any vehicle leaving the site would probably have had to reverse onto Dean Street, a busy 'C' classified single carriageway, which in turn could have resulted in a significant highway safety hazard. KCC Highways are in agreement with this consideration.

3.6 Therefore, the change of use of this land, because of its scale and location, does not significantly extend into the countryside and as such does not significantly harm its character or appearance and in addition would improve the highway safety situation.

Boundary treatment

3.7 The original boundary treatment along the northern boundary of the site was dismantled and then erected again to encompass the new piece of land subject to this application. This fencing stands some 2.5m in height from ground level. In addition, a new section of fencing has been erected along the western boundary of the site.

3.8 I do not believe that this boundary treatment would have any more of a detrimental impact upon the appearance of the surrounding countryside than what was originally in place. Indeed, the trellis on top breaks up the solid bulk of the fencing and whilst I appreciate that the new fencing along the western edge of the site does loom over the public footpath, it is only marginally higher than the original rear boundary treatment that has been in place since this development was built. In addition, this stretch of fencing is only some 7m in length, a distance that I do not consider to be of any significance and there is already other boundary treatment from 'Culls Farm', to the west of the site, standing some 2m in height.

3.9 With all of this considered, I do not believe that the chosen boundary treatment would have a significant detrimental impact upon the character and appearance of the countryside when compared to what was originally in place. Especially when considering that the northern boundary is the same fence located 7m further north.

3.10 I also believe it would be unjustified to request additional planting along the outside of this fencing as it was never asked for under the original development for the four dwellings, it is a modest extension of the original fencing and immediately opposite is a residential property with its own closed boundary treatment and not open views into the countryside.

3.11 However, to visually improve the development, I do feel it is appropriate to request a landscaping scheme for the soiled area of land that surrounds the turning circle. It will be made clear to the applicant that the scheme should include climbing plants to further soften the boundary treatment.

4. Conclusion

4.1 The concerns raised by the one objector have been dealt with in the main body of this report. I would also like to add that there is no evidence to suggest that this development, which is only 7m in depth, has significantly damaged any wildlife habitats.

4.2 It is therefore considered overall that the proposal is acceptable with regard to the relevant provisions of the development plan and amenity impacts on the local environment and other material considerations such as are relevant. I therefore recommend conditional approval of the application on this basis.

RECOMMENDATION

APPROVE PLANNING PERMISSION subject to the following conditions:

1. Within 3 months of this approval, 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 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include climbing plants to cover the boundary fencing and shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: To ensure adequate and appropriate landscaping for the proposed development. This in accordance with policy ENV8 of the Maidstone Borough Wide Local Plan 2000, policies CC6 and C4 of the South East Plan 2009 and PPS1.

2. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be

replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development. This in accordance with policy ENV8 of the Maidstone Borough Wide Local Plan 2000, policies CC6 and C4 of the South East Plan 2009 and PPS1.

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

Reason: To safeguard the character, appearance and functioning of the surrounding area. This in accordance with policy H33 of the Maidstone Borough Wide Local Plan 2000, policies CC6 and C4 of the South East Plan 2009 and PPS1.

Informatives set out below

None

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



199

26.01.2010

200

26.01.2010

201

26.01.2010

202

26.01.2010

203

26.01.2010

204

03.03.2010

03.03.2010

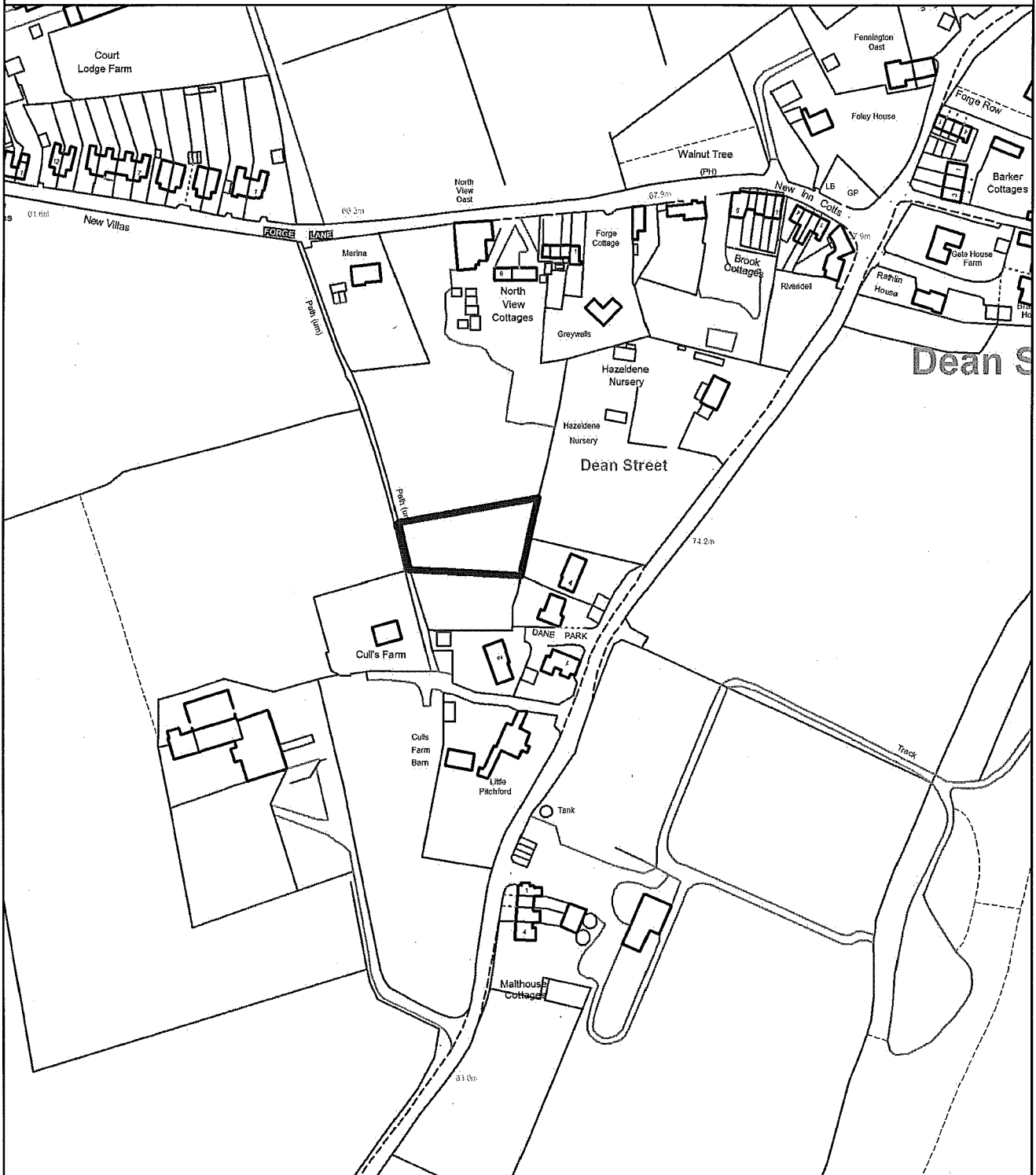
205

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/10/0130

GRID REF: TQ7452

4 DANE PARK, DEAN STREET,
EAST FARLEIGH.



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 1000019636, 2009. Scale 1:2500



Alison Broom
Director of Prosperity and Regeneration

APPLICATION: MA/10/0130 Date: 29 January 2010 Received: 29 January 2010

APPLICANT: Mr D Sands

LOCATION: 4, DANE PARK, DEAN STREET, EAST FARLEIGH, MAIDSTONE, KENT, ME15 0DU

PARISH: East Farleigh

PROPOSAL: Retrospective application for change of use of land to private residential garden as shown on Drawing No SANDS/2010/04, scale 1:1250 site plan , planting schedule and Applicant's Statement received on 29th January 2010.

AGENDA DATE: 18th March 2010

CASE OFFICER: Laura Gregory

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

- it is contrary to views expressed by the Parish Council

POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV28, H31
South East Plan 2009: C4,
Village Design Statement: None
Government Policy: PPS7

HISTORY

00/1080 - Demolition of existing buildings and erection of 4No. detached dwellings with associated access and ancillary works – APPROVE SUBJECT TO CONDITIONS

CONSULTATIONS

EAST FARLEIGH PARISH COUNCIL – Wish to see the application REFUSED for the following reasons

- The Village Plan clearly states that there should be no further development in the village
- that the proposed fences are not in keeping with the rural scene
- that agricultural land is being eroded
- that there is a possible adverse effect on wildlife

RURAL PLANNING ADVICE – Raises no objections

“The loss of best and most versatile agricultural land is regarded as small”

REPRESENTATIONS

One Neighbour Representation received raising the following:

- Change of use affects the livelihood of the farmed orchards nearby
- Fence blocks badger runs and pathways
- Fencing is obtrusive

CONSIDERATIONS

Site& Surroundings

- 1.1 The application site is located in the open countryside, in the parish of East Farleigh, and forms a parcel of agricultural land bordered which by residential property to the north, south and east orientations. To the west, the site is bounded by a public footpath which connects Forge Lane in the north to Dean Street in the south. Beyond this footpath are orchards.
- 1.1 The residential development in the area is ribbon development comprising of small groups of terraces houses to the north and small number detached dwellings to the south. The majority of dwellings are located to the north of the site and are within with East Farleigh/ Dean Street Conservation Area. To the east of the site is the applicant's dwelling and this forms part of Dane Park a resident development of 4 large detached dwellings. With the footpath to the west and Dean Street to the east, the site is within a triangle of land comprising of a small number dwellings surrounding a patch of land with lawful agricultural use.

