

REFERENCE NO – 21/503982/FULL		
APPLICATION PROPOSAL Retrospective application for retention of the existing concrete slab hardstanding area.		
ADDRESS Newnham Court Shopping Village, Bearsted Road, Weavering, Kent ME14 5LH		
RECOMMENDATION GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> • The proposal is in keeping with the lawful use of the application site for '<i>the turning of delivery vehicles and the loading and unloading of goods being delivered to premises within the Newnham Court Shopping Village</i>'. • With a planning condition requiring the submission of a management plan, the proposal is acceptable in relation to impact on residential amenity. • In the context of surrounding commercial development, screening from existing landscaping and the lawful use of site for parking and turning of HGV the proposal is acceptable in relation to visual amenity. 		
REASON FOR REFERRAL TO COMMITTEE: Kent County Council is the Applicant		
WARD Boxley	PARISH COUNCIL Boxley	APPLICANT Harvestore Systems Holdings Ltd AGENT Mr. David Cassells, WSP
TARGET DECISION DATE 29/10/2021 (EOT)		PUBLICITY EXPIRY DATE 29/9/2021

Relevant planning history:

21/500139/LDCEX: Lawful Development Certificate (Existing) to establish the lawfulness of the use of the current application site for 'the turning of delivery vehicles and the loading and unloading of goods being delivered to premises within the Newnham Court Shopping Village'. – APPROVED on 31.3.2021

Aerial photograph of the application site

**MAIN REPORT****1. DESCRIPTION OF SITE**

1.01 The application site is located within the Maidstone urban area and relates to an area of land covering 0.05 hectares. The site is located to the north of the Newnham Court shopping complex with an adjacent service road providing access through the shopping complex.

1.02 A building providing a children’s gym centre is located to the south of the site and to the east a temporary mobile office building. Further to the east across an open area of land is the KIMS Hospital with a separate access road from the south. Approximately 60m to the north is a residential property called Newnham Court. Newnham Court is separated from the application site by an area of mature trees.

2. PROPOSAL

2.01 The current, retrospective planning application seeks the retention of the hardstanding surface on the application site.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017:

SS1: Maidstone borough spatial strategy

SP17: Countryside (Application site is in the urban area but also in the setting to the Kent Downs AONB)

RMX1: (Medical and associated uses – application site)

RMX1: (Replacement retail – Newnham Shopping Complex to the south of the site)

DM1: Principles of good design

3.01 The application site is located within the Maidstone urban area and on land designated for medical and associated uses in the Local Plan (Policy RMX1 (1)). The application site is closely associated with, and to the north of the Newnham Court shopping complex. Newnham Court shopping complex is on land allocated for retail use in the Local Plan (Policy RMX1 (1)).

3.02 Newnham Park is a 28.6 hectare site located adjacent to junction 7 of the M20 motorway. Newnham Court Shopping complex occupies the western part of the allocated site, with the Kent Institute of Medicine and Surgery (KIMS) hospital located on the northern perimeter served by a new access road. The adopted Local Plan states “*Expanded hospital facilities and associated development to form a medical campus will create a specialist knowledge cluster that will attract a skilled workforce to support the council’s vision for economic prosperity*”.

Local plan information from the proposals map



Key

RMX1: (Medical & assoc.)	-Purple hatching
RMX1: (Retail)	-Shaded area
Maidstone urban area	-Black line
Application site location	-Blue arrow

National Planning Policy Framework (NPPF): Section 2- Achieving sustainable development, Section 12- Achieving well-designed places

