

APPLICATION: MA/09/2072 Date: 9 November 2009 Received: 23 December 2009

APPLICANT: Jubilee Fellowship Church

LOCATION: FORMER POUNDSTOP WAREHOUSE, CRISMILL LANE, THURNHAM, KENT, ME14 4NT

PARISH: Thurnham

PROPOSAL: Change of use and alteration of warehouse to a Church and Meeting Hall as shown on a site location plan, parking layout plan, Planning, Design & Access Statement and Traffic report received on 13/11/09, proposed floor plans and elevations received on 23/12/09 and a Bat Report received on 02/07/10.

AGENDA DATE: 2nd September 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
- Councillor Horne has objected to the application for the reasons set out in the report

## **1 POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV28, ENV34, ENV44, ENV49  
Government Policy: PPS1, PPS7, PPS9, PPG13, PPG24

## **2 HISTORY**

- MA/99/1689 – Permanent change of use from general industrial use to storage and distribution - APPROVED
- MA/98/0893 – An application under section 73 of the Town & Country Planning Act 1990 (As amended) For the removal of condition 1 of MA/97/1026N which requires the current use of the site to cease on or before 31.07.98 - APPROVED
- MA/97/1026 – Retrospective change of use from general industrial use to storage and distribution - APPROVED
- MA/75/0336 – Use of land for the storage of timber (rear of existing buildings) - APPROVED

- MA/74/0082 – Timber storage building and a sawdust cyclone for commercial use - APPROVED

- 2.1 The site was originally part of a sawmill, prior to the advent of planning controls in 1948. It was subsequently used for general industrial purposes and the application building was constructed in the 1960s.
- 2.2 In 1997, planning permission was granted on a temporary basis for the use of the site as a warehouse and distribution centre for a company called 'Poundstop' (MA/97/1026). This use resulted in a high turnover of goods with vans predominantly delivery products to and from the site. This was renewed on a temporary basis under reference MA/98/0893 and was then granted on a permanent basis under application MA/99/1689. This was made personal to the company, 'Poundstop', and included the following condition:

*"The use hereby permitted shall be carried on only for the period during which the building or land is occupied by Poundstop and at the end of this period the use hereby permitted shall cease and all materials and equipment brought into the building or onto the land in connection with the use shall be removed.*

*Reason: The use hereby permitted would not normally be allowed and permission has been granted only because of the exceptional circumstances of the named company."*

- 2.3 The reason for this was stated to be that the use hereby permitted would not normally be allowed and permission has been granted only because of the exceptional circumstances of 'Poundstop'. The use of the building by 'Poundstop' ceased in 2006, nine years after permission was originally granted.
- 2.4 The applicant contends that the site could revert to its former industrial use (class B2), without the need for further planning permission and challenges the validity of the personal permission condition imposed on permission MA/99/1689.
- 2.5 However, the Council's Legal advice states that the permission given under reference MA/99/1689, created "a new chapter" in the planning history of the application site, with the effect of "sweeping away" the previous B2 use permanently.
- 2.6 The applicant does not agree with this conclusion, however, in the absence of any significant evidence to demonstrate a contrary view or a Certificate of Lawfulness I consider it appropriate to assess the site as having a nil use.

### **3. CONSULTATIONS**

3.1 **Thurnham Parish Council** object to the application for the following reasons:-

- "The site lies within the Parish of Thurnham and is situated within the Special Landscape Area and adjacent to the North Downs Area of Outstanding Natural Beauty.
- We are concerned about the increase in level of traffic that will be generated from the site. We do not accept the figures stated in the application nor believe these to be achievable. The additional traffic would cause problems at the access point onto the A20 Ashford Road.
- Crismill Lane is a narrow rural road and is designated as Bridleway KH134, there are few passing places and traffic which uses Pegasus Gym already causes a problem to local residents at peak use times.
- The planning application has little consideration regarding the potential impact on local residents.
- We are concerned about the additional noise pollution for the site.
- It is expected that maximum use of the building would be on Sundays where there could be a conflict between riders on a peak day for bridleway use.

In general we feel that the proposed change of use would be detrimental to the local environment, little thought has been given to the impact on the local area or local residents. The change of use to a Church and meeting hall would adversely affect the nature of Crismill Lane and put undue pressure on a rural road which already has problems with traffic."

3.2 **Natural England** requested a bat survey. A bat survey has subsequently been undertaken and submitted. Natural England have responded to the survey with no objections and recommend that the inclusion of an artificial bat roost would enhance the biodiversity of the site.

3.3 **Kent Highway Services** raise no objections to the application.