Proposal

- 2.1 Retrospective planning permission is sought for the change of use of this parcel of agricultural land to residential garden, serving 4 Dane Park. A 1.8m high close boarded fence has been erected on the northern boundary and a children climbing frame and in addition, a patio has been installed to the north east of the site.

Planning Assessment

- 3.1 The proposal site is located outside the boundaries of any defined built up area. Although the applicant has referred to the use of the land as arable in the application documentation, it is considered that the development represents the change of use of the land from agricultural to domestic garden land. This is supported by case law and appeal decisions which confirm that the use of land as allotments, vegetable gardens, or similar does not constitute agriculture, and if ancillary to the use of a dwellinghouse, represents a change of use to garden land.

3.2 The key policy consideration therefore is the impact of the development on the character and appearance of the open countryside.

Impact upon on the Countryside

- 3.3 The change of use of agricultural land to domestic garden land is often contrary to the objectives of PPS7 and policy ENV28 which, aim to safeguard the character and functioning of the countryside. However, as policy H31 stipulates, extensions to residential gardens may be allowed where the overall appearance of the countryside is not compromised.
- 3.4 The unauthorised development results in the extension of garden land beyond the established rear boundary of Dane Park, the applicants have "squared off" approximately 1209m² of this patch of agricultural land and installed 1.8m high solid close boarded fencing and a children's climbing frame and play area in the north east corner.
- 3.5 In terms of scale, the development has resulted in a large chunk of agricultural land being fenced off. However, when considering the impact upon the countryside, it is not considered that the impact is significantly detrimental to the rural area. This is because in terms of open countryside, the "open" nature of this land is questionable. To the north, east and south of the site there are residential properties bounding the land which, are fenced off. The public footpath to the west is separated by a mixed hedgerow of trees bramble and hawthorn and the resultant impact is that this piece of land appears to have been boxed off over time with gradual sections of land being fenced off to be used as garden land. A significant example of this is application MA/06/1072 where a Certificate of Lawfulness was submitted and approved for the use of part of this land as residential garden for a period in excess of ten years. The land was formerly used a nursery and comprised of some 0.49 hectares. With the removal of this land from agriculture, the remaining section of land is so small and of an awkward shape, that it is not suitably used for either arable or livestock farming. The result is that the land it has been left to pasture.
- 3.6 Whilst it is appreciated that Rural Planning Advice Agricultural Advice consider the land to form some of the best agricultural land, given that the section of land is so small it cannot be used for arable or livestock farming and, that it is already bounded by residential property, it is not considered the loss of the land causes significant. to ensure that the impact of the change of us is kept to minimum and, to prevent the proliferation of domestic paraphernalia into the open countryside it is considered that conditions are necessary ton prevent any shed or structures being erected on this land.
- 3.7 To reduce the visual impact of the extended garden, the applicant's have proposed landscaping to reduce the visual impact of the extended garden and this is welcomed. The installation of native planting along the northern boundary comprising of Forest Whips, Hawthorn, Hornbeam and Privet would reduce visual impact of the fence.

Furthermore, with native planting proposed the new landscaping would appear in keeping with the surrounding and preserve some rural character to the site.

Other Issues

- 3.8 There is not considered to be any significant detrimental impact the residential amenity of the adjacent neighbouring occupier or on upon the setting of nearby conservation area.
- 3.9 Considering the letter of objection which has been received, the change of use of the land and the visual impact of the fence have been addressed in the main report and there are no further comments to make on this subject.
- 3.10 With regard to the impact the fence has on badger runs and pathways, no evidence has been provided which indicates the presence of badgers on site and the site is not designated as a Site of Nature Conservation Interest. There are no badger sets on or adjacent to the site and on this basis, it is concluded that the development is not significant enough to have a damaging affect on nearby wildlife.

Recommendation

- 4.1 In conclusion, for the reasons stated above, the proposal is considered to be acceptable with no significant harm being caused to the visual quality of the rural setting and or, significant the erosion of the open countryside. The development is therefore in accordance with the provisions of the Development Plan. Members are therefore recommended to approve the application subject to the following conditions.

RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. Within 3 months of the date of this permission, the scheme of landscaping as shown on Drawing No SANDS/2010/04 and detailed in Planting Schedule received on 28 January 2010 shall be carried out in the first planting and seeding seasons; 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 C4 of the South East Plan 2009 and Policies ENV28 & H32 of the Maidstone Borough-Wide Local Plan 2000.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no development within Schedule 2, Part 1 Classes E & F shall be carried out without the permission of the local planning authority.

Reason: To safeguard the character and appearance of the countryside, in accordance with Policy C4 of the South East Plan 2009 and Policies ENV28 & H32 of the Maidstone Borough-Wide Local Plan 2000.

Informatives set out below

This application concerns the change of use of the lands only and planning permission is still required for that the children's climbing frame and patio areas. You are therefore reminded that an application for these works must be submitted accordingly. Otherwise, you will be liable to Enforcement Action.

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 South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.

212



213



214



215



A wide-angle photograph of a large, well-maintained green lawn. A wooden fence runs along the perimeter of the lawn. In the background, there are several trees, including a prominent evergreen on the left and several bare deciduous trees. The sky is clear and blue. The number '216' is overlaid on the image.

216

Agenda Item 24

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/10/0167 GRID REF: TQ7553/7554

SBS RECYCLING LTD. TOVIL QUARRY SITE,
STRAW MILL HILL, TOVIL.



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 1000019636, 2009. Scale 1:2500



Alison Broom
Director of Prosperity and Regeneration

APPLICATION: MA/10/0167 Date: 1 February 2010 Received: 3 February 2010

APPLICANT: Mr G East

LOCATION: SBS RECYCLING LTD, TOVIL QUARRY SITE, STRAW MILL HILL,
TOVIL, MAIDSTONE, KENT, ME15 6FL

PARISH: Tovil

PROPOSAL: An Article 10 Consultation with Maidstone Borough Council by Kent
County Council for the development of a Materials Recycling Facility
and Transfer Station for waste recovery.

AGENDA DATE: 18th March 2010

CASE OFFICER: Geoff Brown

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

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

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: ED2, ENV6
The South East Plan 2009: CC1, CC3, CC4, CC6, W1, W2, W3, W4, W5, W6, W7, W16,
W17, BE1, BE6, NRM5, NRM7, NRM9, NRM10
The Kent Waste Local Plan 1998: W3, W6, W7, W9, W18, W19, W20, W21, W22, W25,
W25A, W31, W32
Village Design Statement: N/A
Government Policy: PPS1, PPS4, PPS9, PPS10, PPG13, PPG15, PPS23, PPG24

1. HISTORY

The site can be used for the conversion of waste paper as a result of permission MA/83/0048, although that permission is 'personal' to "a company owned by Reed International PLC". Subsequent permissions MA/86/1675 and MA/88/1338 allowed minor built development pursuant to the permitted use. The site is currently disused.

2. CONSULTATIONS

3.1 This is a scheme that will be determined by Kent County Council as the Waste Planning Authority: Maidstone Borough Council is a formal consultee and was originally given until 1 March 2010 to comment. In view of Councillor Chittenden's 'call-in' to Planning

Committee KCC has granted an extension of time for the receipt of comments to 19 March 2010.

KCC has carried out the consultation, publicity and notification for this application and I have therefore only carried out internal consultations.

3.2 Internal Consultation

The Environmental Health Officer raises objection on noise grounds (see discussion below).

The Landscape Officer has no objection.

The Conservation Officer has no objection.

3.3 Consultation responses forwarded by KCC

Natural England raises no objection but recommends that KCC's in-house ecologist be consulted.

The Kent Wildlife Trust has no objection.

The Environment Agency has no objection.

Kent Fire and Rescue Service objects to the development on the basis that the local road network is not capable of safely accommodating the additional traffic generated. Also that the development is not 'environmentally friendly'.

4. REPRESENTATIONS

4.1 Councillor Chittenden states:

"I am writing to ask that this application be called to committee on the following basis:

1. This is a highly contentious application that will have a major impact on the area, and is causing considerable concern to local residents.
1. There will be a significant increase in heavy duty vehicles which will further add to the heavy traffic movement and congestion already experienced at times in the area due to the existing recycling centre, recent completed new developments. Planning permission has also been granted for a further large development close by. It should also be noted that the promise from KCC to provide an additional re-cycling Centre on the other side of Maidstone to serve parts of Maidstone and outlying areas of Tonbridge and Malling is having the money allocated by KCC withdrawn in the budget going through County Council

at the present time. The current Tovil re-cycling Centre will continue to serve the whole of Maidstone, as well as Larkfield, Malling etc.

2. There is major concern relating to noise and dust from crushing and other equipment that would be used by the plant, bearing in mind its close proximity to existing housing including new developments.
3. There is serious safety concerns relating to entry and exit of large heavy vehicles from a busy narrow road. Those of us who already use the roads regularly know the difficulty and concerns drivers have when exiting from Cave Hill onto Straw Mill Hill because of the short site lines resulting from the bends in the road.”