National Planning Policy Guidance

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 One representation has been received from a local resident (Newnham Court) raising an objection to the proposal based on the following (summarised) reasons:
- The dates given on the planning application form submitted with the planning application are questioned (*Officer comment: The date that the concrete slab hardstanding area was installed is of little relevance to the current full planning application as the applicant is not claiming that the hardstanding area is lawful*).
 - The description which has been given to the development is questioned (*Officer comment: As set out above the current planning application is seeking to retain the hardstanding area that currently exists on the application site*).
 - Consider that the present use does not have planning permission and is not covered by 21/500139/LDCEX as there has been a material change of use during the last 10 years. (*Officer comment: There is no evidence submitted to show that the previous decision for 21/500139/LDCEX was incorrect, the purpose of this current application is to seek planning permission for the hardstanding area*).
 - Refer to the applicant's covering letter to the application under reference 21/503982/FULL and condition 4 attached to 99/1863. Disagree with the applicant's description that the slab was overgrown and consider that the slab was buried. (*Officer comment: The question as to whether the slab from a previous building became overgrown or was buried is not considered relevant to the assessment of the current planning application. The applicant is not claiming that the existing hardstanding is immune from planning enforcement action or lawful so when the hardstanding was constructed is of little relevance*).
 - It is felt that the grassed area before the concrete was uncovered could not have supported regular use by the HGV's and fork lift trucks. It is felt that "There can be no doubt that the applicant intends to use the concrete for a goods distribution area and intends to cause unacceptable nuisance to us" (*Officer comment: amenity is considered later in this report*).
 - The neighbour considers that the current application is "...part of an elaborate series of tricks by Kent County Council and WSP to try to abuse the planning process and get planning permission for a new HGV route..." (*Officer comment: the current application is for the retention of the hardstanding area. If future works require the benefit of planning permission, the applicant will be expected to submit a planning application and for the impact of these works will be considered at this point in time*).

5. CONSULTATIONS

- 5.01 KCC Minerals and Waste Planning Policy
No objection: The site is not within 250 metres of a safeguarded minerals or waste management facility.
- 5.02 Environmental Health
No objection subject to a condition requiring the submission of a noise management plan.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Visual amenity
 - Residential amenity
 - Ecology and biodiversity.

Visual amenity

- 6.02 Local Plan Policy SP1 states that the Maidstone Urban Area will be the focus for new development as it is largest and most sustainable location in the borough. Policy DM1 seeks to achieve high quality design and the council expects proposals to

positively respond to, and where appropriate enhance the character of their surroundings.

Application site - view looking east from the service road



- 6.03 The supporting text to policy RMX1 states "*Newnham Park is located within the urban area and lies within the setting of the nationally designated Kent Downs Area of Outstanding Natural Beauty (AONB), where particular attention needs to be paid to conserving and enhancing the distinctive character of the landscape*" (paragraph 4.204).
- 6.04 Local Plan policy SP17 seeks to prevent harm to the character and appearance of the countryside, and this would include any views from the urban area to the AONB. There is a duty under section 85(1) of the Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving and enhancing the natural beauty of the AONB. The Kent Downs Area of Outstanding Natural Beauty (AONB) boundary is 0.2 miles to the north of the application site.
- 6.05 The application site is in the urban area but separated from the AONB by the M20 motorway, with the site in a sheltered location screened by existing features on and close to the site including mature landscaping and existing buildings. The site has a current lawful use for 'the turning of delivery vehicles and the loading and unloading of goods being delivered to premises within the Newnham Court Shopping Village' (21/500139/LDCEX). In this context the application does not have any landscape or countryside implications and does not have any impact on the AONB, including on its setting.
- 6.06 Overall, the hardstanding is acceptable in relation to visual amenity and is in keeping with the adjoining retail and mixed use development. The area of hardstanding is also a reasonable size for its purpose and siting serving the wider site.

Residential amenity

- 6.07 Policy DM1 of the adopted Local Plan advises that proposals will be permitted where they respect the amenities of occupiers of neighbouring properties by ensuring that development does not result in excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, enjoyed by the occupiers of nearby properties.