3.4 **MBC Environmental Health Manager** has considered the application in relation to noise and amenity and states:-  
"I consider it unlikely that there will be a loss of amenity to local residents, caused by this change of use."  
No objections are raised and informatives are recommended.

#### **4. REPRESENTATIONS**

4.1 **Councillor Horne** has objected to the application and called it to Planning Committee. His comments are set out in full below:-

"As you will be aware this site lies adjacent to the KIG appeal site, which was the subject of a major Public Inquiry which closed on the 23 December 2009. In the circumstances, the planning considerations of this application must be strictly adhered to and carefully evaluated in view of the detailed and otherwise relevant argument made at the KIG Inquiry.

Principle of development:

The site lies within the Parish of Thurnham and is situated within the SLA and adjacent to the North Downs AONB. The status of this area of the SLA was considered as late as 7 September 2009 by Mr D E Morden, an Inspector appointed by the Secretary of State for Communities and Local Government in the appeal for land adjacent to 22 Caring Lane. [The instant appeal was dismissed].

The Inspector stated; the site lies in an Area of Special Landscape Value. Then, The Special Landscape Area was designated as a buffer between the AONB and the rest of the countryside.

He went on to state; National guidance has the overall aim of protecting the countryside for its own sake and there is a presumption against new development outside the existing settlements that is not associated with the needs of agriculture, forestry or other uses essential to the rural economy. The policies within the Kent and Medway Structure Plan (adopted in July 2006) and those saved in the Maidstone Borough wide local plan (adopted in 2000) reflect that national aim and are restrictive. Both plans were still in force at the time of the hearing and whilst the new South East Plan has now replaced them there is no material difference concerning the policy for new development in rural areas".

Accordingly, one can see from the submitted planning history that the site was originally part of a sawmills. Although this was established prior to planning legislation, it nonetheless subsequently fits into the criteria for development within an SLA. Indeed, subsequent planning permission was for a workshop and office block which was ancillary to the sawmills. These are now part of the application buildings. The later uses were subject to conditions which required restoration of the buildings upon cessation of the previous permission. There were also restrictions on the HGV or LGV movements by the Poundstop.

Therefore, to infer an automatic continuity of unrestricted or established industrial use would not be correct.

Guidance Notes for the reduction of obtrusive light:

It was established at the KIG inquiry that the E1 environmental zone would apply to lighting in this area. Therefore, Table 1 of the ILE design guidance would apply with the pre and post curfew light limitations for exterior lighting installations and for building luminance.

Highways:

Crismill lane is unadopted and ownership vests in certain landowners with an easement of access for other landowners. It is a recognised footpath and bridleway, KH134. It is a narrow lane of one vehicle width. It is not wholly correct to state: There are various passing places at the Lane's entrance and along the land where two vehicles can pass one another. There is only the access to the private properties on the lane.

Again, to submit a traffic count from the mainly Vacation period of the gymnasium can only demonstrate the mean movements.

Upon the site there would be common and restricted parking with the Pegasus gymnasium. The access to the site (together with the egress) is from a narrow lane off the A20. This is adjacent to the bus lay by and importantly to the central reservation for turning either into Caring Lane or into Crismill Lane. There is a pinch point on the A20 at this location. No doubt following the historical location of the Toll Gate. Any exacerbation of the traffic flow into the land results in a tailback into the A20. Conversely, any egress of a line of traffic stops any entry into the lane.

The statement: As part of the proposals, and as the Lane at its junction with the A20 adjoins a bus lay-by, the Lane will be widened at this point to the maximum extent within highway limits to safe access/egress: would require the Highway Authority to adopt the lane and incur expenditure upon capital works.

Impact upon residential amenity:

Little comment has been made of the impact upon the existing residents. There is already an established pattern of classes held by the Pegasus Gymnasium. There is now increased and full use over both the weekdays and the weekends by the Pegasus Gymnasium. For example on a Sunday, there are four consecutive class sessions. Occasionally, there are Gala events at the weekend. This usage could well increase with the entraide Olympic use of the premises for overseas team training. This can, and has, led to overspill parking along Crismill Lane.

Environmental considerations:

There is a general presumption against additional noise emissions within this environmental area.

In the result, to add to this usage the further projected usage by the Jubilee Church would result in a cumulative environmental impact that would be unacceptable to the local residents. Established residents are entitled to ask that there should be no derogation from their usual patterns and enjoyment of life. Further, that they can be assured there will be no impediment to access by the emergency services.

Thurnham Pumping Station:

Crismill Lane provides essential and emergency access to the Poer Meadow Shaw pumping station for the public water supply.