4.2 I have received letters of objection: 37 letters from local residents; and letters from the North Loose Residents Association, the Valley Conservation Society and 2 local businesses. A petition of objection with over 250 local resident names has been submitted. These documents have been submitted either direct to this Council or forwarded by KCC.

4.3 The main grounds of objection are:

- a) This is the wrong location for a facility such as this. It should be located closer to the sources and end destinations of the materials involved.
- a) The local road network is not capable of safely accommodating the extra traffic generated (particularly HGV's). Straw Mill Hill is narrow and its junction with Tovil Hill is dangerous. The development would present significant dangers to vehicles and pedestrians.
- b) The highway, its verges and environs would suffer physical damage from the passage of lorries, etc.
- c) The use would cause noise, dirt, dust, fumes, vibration and pollution to the detriment of the living conditions of existing and proposed housing. It would pose a health risk. The passage of vehicles along unsuitable roads would cause excessive noise and disturbance.
- d) The development would adversely affect the character of the area generally and the nearby Conservation Area particularly.
- e) Local fauna and flora would be adversely affected.
- f) There may be damage to the foundations of property.
- g) Local house prices would be adversely affected.

5. CONSIDERATIONS

5.1 Description of the Site

The application site is located within the defined urban area of Maidstone off the west side of Straw Mill Hill. It is a former quarry, currently disused, but with a lawful use as a waste paper recycling centre. A sunken access track leads off south-westward from Straw Mill Hill leading to the base of the former quarry where a range of dilapidated buildings, portable structures and hardstandings are found. The north western boundary is marked by extensive earth banking that separates the site from the 'Burke site' which has detailed planning permission for a new housing development (reference MA/01/0686 and MA/01/0686/01). That permission expires in April 2010 but an application to renew that permission has been lodged with this Council (reference MA/10/0256).

5.2 The Proposed Development

5.2.1 This application proposes the development of a materials recycling facility and transfer station on this land. The site would be adapted to accept and process mixed industrial and commercial skip waste which would involve two main processes:

- a) The sorting of mixed wastes using a materials recovery facility to recover those wastes with value.
- a) The sorting and treatment of mixed construction and demolition wastes to produce secondary aggregates and topsoils.

5.2.2 Waste would arrive in skip lorries, tipper lorries and roll-on, roll-off waste containers and would be sorted within the main building. Sorted and recovered materials would be transferred to outside storage bays for export off site. No hazardous materials would be handled.

5.2.3 The plans show the main building in the eastern part of the site, with open storage, a concrete crusher with screen, a soil screen and a wood shredder and chipper on the western part. Recycled and recovered waste materials would leave the site in 20 tonne or 25 tonne capacity HGVs. 10 full time and 6 part time staff would be employed on site and the opening hours would be:

0700 – 1800 hrs Monday to Friday
0700 – 1300 hrs Saturdays
Closed on Sundays/Bank Holidays

5.2.4 The access road would be raised and widened to a width of 7.3m to accommodate two way traffic and its junction with the highway would be moved to a position marginally to the south of the existing. A 2.5m wide cycle way leading from the Burke site along the north west side of the revised access road would be formed emerging onto Straw Mill Hill at the existing access point.

5.2.5 The application addresses the issue of housing on the Burke site through the provision of emergency access and the cycle way from the housing site along the access track and through mitigation measures to protect residential amenity. These are discussed below under the residential amenity section.

5.3 The Principle of Development

5.3.1 There is clear support in policy and guidance for recycling infrastructure, notably Policy W7 of The South East Plan which requires Waste Planning Authorities to provide for an appropriate mix of development opportunities to support the waste management facilities needed to achieve recycling targets. To my mind, this form of development constitutes essential infrastructure to divert waste from landfill sites. The question is whether the site identified here is appropriate and Policy W17 of The South East Plan is the most relevant in this regard: I enclose the relevant extract from that plan as an appendix hereto. This is land allocated for economic development purposes in the Local Plan and has a lawful use as a waste paper recycling centre.

5.3.2 I consider that in principle, and in broad policy terms, this area of derelict land, on a designated industrial estate, with an existing lawful use for recycling could be suitable for the purposes put forward. However, as can be seen below, I have concerns as to the detail of the scheme and its impact on residential amenity; and in terms of safety on the local road network. The general thrust of policies in the Local Plan, the South East Plan and the Kent Waste Local Plan 1998 is that waste management facilities need to be properly located in terms of impact on residential amenity, the appearance of the area, highways considerations, etc.

5.4 Residential Amenity

5.4.1 The application site is well separated from existing residential property (the nearest existing dwelling is approx. 140m away to the north) but borders the housing site approved under references MA/01/0686 and MA/01/0686/01 (and proposed to be renewed under current application reference MA/10/0256). The approved layout for that housing shows dwellings close to the north west boundary of the site and clearly this issue must be given due weight. A noise assessment has been submitted with the application. That report concludes that there would be no significant impact on residential amenity from construction activity or road noise. However, in terms of noise from plant working on the site, whilst the impact on existing dwellings would not be significant, housing on the Burke site would be affected to the extent that "complaints may be received". The effects of such noise on housing on the Burke site are proposed to be mitigated by way of acoustic barriers or earth bunding up to the eaves level of the new houses and acoustic barriers to screen the external plant. Further possible measures are suggested, including the enclosure of plant with acoustically treated structures, restricting the hours of operation of the plant, and adjustments to the type and number of acoustic barriers. The Council's Environmental Health Officer has examined the report and raises objection. He considers that the proximity of the

approved housing is such that he doubts that the mitigation measures will be effective: they are vague and in his view unlikely to prevent significant noise problems to the new housing. Against this background, I recommend that objection be raised on the basis that, in absence of adequate evidence on the effectiveness of mitigation measures, the proposals are likely to cause significant noise problems to the detriment of the amenities of the occupiers of the new housing.

- 5.4.2 An air quality report is submitted with the application which addresses issues concerning pollutants and dust; a dust management plan would be drawn up to mitigate any adverse effects. The Environmental Health Officer is satisfied that the proposals are unlikely to cause a significant air quality issue.

5.5 Highways Issues

- 5.5.1 A transport statement has been submitted with the application. This statement recognises that the site has a lawful use for the recycling of waste paper. The conclusion of the report is that, having regard to the potential of the existing site to generate traffic, the total amount of vehicle traffic would be likely to be reduced, but the number of goods vehicles would increase by 6 to 7 trips per hour. The total number of goods vehicle trips per day is forecasted to be 163. The report states that this represents a level that should not be detrimental to existing levels of transport amenity, capacity and road safety. A transport management plan would be put in place. On more detailed matters, the report concludes that the new access arrangements are an improvement on existing, whilst the emergency and cycle route to and from the neighbouring residential development has been improved.
- 5.5.2 At the time of writing, I have not received a copy of the views of Kent Highways. Whilst the detail of the revised access road and access point would seem to be an improvement on the existing, I share the concerns expressed by local residents that it is doubtful whether the local road network, and particularly the junction of Straw Mill Hill with Tovil Hill (with its poor visibility for emerging traffic), could cope adequately with the anticipated increase in HGV traffic. I consider that this should form the basis of a second objection to the scheme.

5.6 Visual Amenity

- 5.6.1 I consider that the visual impact of the proposals would not be great, given the location of the development in the base of the old quarry. Clearly the site would continue to accommodate utilitarian buildings, plant and the open storage of materials but, in my estimation, there would be no greater impact than that of the existing lawful uses. In considering visual impact, it should be noted that this is a designated industrial site within the defined urban area. I note the intention to mitigate noise with earth mounding which would have a visual impact but, notwithstanding the lack of detail on this matter, I am not convinced that such mounding would cause significant harm to the appearance of the area.

5.7 Landscape and Ecology

- 5.7.1 Comprehensive reports on these issues have been submitted with the application. Trees on the upper slopes of the quarry slopes would be unaffected but there would be a need to remove poor quality specimens as part of the access alterations. A detailed landscaping programme would be put in place. The Council's Landscape Officer concurs with the recommendations of the arboricultural assessment and raises no objection. With the exception of a beech tree (which is to be retained), all the trees on site are categorised as being of low quality or to be removed due to disease or decay.
- 5.7.2 On ecology, the study reveals a site of low value. The most valuable elements of the quarry slopes would not be affected. Occasional roosting of bats was discovered and this would be mitigated by a new bat roosting facility in an existing building. Habitat enhancement for dormice would be made through the enhancement of scrub, new planting and the provision of nesting boxes. Mitigation is proposed during the appropriate season to manage the presence of reptiles through an exclusion programme. I note that there is no objection from Natural England or the Kent Wildlife Trust and I recommend that no objection be raised on ecological grounds.

6. Other Matters

- 6.1 I consider the above to be the main issues. The Loose Valley Conservation Area is located on the east side of Straw Mill Hill but, given the existing use of the site, I agree with the Conservation Officer that there are no grounds for objection on heritage issues. External lighting would be provided by columns and on buildings below eaves level which would seem reasonable in the interests of safe working. The application indicates that the treatment of effluent, surface water drainage and foul water disposal would all be dealt with in consultation with the Environment Agency.