Planning Committee Report 21 October 2021

- 6.08 In this case the nearest and only neighbouring residential property that could potentially be affected by the proposal is Newnham Court. The main property at Newnham Court is situated circa 60m away from the application site with the property boundary 35 metres from the site and separated by an area of mature trees.
- 6.09 The application site has a lawful use for the parking and turning of HGVs (as confirmed by the lawful development certificate granted on 31.3.2021). The area of hardstanding is on land designated in the Local Plan for medical and associated uses and to the south of the site is an area designated for retail use. In making these designations, it has been accepted that this area will be subject to the activity and disturbance associated with these approved uses.
- 6.10 In terms of the lawful use, the current application needs to consider what potential additional harm to amenity would result from the provision of the hardstanding over and above the existing use. The area of hardstanding in providing a formal area for manoeuvring vehicles could potentially reduce the need for goods vehicles to reverse (with less potential disturbance from audible reversing alarms), however this would depend on the future management of the space.
- 6.11 In line with the advice received from the Environmental Health officer, the retention of the hardstanding is acceptable with a planning condition requiring the submission and approval of a management plan. This management plan would cover measures to reduce potential noise nuisance to the occupiers of the Newnham Court such as the timing of deliveries and potential mitigation such as a potential acoustic barrier.
- 6.12 Additional conditions are recommended that seek the submission and approval of details of any existing or proposed external lighting on the site in order to reduce potential harm to amenity and wildlife and measures to control the storage of goods in this area.
- 6.13 With the imposition of these conditions the application is acceptable when considered against policy DM1 and in relation to residential amenity.

Ecology and biodiversity.

- 6.14 Paragraph 180 of the NPPF states "*...opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity...*".
- 6.15 The current application is for the retention of the existing hardstanding area and prior to the construction of the hardstanding the land was used for the manoeuvring of HGV's for a period of over 10 years. In this context the biodiversity value of the site as it is now is low and prior to the construction of the hardstanding it was also low. A condition is recommended seeking biodiversity enhancements on the site.

7. CONCLUSION

- 7.01 The proposal is in keeping with the lawful use of the application site for 'the turning of delivery vehicles and the loading and unloading of goods being delivered to premises within the Newnham Court Shopping Village'.
- 7.02 With a planning condition requiring the submission of a management plan, the proposal is acceptable in relation to impact on residential amenity.
- 7.03 In the context of surrounding commercial development, screening from existing landscaping and the lawful use of site for parking and turning of HGV the proposal is acceptable in relation to visual amenity.

8. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions

- 1) The hardstanding hereby permitted shall be removed and all associated materials taken off the site and the land restored to its former condition before the development took place within 6 weeks of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
 - (i) within 4 months of the date of this decision a management plan hereafter referred to as the 'Plan', shall have been submitted for the written approval of the Local Planning Authority. The Plan shall include details of:
 - a) Measures to reduce the potential of noise disturbance to neighbours, including the the timing of deliveries, the use of audible reversing alarms, idling vehicle engines and appropriate mitigation measures, and
 - b) Measures to provide a net biodiversity gain including bat and bird boxes
 - c) Details of any existing previously installed external lighting associated with the use of the application site, including measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors as necessary. External lighting should be in accordance with Bat Conservation Trust guidelines.
 - d) the said Plan shall include a timetable for its implementation with the requirements of the approved Plan followed permanently thereafter.
 - (ii) within 11 months of the date of this decision the Plan shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the Plan 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 Plan shall have been approved by the Secretary of State.
 - (iv) the approved Plan shall have been carried out and completed in accordance with the approved timetable and thereafter maintained and retained as approved.

Reason: Reason: In the interests of amenity.
- (2) With the exception of parking of vehicles, no open storage of plant, materials, products, goods for sale or hire or waste shall take place on the land. Reason: To safeguard the character and appearance of the area.
- (3) Any proposed external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter; External lighting should be in accordance with Bat Conservation Trust guidelines. Reason: In the interest of amenity and wildlife.
- (4) The development hereby permitted shall be in accordance with the following approved plans:

Site Location Plan, 70040984-PL-0062 Rev P01 received on 16 Jul 2021
Existing Block Plan, 70040984-PL-0063 Rev P01 received on 16 Jul 2021
Reason: To clarify which plans have been approved.
Case officer: Michelle Kwok