Conclusion:

Upon the submitted information:-

- There are concerns that there will be occasions of concurrent use of the site both by the Pegasus Gymnasium and the Jubilee Church. In the result the on site parking will not be able to cope with this situation.
- There are already concerns with traffic movements to and from the Pegasus Gymnasium and the impact both upon the Crismill Lane and at the access point onto the A20 Maidstone to Ashford Road. To add the type of traffic movements stated for the Jubilee Church in the Travel Plan will only exacerbate the situation.
- No statement has been made to contain the noise movement of some additional and two hundred people visiting the site.
- No statement has been put forward in conjunction with the ILE Design Guidance for the reduction of obtrusive light in this zone.
- In the result due to lack of sufficient access for the traffic the proposed use of the site would be detrimental to conditions of highway safety contrary to Policy HP9 of the Kent and Medway Structure Plan 2006 or any subsequent amendment thereof.

Therefore, I wish to oppose this application as put forward”.

4.2 **9 on-line comments** have been submitted in **support** of the application. These raise the following broad points:

- The proposal would benefit the community
- The Church supports the community, Thurnham and Bearsted Parish and Charities.
- The use would improve the site.

- An increase in infrastructure such as this is required, due to the increase in housing in Maidstone.

4.3 **Objections** have been received from 8 named properties, 1 unnamed property and from CPRE.

These broadly raise the following objections:

- Insufficient parking.
- Various issues relating to highway safety, access and congestion. These include blind spots in lane, increased risk of accidents (including risk to children and horses, as road is also a bridleway), access onto A20 is dangerous, cars could be partly stuck out onto A20, lane is narrow and only passing places are on private property, would impede the free flow of traffic, emergency vehicle access could be obstructed, pedestrian safety, car sharing/the use of public transport may not be carried out, inconvenience for users of gym.

- Relating to the traffic survey, the following points were made:-

Report is biased/inaccurate due to time carried out and position of counting loop; the survey was carried out on a Tuesday at 9-11am, which is not the proposed time of highest usage, the report should also take into account horseboxes from existing uses, access to farmland and farm traffic 'shoots' and the use of the road for security checks and maintenance for the motorway overpass, railway line and high speed rail link.

- Other traffic issues raised are that of:

- the junction with the A20 would need to be widened and the bus stop moved.
- The times of usage would clash with the gym – weekends and evenings.
- Only 4 lorries a day have used the site since 2005.
- Coaches could be used to transport people to the Church, as the site can accommodate lorries.
- Wear and tear on the road.

- Relating to residential amenity, the following objections were raised:-

- Light pollution.
- Noise and disturbance, both from use and car doors slamming.
- Loss of privacy.
- Smells.
- Nuisance.

- Noise from the hiring out of the hall for weddings etc.
- Other issues raised are:
  - Loss of trees.
  - Trespass and vandalism

## **5. CONSIDERATIONS**

### **5.1 Site Location**

5.1.1 The application site lies in the open countryside, in the parish of Thurnham. It also falls within the North Downs Special Landscape Area. The site is not in an area of open land and is not located on an escarpment. The M20 motorway runs to the north of the site, its closest point being approximately 430m away in a north easterly direction. The site is approximately 1.3km from the urban boundary of Maidstone (by road, not as the crow flies).

5.1.2 The site contains a single storey industrial building, which is currently vacant, set within a hard surfaced area of approximately 0.2 hectares. The floor space of the building is approximately 800m<sup>2</sup>.

5.1.3 The site is surrounded by conifers and close boarded fencing to the west and south and there is wire fencing with trees to the east. To the north is another industrial building, which is currently in use as a gymnasium. The gym is known as Pegasus gym, a successful gymnastics gym. Residential properties 1 and 2 Crismill Cottages lie directly to the south west of the site.

5.1.4 Access is via Crismill Lane, a single tracked private lane, along which there are a number of residential properties. The site is approximately 200m from the junction of Crismill Lane with the A20. To the north Crismill Lane runs under the motorway and stops.

### **5.2 Proposed Development**

5.2.1 Planning permission is sought for the use of the building as a Church and meeting hall for the Jubilee Fellowship Church, a non-denominational Church which has several existing premises in Maidstone, which requires a larger premises in which to hold services and meetings.

5.2.2 The application advises that the main use of the premises would be for worship upon Sundays from 9am until 1.30pm and from 5.30pm until 8pm, and on weekdays for small groups between 7pm and 10pm.



5.2.3 Changes to the building involve the blocking of all existing windows to create an auditorium and re-cladding in Trafford Tiles, of Goosewing Grey colouring.