7. Conclusion

- 7.1 Policies in the Development Plan seek to ensure that waste management facilities are properly located. I have major concerns as to the impact of this development on the living conditions of occupants of the proposed housing on the Burke site and the impact on highway safety of additional HGV traffic using Straw Mill Hill and I therefore recommend that objection be raised on those issues.

RECOMMENDATION

OBJECTION BE RAISED for the following reasons:

1. In the absence of evidence to the contrary, the noise generated by plant, machinery and general working on the site is likely to cause significant harm to the residential amenities of the occupants of the proposed dwellings to the north west of the site.

The application is therefore contrary to The South East Plan 2009 Policies NRM10 and W17 and The Kent Waste Local Plan 1998 Policies W7, W9 and W18.

2. The application documentation predicts a significant increase in the volume of goods vehicle traffic visiting the site. The Council is concerned that the local highway network (particularly Straw Mill Hill and its junction with Tovil Hill) is not adequate to deal satisfactorily with this additional traffic to the detriment of highway safety. The application is therefore contrary to The South East Plan 2009 Policy W17 and The Kent Waste Local Plan 1998 Policies W3, W7, W9 and W22.

MA/10/0167

A further petition of objection has been received with over 150 signatures.

Further letters of objection have been received from the Tovil Scout Group and CPRE Kent. Three further letters of objection have been received from local residents and a letter of objection from a planning consultancy on behalf of P Burke (the owner of the adjacent land). These new representations essentially raise matters already reported with the following additional points:

- a) The new use gives rise to safety concerns.
- b) Vermin would be a problem.
- c) There would be an adverse impact on the water supply of local users.
- d) This is an unsustainable location for the proposed use.
- e) The proposals would be incompatible with the permitted housing on the adjacent land in terms of land use and would be in conflict with the emerging spatial strategy for the area. The scheme fails to recognise the potential to redevelop an obsolete industrial site for housing.
- f) The use would compromise the marketability of the proposed housing. This would prejudice the reclamation of the housing site and the implementation of the residential scheme.

I have now received the views of Kent Highway Services who state:

“I refer to the above planning application and in order that I may fully assess the highway implications I shall require further information in respect of:-

The proposal, if permitted would generate additional HGV movements over and above that generated by the existing use of the site. I am concerned that Straw Mill Hill is adequate in terms of width to accommodate these additional vehicles and require evidence to indicate that there is sufficient width along Straw Mill Hill between the proposed site access and its junction with the B1010 to allow two HGV's to pass.

An hourly profile of the trips generated by the development is required, indicating the numbers of vehicles generated at both the highway peak hours and the development peak times. Evidence is also required to indicate that there is sufficient space for parking/loading/unloading/turning within the site during the busiest times.

Confirmation is required that the routing arrangements in respect of HGV's, for both the development traffic and construction traffic, will be made via Straw Mill Hill and the B1010.

Signing is required both within the site and along Straw Mill Hill to advise of cyclists.

I shall also be grateful if you will allow an extension of time to the normal consultation period in order that the highway implications of this proposal can be properly assessed. I will let you have my comments as soon as possible.”

OFFICER COMMENT: These comments have been made by the Highways Officer direct to KCC Planning so clearly this request for further information needs to be addressed by KCC as the determining authority. It seems to me that, whilst the officer is not objecting at this stage, concern is expressed as to the adequacy of the local highway network and I see no reason to change my recommendation to object on the highways issue. On the issue of sustainability the site is within the defined urban area and close to basic services and I do not consider that an objection could be sustained on that issue. The safety and security of the site would need to be addressed by the operators as part of their health and safety responsibilities, whilst I am not satisfied that potential incidence of vermin and problems with water supply are significant planning issues as they can be addressed by other legislation or other bodies. The issue of the impact of this proposal on the proposed housing site adjacent is dealt with in my original report.

Re paragraph 5.3.1 of my original report, I attach a copy of Policy W17 of The South East Plan hereto as it is missing from the committee papers.

MY RECOMMENDATION REMAINS UNCHANGED

POLICY W17: LOCATION OF WASTE MANAGEMENT FACILITIES

Waste development documents will, in identifying locations for waste management facilities, give priority to safeguarding and expanding suitable sites with an existing waste management use and good transport connections. The suitability of existing sites and potential new sites should be assessed on the basis of the following characteristics:

- i. good accessibility from existing urban areas or major new or planned development
- ii. good transport connections including, where possible, rail or water
- iii. compatible land uses, namely:
 - active mineral working sites
 - previous or existing industrial land use
 - contaminated or derelict land
 - land adjoining sewage treatment works
 - redundant farm buildings and their curtilages
- iv. be capable of meeting a range of locally based environmental and amenity criteria.

Waste management facilities should not be precluded from the Green Belt. Small-scale waste management facilities for local needs should not be precluded from Areas of Outstanding Natural Beauty and National Parks where the development would not compromise the objectives of the designation.

- 10.54 Policy W7 identifies the urgent need for a wide range of new waste management facilities which, with the emphasis on recycling and recovery rather than landfill, will increasingly need to be situated in permanent locations. If new facilities are to be developed in time for meeting the challenging targets in this Plan, it is essential that waste and local development documents are site-specific wherever possible, but also specify locational criteria to provide the basis for considering other proposals.
- 10.55 Many facilities will need to be developed close to the source of waste and will therefore generally be close to urban areas. Development in the countryside, particularly the urban fringe and where there are rural waste management needs, will also be required and may represent the most appropriate location for certain activities, such as composting.
- 10.56 Waste management facilities should not be precluded from designated areas such as Green Belt, Areas of Outstanding Natural Beauty (AONBs) or National Parks, if the objectives of more environmentally sustainable forms of waste management are to be met. This is particularly important in the South East because of the proportion of land covered by such designations and the pattern of high-density development. It is essential that waste facilities proposed in such areas are assessed in the light of local circumstances and national/regional policy, and are subject to good design and landscape character appraisal. Within Green Belts major developed sites may provide suitable locations (PPG2, Annex C).
- 10.57 The types of facility that might be considered cannot be specified and will depend on local circumstances. It is also important not to stifle technological innovation and advance by referring to lists of types of facility that may be treated as exclusive. However the types of facility likely to be justified in Green Belts, where the lack of suitable alternative sites, and proximity to urban areas and the source of waste may be important factors, are likely to be different to those likely to be justified in AONBs and National Parks where facilities will probably be smaller in scale and associated with rural communities.
- 10.58 The co-location of waste management facilities, for example in recovery parks on sites offering good transport links, can provide significant environmental benefits and enable economies of scale by allowing flexible, integrated facilities to be developed. Co-location can also assist the separation of waste for different types of recovery on one site. Waste

2229

08.03.2010

230

08-03-2010

231

08.03.2010

232

08.03.2010

233



08.03.2010

234

08.03.2010

235

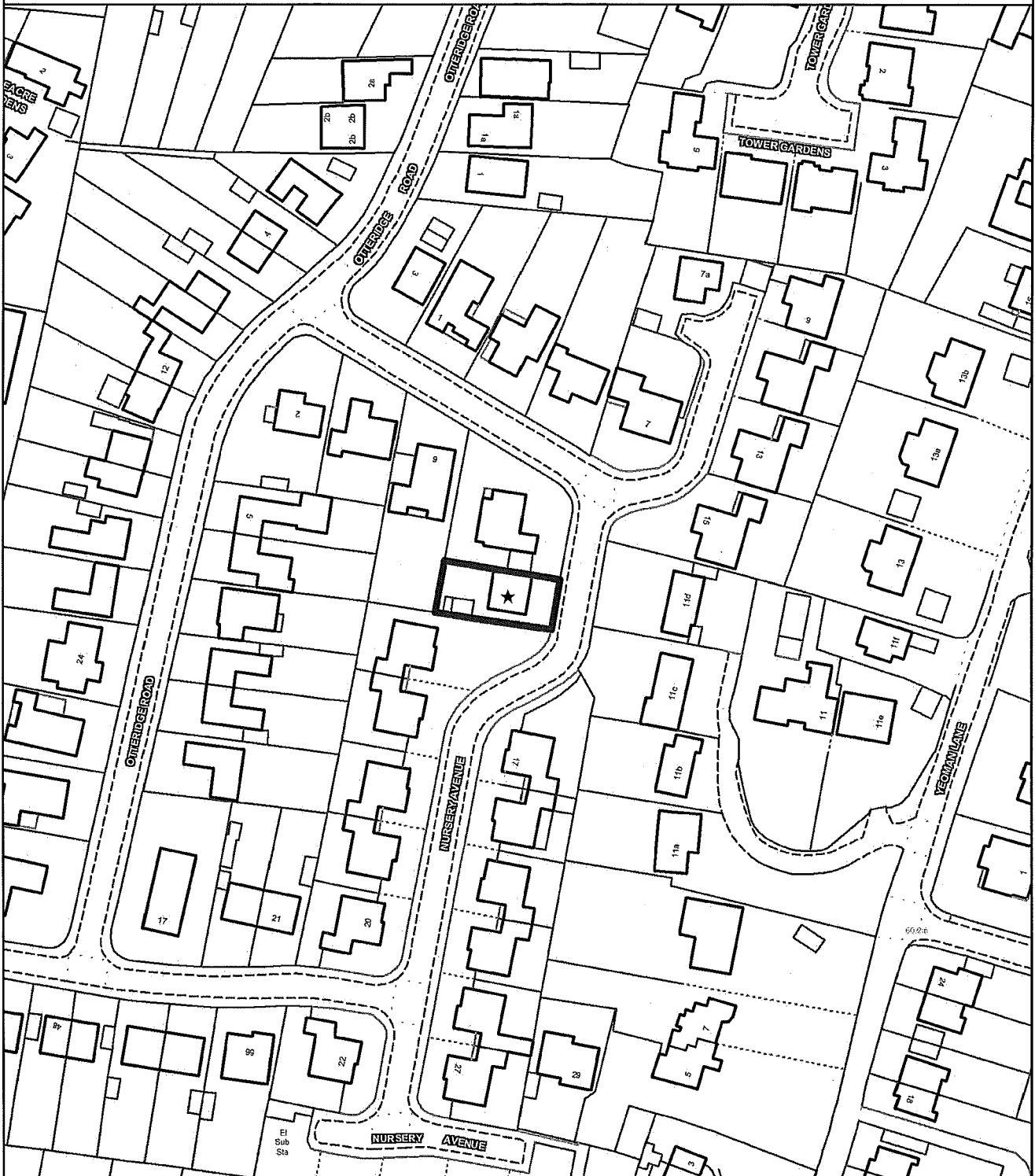
08 03 2010

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/10/0170

GRID REF: TQ7955

10 NURSERY AVENUE,
BEARSTED.



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 1000019636, 2009. Scale 1:1250



Alison Broom
Director of Prosperity and Regeneration

APPLICATION: MA/10/0170 Date: 1 February 2010 Received: 3 February 2010
APPLICANT: Mr C Lohead
LOCATION: 10, NURSERY AVENUE, BEARSTED, MAIDSTONE, KENT, ME14 4JS
PARISH: Bearsted
PROPOSAL: Erection of first floor extension, single storey side and rear extension and front porch Erection of first floor extension, single storey side and rear extension and front porch shown on Drawing Nos 29.146.1 received on 03 February 2010.
AGENDA DATE: 18th March 2010
CASE OFFICER: Laura Gregory

- **it is contrary to** views expressed by the Parish Council

POLICIES

Maidstone Borough-Wide Local Plan 2000: H18
South East Plan 2009: CC6, BE1
Village Design Statement: N/A
Government Policy: PPS1
MBC Supplementary Planning Document Residential Extensions (Adopted May 2009)

HISTORY

None

CONSULTATIONS

Bearsted Parish Council: No comments received

REPRESENTATIONS

Councillor Bradshaw would like the application reported to the Planning Committee for the following reasons

- The proposed first floor front bedroom windows will have an unrestricted view into all the rear living and sleeping accommodation of 11c Yeoman Lane.
- 11C is set about 1metre below Nursery Avenue.
- The ridge height of the proposed application will rise from the present 6.25 metres to 8.25 metres with the result that the 'House' will tower over the Yeoman Lane properties and the adjacent bungalows

- There are two storey houses in the area but they are in Otteridge Road and not near the bungalow properties.
- All of the complaints by the owner of 11C are echoed by the residents at 11D, who are directly opposite the proposal giving no privacy whatsoever to their rear gardens and rear windows and conservatory.
- Looking at the proposal the perceived effect will be of an overpowering block directly overlooking the properties in Yeoman Lane.
- Out of keeping with the street scene

Seven Neighbour Letters received raising the following objections:

- Built on a prominent site, the proposed development for most dwellers in Nursery Avenue both to the south and north will be an intrusive eyesore
- The proposed first floor extension is directly opposite 11d Yeoman lane and will cause a loss of privacy to the neighbours rear garden and conservatory
- Nursery Avenue only consists of single storey bungalows along this respective road and such a building would be visually overbearing.
- Visual appearance of house will look like a tower amongst all the bungalows
- It is an inappropriate design for this part of the village.
- Proposed conversion from a single storey bungalow to a large house would be totally out of keeping with immediate properties which are all single storey bungalows and could create a precedent.
- No allowance for parking

CONSIDERATIONS

Site & Surroundings

- 1.1 The application relates to a site which is located within the defined urban area of Maidstone in the parish of Bearsted and contains 1950s' detached bungalow dwelling which is not subject to any landscape restrictions. Located within an established residential area which characterised by predominantly single storey dwellings, the dwelling is in Nursery Avenue, a street which is characterised by 1950's bungalows, which descends into a cul-de-sac to the south.
- 1.2 Positioned to the north of the cul-de-sac and due to the non linear pattern of the street, the site is set forward of its neighbour, 12 Nursery Avenue and the other dwellings located on the western side of the street. In addition to being set forward to the rest of the dwellings on the western side of the street, the proposal site, like the other dwellings to the north, is of a different design and appearance to the dwellings in the south. The dwellings to the south have hipped roofs with either a projecting hip or gable end and all have weatherboarding on the wall below the main living room window. As such the proposal site appears detached from the dwellings to the south and with the dwellings to the north of the street of different design and appearance,

there appears to be a lack of cohesiveness to this part of the street, creating a mixed street scene.

Proposal

- 2.1 Planning permission is sought for the erection of a first floor side extension, single storey side and rear extension and front porch.
- 2.2 The proposed first floor extension would result in an increase in both the eaves and ridge height and would result in three bedrooms, a bathroom and ensuite at first floor level. The eaves height would be increased from 2.7m above ground level to 4.2m and the ridge height would be increased from 6.4m to 8.2m above ground level. A pitched roof dormer window is proposed on the south elevation and this would project to of 900mm depth from the roof plane and, measure 2.1m wide. Tile hanging on the first floor is proposed on all elevations
- 2.3 The proposed single storey rear extension would measure 6.1m deep and 4.2m wide and have an eaves and ridge height of 2.4m and 4.6m. The proposed side extension would measure 4.2m deep and 2.1m wide and have an eaves and ridge height of 2.5m and 3.6m. A detached garage to the rear of the property is to be demolished to make room for the ground floor extensions
- 2.4 The proposed porch canopy would measure 2.3m wide and 900mm depth and would have an eaves and ridge height of 2.4m and 3.5m.

Planning Considerations

- 3.1 The main issue to consider is whether the proposed development is in accordance with the criteria of policy H18 of the Development Plan and Supplementary Planning Document Residential Extensions. As set out below, there are three issues relating to this policy which need to be considered: Visual Impact, Impact upon Residential Amenity and Parking.

Visual Impact

- 3.2 In terms of visual impact, the area immediately surrounding the site is mixed with bungalows of varied design with two storey dwellings to the east. A consequence of this is that, there is little cohesiveness to this area of the street and therefore no strong pattern of development to preserve or adhere to.
- 3.3 Considering the impact of the proposed increase in the apex of the roof, the land slopes to the south and this has resulted in the roof line of the dwellings being varied, with neither a level nor, regular drop in within the street. With two storey dwellings both to front of the site in Yeoman Lane and to the rear in Otteridge Road and also, to north in Tower Gardens, it is considered that the increased roof apex would not appear significantly obtrusive obstructing regular roof line and, set against a backdrop of two storey dwellings on all elevations, it would not appear visually dominant. Given that the dwelling is approximately 24m forward of the other houses located on the western side

of the street and therefore appears detached from the rest dwellings to the south of the street, the first floor extension would not unbalance a strong pattern of development. Overall, no significant harm to the character of the area would be caused as a result of the development with the removal of an unsightly dormer window on the south elevation serving to improve the appearance of the area.

- 3.4 With regard to the proposed ground floor extensions, these extensions are of acceptable scale and located on the side and rear elevations, they would not have any significant impact upon the character and appearance of the street. The design is considered acceptable with the proposed extensions complimenting the character and appearance of the dwelling and surrounding area.
- 3.5 Overall, I consider that due to the mixed character of the area, the proposed extension and resultant visual impact is acceptable.

Impact upon Residential Amenity

- 3.6 With regard to the impact upon the residential amenity of the neighbouring properties objections from the occupiers of the dwellings opposite the site in Yeoman Lane have been received stating that the proposed development would cause them a loss of privacy.
- 3.7 In terms of privacy, it is recognised that as a result of the proposed first floor extension, two of the proposed bedrooms will be located to the front of the dwelling and will subsequently face 11c and 11d Yeoman Lane. However, given that there is a public highway between the site and the opposing dwellings, it is not considered that the development would result in a significant loss of privacy. There would be no loss of light and with the 30m distance; the overbearing impact of the extension is not significant.
- 3.8 Considering the privacy of the neighbour to the rear of the site, given that there will be approximately 40m between the development and 7 Otteridge Road, it is not considered that there would be significant overlooking of this dwelling. Moreover, the overbearing impact of the extension would be significantly reduced and therefore, it is considered that no serious harm to the residential amenity of this dwelling would be caused by the proposed development.
- 3.9 With regard to the impact upon the two adjacent properties, it is not considered that the proposed extension would cause a significant loss of light to 12 Nursery Avenue as that the front wall of the neighbour's dwelling is in line with rear boundary of application site. The proposed dormer window on the south elevation would not look into the rooms of no. 12 or any of the dwellings to the south of the site and as such there would be no loss of privacy. The proposed development would not cause a significant or unacceptable loss of light 8 Nursery Avenue, and would not cause loss of privacy. Whilst the proposed first floor extension would result in 10 Nursery Avenue being approximately 1.8m taller than no. 8, given that there are no windows in the

side elevation of the neighbours dwelling and the garden is to the rear, it is not considered that the proposed first floor extension would significantly overbear onto the adjacent dwelling and cause detrimental loss of outlook.