5.2.4 Parking would be provided upon the existing hard-surfaced area, and the drawings show a total of 27 spaces. A traffic implications report undertaken by a Transport Planner has been submitted with the application. This includes details of a suggested Travel Plan through the usage of 3 minibuses each undertaking two trips to collect members of the congregation for each service. In addition there are further indications of car sharing that could occur in order to further reduce car numbers and members of the congregation live within walking/cycling distance of the site. No landscaping is proposed as the whole forecourt is hard surfaced.

### 5.3 Principle of Development

5.3.1 The Development Plan seeks to strictly control development in the countryside, in order to protect its character and appearance, mainly through policy ENV28. In designated Special Landscape Areas, such as this then priority should be given to the landscape over other issues.

5.3.2 Policy ENV44 of the Maidstone Borough-Wide Local Plan (2000) allows the 'reuse and adaptation of existing rural buildings for commercial, industrial, sport, recreation or tourism uses'. The site is an existing rural building and the use for the purposes of a church is a recreational use. Therefore the principle of the use conforms to the policies of the Development Plan and the key considerations are the merits of the case, including the criteria in Policy ENV44. The main criteria that are relevant in this case are the impact on highway safety and the impact on residential amenity.

5.3.3 More recent guidance has been published by the Government in the form of *PPS4: Planning for Sustainable Economic Growth*, lists uses which are considered to be town centre uses and a Church does not fall amongst these. This therefore implies that it could be sited elsewhere, for example in a rural area and there is no conflict with the Development Plan.

5.3.4 The key considerations of the proposal are the highway and parking issues, residential amenity and impact on the character and appearance of the countryside.

### 5.4 Highway Considerations

5.4.1 Crismill Lane is a single track road with limited passing places (these being entrances to properties). The junction of Crismill Lane with the A20 is a wide junction with good visibility.

- 5.4.2 There have been objections raised by interested parties on highway safety grounds.
- 5.4.3 The building was formerly in use by 'Poundstop' as a commercial distribution warehouse. The building is now empty and in policy terms is suitable for reuse for a variety of uses, including another commercial use or a recreation use. Any use that would occupy the building would generate an amount of traffic. This proposed use would not attract vans or small lorries, which other commercial uses are likely to.
- 5.4.4 The junction of Crismill Lane and the A20 is adequate to cope with the existing level of traffic using both roads. The visibility at the junction, both turning into Crismill Lane and exiting Crismill Lane is adequate in both directions (approximately 200m to the west and 220m to the east).
- 5.4.5 There have been no reported personal injury crashes at the junction of the A20 and Crismill Lane in the past three years. In light of this I do not agree with objectors that the junction is dangerous. Furthermore, Kent Highway Services have been consulted and conclude that the visibility at the junction is acceptable and not unsafe. No objections are raised by Kent Highway Services on the matter of the adequacy of the junction of Crismill Lane with the A20.
- 5.4.6 Concern has been raised regarding the adequacy of Crismill Lane to accommodate the traffic generated by this use. Predominantly, the vehicles using the church would be cars and due to the nature of Crismill Lane are unlikely to be travelling at great speeds. This type of vehicle would be considerably smaller than the vehicles utilising the previous commercial uses and therefore more manoeuvrable and less likely to cause a hazard to pedestrians or horse riders. In addition cars can pass each other at various points along Crismill Lane without extensive manoeuvring.
- 5.4.7 On this matter concern has been raised with regard to the combined traffic of the church and the adjacent gym. However, the opening times of the adjoining gymnasium (as advertised on its website), would give different times of peak flow to this proposal. The gymnasium was granted permission under reference MA/93/1688 and this permission restricted the hours of use to 8am - 8.30pm on Mondays to Fridays and 9am - 6pm on weekends, with the use being limited to 15 Sundays in a year. The times of use indicated on the gymnasium's website do not show any regular sessions on Sundays.
- 5.4.8 The Church would generate the greatest volume of traffic upon a Sunday, when the gymnasium is restricted to 15 Sundays of opening per annum and currently has no classes scheduled for a Sunday. In the evenings, the gymnasium is restricted to a closing time of 8.30pm with the meetings held at the Church being anticipated to run from 7pm-10pm. Critically, the Church is not proposing

any opening times for Saturday or during the day on weekdays and as such the uses will have differing peak usage times. A condition will be recommended to ensure the opening times of the Church are secured to avoid a conflict of peak travel times.