Parking

- 3.10 Whilst the proposal will result in the loss of a garage and therefore a parking space, it would not result in the addition of any bedrooms to the property or, in any changes to the current level of parking provision provided on the driveway. On this basis, it is not considered that the development would not result in any detrimental highway or parking issues.

Other Issues

- 3.11 With regard to the other issues raised by the neighbours, the visual impact this has already been addressed in the report and there are no further comments to make on this issue. The issue of setting a precedent, each application is judged on its own merits and in accordance with Local Plan policy and what has been permitted elsewhere in the surrounding area does not predetermine future application of for similar development in the same area.

Conclusion

- 4.1 In conclusion, for the reasons stated above, the proposed development is considered to be acceptable and in accordance with the provisions of the Development Plan and advice contained within Supplementary Planning Document: Residential Extensions. Members are there recommended to approve the application subject to the following conditions.

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

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

2. The materials to be used in the construction of the external surfaces of the building(s) hereby permitted shall match those used in the existing building;

Reason: To ensure a satisfactory appearance to the development in accordance with policy H18 of the Maidstone Borough-Wide Local Plan 2000

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 South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.

243



19.02.2010

244

19.02.2010

245

19.02.2010

246

19.02.2010

247

19.02.2010

248

19.02.2010

Agenda Item 26

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/10/0199

GRID REF: TQ7843

SOUTHVIEW, HEADCORN ROAD,
STAPLEHURST.



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 1000019636, 2009. Scale 1:1250



Alison Broom
Director of Prosperity and Regeneration

APPLICATION: MA/10/0199 Date: 9 February 2010 Received: 10 February 2010

APPLICANT: Mr L. Lazari

LOCATION: SOUTHVIEW, HEADCORN ROAD, STAPLEHURST, TONBRIDGE,
KENT, TN12 0BU

PARISH: Staplehurst

PROPOSAL: Erection of a two storey side extension, single storey front, side and rear extensions and the insertion of three rear dormer windows to facilitate loft conversion. (Resubmission of MA/09/2166), as shown on Drawing no 5/0409/1, 5/04094a and scale 1:500 block plan received on 10 February 2009

AGENDA DATE: 18th March 2010

CASE OFFICER: Laura Gregory

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

- it is contrary to views expressed by the Parish Council

POLICIES

Maidstone Borough-Wide Local Plan 2000: H18,
South East Plan 2009: BE1, CC6
Village Design Statement: None
Government Policy: PPS1,
SPD Residential Extension (Adopted May 2009)

HISTORY

09/2166 - An application for a two storey side extension and single storey front, side and rear extensions, plus addition of three dormers to facilitate loft conversion – WITHDRAWN

09/0993 - Erection of a two storey side extension and two rear dormer windows – APPROVED WITH CONDITIONS

CONSULTATIONS

Staplehurst Parish Council – Wish to see the application REFUSED for the following reasons:

“After much discussion Councillors recommended REFUSAL for the reasons given in the original application because very little had changed; The proposal would overwhelm the existing semi-detached house and would unbalance the symmetry with the adjoining property. The proposed extension was not modest by virtue of its mass, bulk and height which would adversely impact on the streetscene and neighbours. The dormer windows in the roof were not in keeping with neighbouring properties. Councillor’s requested that this application be referred to MBC Planning Committee.”

REPRESENTATIONS

Two Neighbour Representation received raising the following objection

- This application is too large a development,
- Out of place
- Will have a deleterious effect on the street scene.
- Loss of privacy and overlooking

CONSIDERATIONS

Site & Surroundings

- 1.1 The application relates to a site which is located within the defined village envelope of Staplehurst and contains a three bedroom dwelling also referred to as ‘Southview’ One of a pair of semi-detached dwellings, the site is located on the north side of Headcorn Road and the adjoining property is known as ‘Oakcot’. The pair are two storey with fully hipped roofs and single storey projections of their sides. To the front there is a brick paved driveway with front lawn and the rear garden is some 30m in length beyond which, are open fields. There is a 2m hedge along the frontage and a large oak tree on the frontage of Oakcot.
- 1.1 To the east is the neighbouring detached dwelling, known as ‘Mon Abri’, which is of different design and at a lower height than Southview. This dwelling has gable roofs and extends to within around 1.1m of the boundary with the site. To the west of Oakcot is a similar pair of semi-detached dwellings.
- 1.2 This part of Headcorn Road on the north side features a variety of dwelling types, ages and designs, although the vast majority are two storeys but there are three bungalows at the eastern end of the road on the north side. There is a regular building line around 15m back from Headcorn Road. The spacing between buildings is not uniform although gaps at first floor level are generally retained between 5-8m. On the south side of the road there are dwellings set back behind hedging and grassed banks with a drainage ditch.

Proposal

- 2.1 Planning permission is sought for the erection of a two storey side extension, single storey front side and rear extension and insertion of three rear dormer windows. The application is a resubmission of MA/09/2166 which proposed the same development but with a smaller set back of 200mm from the front elevation and higher roof, which measured 100mm below the main ridgeline.
- 2.2 The proposed side extension would measure 7.6m deep and 2.7m wide and would have an eaves and ridge height of 5.2m and 8.7m. It is proposed to be set back from the front elevation by 500mm and have a lower roof, set 400mm below the main ridgeline. The extension is the same dimensions and design as a two storey extension permitted under MA/09/0933.
- 2.3 The proposed front extension would measure 1m deep and 6.9m wide and would have an eaves and ridge height of 2.2m and 2.8m. The proposed side extension would measure 11m deep and 1.9m wide and would have an eaves and ridge height of 2.2m and 2.9m. The proposed rear extension would measure 1.8m deep and 4.8m wide and have the same eaves and ridge height as the side extension.
- 2.4 The proposed dormer windows measure 1.5m x 1.5m and have a ridge line set 600mm below the ridgeline of the extension. Set back 900mm from the eaves line, the dormer windows would be subordinate to the roof plane.
- 2.5 The two storey element of this proposal has been accepted under previous application MA/09/0933. The difference with this application is that now single storey front, side and rear extension is proposed in addition to the two storey extension

Planning Assessment

- 3.1 The main issue to consider is whether the proposed development is in accordance with the criteria of policy H18 of the Development Plan and Supplementary Planning Document Residential Extensions. As set out below, there are three issues relating to this policy which need to be considered: Visual Impact, Impact upon Residential Amenity and Parking.

Impact upon Visual Amenity

- 3.2 In terms of the impact upon the street scene, under the Council's recently adopted SPD *Residential Extensions*, it is recognised that the infilling of the spaces between dwellings with two storey side extensions can create a terraced appearance which can affect the symmetry of a pair of semi detached houses and the rhythm of the street scene. It is therefore recommended that where there is a pattern of gaps between dwellings, a minimum gap of 3m should be maintained at first floor level between the

extension and the adjacent property thus allowing the pattern and rhythm of gaps in the street to be maintained.

- 3.3 In this application, a set back of 500mm from the front elevation is proposed at first floor level. Furthermore, the proposed ridgeline is to be set below the main ridgeline by 400mm and a space of 1.9m is proposed between the flank wall of the first floor extension and the boundary with adjacent property. Overall, a space of 2m would be maintained between the extension and adjacent property The Eagles
- 3.4 With a space of 2m maintained at first floor level between the proposed extension and the adjacent dwelling, it is considered that there would be no significant erosion of the pattern of gaps between the dwellings and the visual break between the two dwellings which is currently enjoyed would be preserved. The proposed development is of a modest scale which would not overwhelm the dwelling and the proposed set back and lower roof would, ensure that symmetry of semi detached dwellings is preserved. Moreover, it would ensure that the extension is easily assimilated into the street, appearing neither visually dominant nor obtrusive.
- 3.5 In terms of the design, the proposed pitched roof to the rear extension and rear dormer window compliments the character and appearance of the dwelling and with the dormer windows positioned on the rear elevation, the proposal is in accordance with the Council's SPD which, advises that dormers should not be allowed on front elevations where there are none already.
- 3.6 Considering the relatively modest scale of the development and the sympathetic design of the extensions, a pleasant outlook to the site and surrounding area would be sustained as a result of the proposal.

Impact upon Residential Amenity

- 3.7 With regard to the impact on the residential amenity of adjoining property, having assessed the extension in accordance with the BRE guidelines it is not considered that the proposed development would cause a significant or unacceptable loss of daylight or sunlight to either the adjoining or adjacent properties. Furthermore with a space of 2m between the two storey extension and the adjacent dwelling, the overbearing impact of the extension is considered not to be significant.
- 3.8 Considering that the windows in the extension are to the front and rear elevations and therefore would face out onto the street and the applicant's rear garden, it is not considered that there would be an unacceptable or significant loss of privacy. On the whole, the proposed development would have a minimal impact upon the residential amenity of the adjoining and adjacent to dwellings and as such, a pleasant outlook to neighbouring properties would be maintained.

Parking

- 3.9 Considering the proposed development would result in a new garage and that there is the development would not result in any changes to the current level of parking provision provided on the driveway, it is not considered that the development would not result in any detrimental highway or parking issues.

Recommendation

- 4.1 In conclusion, given that the proposed two that the two storey extension is of the same scale and design as the one approved under MA/09/0933 it is considered that the proposed development is acceptable. The additions of modest single storey front side and rear extensions are acceptable and the design is sympathetic to the character and forms of the original dwellings and surrounding area. It is for these reasons that the proposed development is considered to be acceptable. It is in accordance with the provisions of the Development Plan and advice contained within Supplementary Planning Document: Residential Extensions and members are there recommended to approve the application 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 materials to be used in the construction of the external surfaces of the building(s) hereby permitted shall match those used in the existing building;

Reason: To ensure a satisfactory appearance to the development, in accordance with policy H18 of the Maidstone Borough-Wide Local 2000

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 South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.

255

SOUTHVIEW

G.T. SKIFF MIKE

LOND LINES

Y628 AKK

A large, leafless tree with a thick trunk and several cut branches stands in the foreground. Behind it is a two-story brick house with white window frames and a brown roof. A white picket fence runs across the bottom of the image. A yellow ribbon is tied around the tree trunk. A silver car is parked on the street to the left. The sky is clear and blue.

256

257

A residential street scene under a clear blue sky. In the foreground, a paved road with a white line runs horizontally. To the right of the road, a sidewalk holds three recycling bins: two green and one dark blue. A wooden fence and a large, rounded green bush are behind the bins. A tall street lamp stands on the sidewalk. In the background, a row of houses with brick and white facades and gabled roofs is visible. The number '257' is overlaid in black text on the left side of the image.

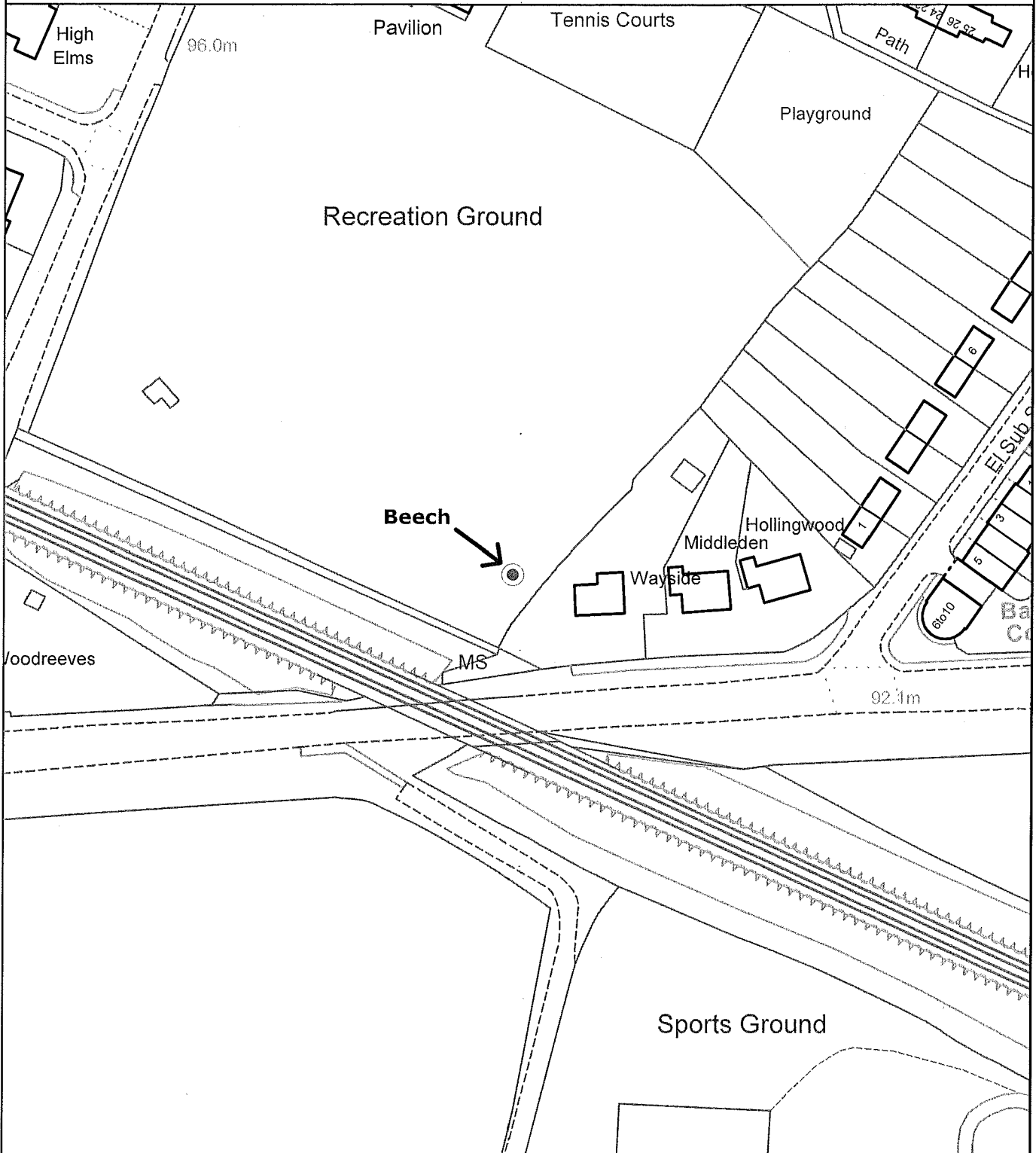
THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: TA/0195/09

GRID REF: TQ8752

TREE PRESERVATION ORDER No. 2 of 1997

BOOTH FIELD RECREATION GROUND,
CHURCH ROAD, HARRIETSHAM.



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council Licence No. 1000019636, 2009. Scale 1:1250



Brian Morgan BA(Hons), Dip TP, MSc, MRTTP
Assistant Director of Development
and Community Services

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

18 March 2010

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

REFERENCE: TA /0195/09

Date: 09/12/09

APPLICANT: OCA UK Ltd, 4 The Courtyards, Wyncolls Road, Colchester, Essex, CO4 9PE

LOCATION: Land adjacent Wayside, Ashford Road, Harrietsham, Maidstone, ME17 1BH

PROPOSAL: To fell one Beech tree and treat one stump subject to Tree Preservation Order No 2 of 1997, situated adjacent to 'Wayside'.

The applicant made an appeal (APP/TPO/U2235/1090) to the Secretary of State, under section 78 of the Town and Country Planning Act 1990 (as amended) on 22 February 2010 and the application will therefore be determined by the Planning Inspectorate. It is now necessary for the Council to consider how it will respond to the appeal.

CASE OFFICER: Guy Stephens

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

- It is contrary to views expressed by Harrietsham Parish Council on the original application.

POLICIES

South East Plan, 2006, Policy C4: Landscape & Countryside Management
Maidstone Borough Council, Landscape Character Assessment & Landscape Guidelines, 2000
Government Policy: ODPM, 'Tree Preservation Orders: A Guide to the Law and Good Practice'

PLANNING HISTORY

TA/0132/07 – Booth Field, Church Road, Harrietsham- An application for consent to remove and treat stump of one Beech tree- refused.

TA/0025/04 – Booth Field, Church Road, Harrietsham- An application to remove 2 lowest branches of 1 no Lime, trim lower branches of 1 no Lime to clear corner of pavilion and crown lift 5 no trees – approved/granted with conditions.

CONSULTATIONS:

Harrietsham Parish Council: recommend refusal of the planning application, due to the high amenity value of the tree.

Booth and Baldwin Charity, Harrietsham own the field where the tree is located. The trustees held a meeting and it was agreed that they could not comment on this matter as the owners of Wayside, whose property is affected by the tree root action, are themselves trustees. However, it was the unanimous view that the trustees would not object if permission was granted for the tree to be felled. The trustees also wish to seek assurances they will not be liable for any future costs should the property experience any future damage such as heave. They also wish to seek a replacement tree.

REPRESENTATIONS

Owners of Wayside: A letter was received which confirmed where the damage is occurring and requested that the Beech tree is removed.

CONSIDERATIONS

ISSUE FOR DECISION:

To seek members views on what their decision would have been had an appeal for non-determination not been submitted and what steps to take in response to the appeal as a result.

The application was made on 9th December 2009. The case was subject to a number of delays arising from a meeting request from the applicant, which had to be postponed on a number of occasions due to snow and the need to await representations from the parties involved. This subsequently resulted in the requirement for a report to Planning Committee. The Council's 8 week date for determination expired on 2 February 2010 and on 11 February Officers received from the applicant notification of their intention to appeal and potentially claim for costs. The report drafted for the earliest Committee meeting, 25 February 2010, was as a result withheld from the agenda to ensure that the recommendations and considerations were amended to take account of the appeal and cost implications. It is important that members make a decision at the earliest opportunity prior to the date for statement of case so that PINS can be notified as soon as possible how the Council propose to deal with the appeal.

SITE AND SURROUNDINGS

The tree in question is a mature Beech tree situated on the south western boundary on Booth Field and protected by TPO No 2 of 1997 along with the seventeen mature trees on the playing field. Within this group there is a mixture of Sycamore, Plane, Horse Chestnut, Lime and Corsican Pine, all of which enhance the area and are prominent from many public viewpoints.

DESCRIPTION OF TREE AND PROPOSED WORKS.

The mature Beech tree is 23 metres in height, with a stem diameter of 980 mm and an average radial crown spread of 8 metres. It is natural in shape with multiple scaffold branches forking at 5 metres. Minor deadwood was noted throughout the crown, although this is a common feature for a tree of this age. The bud size and extension growth was noted as being healthy.

An investigation has been carried out to establish the cause of alleged damage to the adjacent property, 'Wayside'. The application to fell the tree included an engineering report which concluded that the damage is a result of subsidence caused by tree root action which can be attributed to the nearby Beech tree. The report provides technical evidence such as level monitoring, soil and root information to support this claim.

LEGAL CONTEXT

In considering applications the (Local Planning Authority) LPA should:

- assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area, and
- in the light of the amenity assessment, consider whether or not the proposal is justified, having regard to the reasons put forward in support of it.

It also considers whether any loss or damage is likely to arise if consent is refused or granted subject to conditions. In general terms, it follows that the higher the amenity value of the tree or woodland and the greater the impact of the application on the amenity of the area, the stronger the reasons needed before consent is granted.

The LPA's consent is not required for cutting down or carrying out work on trees so far as may be necessary to prevent or abate a nuisance. The term 'nuisance' is used in a legal sense, not its ordinary everyday sense.

For TPOs made before 2 August 1999, when refusing or granting consent subject to conditions, the LPA may issue an 'article 5 certificate'. It may only be issued if the LPA are satisfied:

- that their decision is in the interests of good forestry, or
- that the trees, groups of trees or woodlands to which the certificate relates have an 'outstanding' or 'special' amenity value.

In simple terms the effect of an article 5 certificate is to remove the LPA's liability under the TPO to pay compensation for loss or damage caused or incurred as a result of their decision.

LPA's are advised to use article 5 certificates with discretion and not simply as a means of avoiding the potential liability of compensation. The LPA should consider each case on its merits and must, when issuing a certificate, be satisfied that their decision is in the interests of good forestry, or that the trees, groups of trees or woodlands have an 'outstanding' or a 'special' amenity value.

CONTRIBUTION TO AMENITY

Although there are a number of other trees within the Booth Field the Beech tree is the most prominent and its removal would be detrimental to the character of the local area. All the trees in this area are situated in a parkland setting and have been able to grow in their natural form. The Council's amenity evaluation assessment gives an amenity value rating (AVR) of 20, which is clearly above the benchmark of 17, but it is not considered an 'outstanding' or 'special' tree and, therefore, an article 5 certificate could not be issued.

ASSESSMENT OF CASE

The evidence provided by OCA indicates that the damage which 'Wayside' is experiencing is attributed to soil desiccation causing a downward rotational movement of the rear left hand side corner of the property.

In cases where it is suspected that trees may be the primary cause of the damage there are three pieces of evidence which are essential, these are:

1. Evidence of soil desiccation
2. Proof of seasonal movement
3. Live roots have been found underneath the foundations.

In this case all three pieces of evidence have been submitted to support the claim that the cause of the damage can be attributed to the tree root action.

The Beech tree is of significant amenity value and its removal would have a detrimental effect on the character and amenity of the surrounding area. It would normally, therefore, be preferable to retain the tree by using alternative engineering solutions such as root barriers. However, any such solutions would mean that the roots would have to be partially severed, therefore, making the tree unstable.

A second option would be to reduce the crown, therefore reducing the amount of water it extracts from the soil. However recent studies have shown that to have any impact on soil moisture, severe crown reduction of 70%-90% would have to be carried out. This would result in the Beech tree being severely disfigured and, furthermore, the removal of such a large amount of living tissue would quite probably result in the decline of the tree.

It should be noted though that if consent is granted for the Beech to be felled it may result in heave, which can cause damage to structures. It occurs when clay starts start to absorb more water than it was able to beforehand and therefore it expands. This could, in theory, occur if this Beech is removed. However, it is important to note that the engineers acting for the applicant, OCA, have ruled

out the possibility of this happening. However, it is recommended that it be drawn to PINS attention that consideration should be given to attaching an informative to any consent to the effect that the appellant should satisfy himself that there is not a possibility of heave and, if there is, take necessary steps to minimise the potential impact, such as phasing the work.

In this case if the cause of the damage is not removed then an alternative solution would have to be sought, for example, if the Beech tree is not removed the foundations of 'Wayside' would have to be underpinned.

A breakdown of the cost of structural works has been submitted by the appellant showing the difference between the tree being retained or removed.

If the tree is retained then the cost for carrying out major works to the property has been estimated between £56k- £71k. This includes underpinning and superstructure repairs, together with costs arising from disruption to the policy holder. However, if the tree is removed, the works will be kept to a minimum of between £12k -£15k for tree removal, reinforcement repairs and redecoration.

Potential Costs

Appeal Costs

With regard to appeal costs, generally each party meets their own but an application can be made against another party for wasted expense caused by unreasonable actions. There is no appeal fee in this case and little work will be accrued prior to the stage when actions in the appeal timetable have to be carried out. If members decided they would have granted consent then the Council would offer no evidence and notice will be given to that effect so that any work by the appellant should stop. If there were an application it is difficult to see what would be said to be unreasonable in the Council's actions and any costs should be low in any event. If members decide they would have refused consent the appeal would be defended and sufficient evidence to support that decision will need to be in place in time for the appeal deadlines to minimise the prospect of a successful costs application.

Compensation

In the case of compensation the position is more complex but in this case the TPO does make provision for compensation for loss/damage caused or incurred as a consequence of the refusal of any consent. One issue that could arise is that loss or damage may not be incurred as a consequence of refusal if no consent were required at all as in the case of a statutory exemption for nuisance under 198 (6), as outlined above. In these circumstances the Beech tree could potentially be regarded as a nuisance but, if that were not the case, then any compensation liability would arise from the date of the deemed refusal. Only damage caused by the tree roots after the date of deemed refusal would be relevant except in so far as it could be evidenced that the refusal had necessitated more costly works than would have been needed if consent were given. The liability for compensation would only accrue if the Inspector goes on to refuse the

appeal. In any event actions now taken by the Council should not affect the timescale for the appeal.

CONCLUSION:

The Beech tree in question has an important amenity value and, therefore, the impact of the proposed work would have an effect on the amenity of the area. This work is, however, considered to be the only viable option in regard to the evidence put forward by the applicant in support of the application. Therefore, it is recommended that Members resolve that if the Applicant had not appealed on the grounds of non determination, the Council would have granted consent subject to conditions and informatives accordingly and should, therefore, not offer evidence to the appeal.

It should be noted that whilst there are conditions and informatives that would have been sought if permission had been granted, if Members choose not to defend the appeal they will be referred to in a letter to PINS but will not be actively dealt with at a hearing. The decision on the appeal and any conditions or informatives is now a matter for the Inspector.

RECOMMENDATION:

(1) THAT IF THE APPLICANT HAD NOT APPEALED ON THE GROUNDS OF NON DETERMINATION, THE COUNCIL WOULD HAVE GRANTED CONSENT SUBJECT TO THE FOLLOWING CONDITIONS AND INFORMATIVES:

Conditions

C195 Completion of Felling

The tree works in respect of this consent shall be carried out in a manner to ensure that all brushwood and arisings are disposed of to leave the site in a safe and tidy condition;

Reason: In the interests of amenity and good arboricultural/forestry practice.

C196 Standard of Works (Trees)

All works hereby permitted shall be carried out in accordance with the provisions of BS 3998 (1989) "Recommendations for Tree Work" by a competent person only;

Reason: In the interests of amenity and good arboricultural practice.

C200 Replacement Planting (Nursery Standard)

One replacement Beech tree (*Fagus sylvatica*) of not less than Nursery Standard size (8-10cm girth, 2.75-3m height), conforming to the specifications of BS 3936 Part I "Nursery Stock", shall be planted during the tree planting season (October

to February) following substantial completion of the felling hereby permitted, and be maintained thereafter to the satisfaction of the local planning authority.

Reason: In the interests of amenity and good arboricultural practice

C203 Replacement Planting (Specified Location)

The replacement tree(s) as specified shall be planted at the location(s) described below;

In a prominent position in Booth Field subject to the agreement of the Booth and Baldwin Charity.

Reason: In the interests of amenity and good arboricultural practice

C206 Replacement Planting (Maintenance)

Any replacement tree which dies or becomes seriously damaged or diseased within five years of being planted must be replaced with another of similar size or species within the course of the next planting season, unless the local planning authority give written consent to any variation;

Reason: In the interests of amenity and good arboricultural practice

Informatives

- It is recommended that the applicant and the landowner should satisfy themselves that there is not a possibility of heave and, if there is, take necessary steps to minimise the potential impact, for example through phasing the work.
- Owner Consent

This decision does not override the need for the applicant to obtain the consent of the tree owner before commencing the work granted consent.

- Provision for birds and bats

In taking the action specified in this Notice, 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.

(2) THAT THE COUNCIL OFFERS NO EVIDENCE TO THE HEARING ON THE ABOVE BASIS.

Background documents:

TA/0195/09: Land adjacent Wayside, Ashford Road, Harrietsham

406/115/12: TPO No 2 of 1997, Trees on Booth Field, Church Road, Harrietsham

Beech



267

Beech tree
viewed from
front of Wayside.