5.4.9 It therefore appears that there would be no direct conflict between the anticipated times of peak flow and therefore the capacity of Crismill Lane is adequate. Kent Highway Services have also examined this issue in combination with the adjacent gym use and have raised no objection in terms of traffic generation and flow.

5.4.10 On the matter of parking there are 27 spaces that would be available upon the existing hardsurfaced area, together with 20 cycle spaces. The application also suggests that a congregation of 250 people could be accommodated.

5.4.11 Guidance contained within *PPG13: Transport* promotes the provision of a minimal amount of parking space and seeks to reduce the number of individual car trips. It states that developers should not be required to provide more parking spaces than they wish, other than in exceptional circumstances, such as where there are significant road safety implications.

5.4.12 The site is approximately 1.3km from the urban boundary of Maidstone and I do not consider this site to be so remote that alternative modes of transport could be used for example bicycle or bus; there is a bus stop near the junction with the A20. A traffic implications report undertaken by a Transport Planner has been submitted with the application. This includes details of a suggested Travel Plan through the usage of 3 minibuses each undertaking two trips to collect members of the congregation for each service. In addition there are further indications of car sharing that could occur in order to further reduce car numbers and members of the congregation live within walking/cycling distance of the site. A condition requiring the submission of an appropriate travel plan would form part of the recommendation.

5.4.13 Crismill Lane is narrow and the speed limit on the A20 is high (60mph). It is therefore unlikely that people will park in either location, as this would be likely to result in an obstruction of the road and, in high likelihood, damage to their vehicles.

5.4.14 Given the location of the site, the surrounding roads and the nature of the use I consider that the proposed level of parking is adequate. Kent Highway Services have considered the application, nature of the use and location and surrounding area and agree that the level of parking is acceptable.

## 5.5 Residential Amenity

- 5.5.1 The main issue relating to residential amenity is noise and disturbance. Potential noise sources are the traffic using the Church and, to a lesser degree, noise from within the building, for example, singing.
- 5.5.2 Firstly, it is important to note here the characteristics of the site and surroundings. Although this is a countryside location it is not an isolated rural site, where one would expect high levels of tranquillity. Indeed, all of the houses which are most likely to be affected by the development in terms of noise lie to the south of the site, less than 200m from the A20, a main arterial route. Furthermore, these houses are all located in the region of 450-650m from the M20 motorway, which is a major source of background noise in this part of the Borough.
- 5.5.3 A storage and distribution use has previously been accepted upon the site and the proposed use is not considered to be significantly noisier than such a use. Whilst the Church would have peak times of higher usage, there would be other times when there would be likely to be less usage, for example during the week. It is considered that the proposed use would not have a significantly greater adverse impact in this regard than the use which has previously been accepted upon the same site. A warehouse use could include significant time spent loading and unloading large, noisy vehicles, which may be left with their engines running, whereas the Church use would be contained within the building, with the car park being simply used to park vehicles whilst attending services etc. A Church is the type of use one would expect to find in a rural area.
- 5.5.4 In terms of noise from within the building, the proposals would significantly reduce the number of openings, which would assist in preventing noise from escaping. Also the layout is well planned in this regard, as it proposes a reception and toilets to the south western end of the building, which would provide a buffer between neighbouring dwellings and the auditorium. I do not consider that the use of the church or the car park would cause any significant noise disturbance to the occupiers of nearby dwellings. The Environmental Health Manager has not objected to the proposals on noise grounds.
- 5.5.5 A condition to prevent the playing of amplified music would also protect residential amenity. The supporting statement advises that the applicant would be prepared to accept a condition regarding noise insulation and I am satisfied that such a condition would satisfactorily mitigate against any significant adverse impact.
- 5.5.6 There are no extensions proposed to the building as part of the change of use and as such would not cause a significant loss of light to, or overbearing impact upon any neighbouring property.

- 5.5.7 There is close boarded fencing and conifers separating the site from the nearest dwellings to the southwest (Crismill Cottages). Other dwellings are further south and/or separated by the Crismill Lane. The building itself is more than 20m from the boundary with Crismill Cottages. The distance, boundary treatments and the nature of the use of the car park would ensure that there would be no adverse impact on amenity from the loss of privacy.
- 5.5.8 Light pollution from car lights is not considered to be as detrimental to residential amenity as to justify a refusal. The degree of light pollution is not considered to be significantly greater that would be associated with the previously accepted use and peak usage of the site would be on Sundays, mainly during daylight hours, when lights would not be needed. Weekday usage is envisaged to be for small groups. Moreover, lights would be switched off when vehicles were parked, so there would be unlikely to be a continuous long period of light being emitted.
- 5.5.9 External lighting is proposed in the form of security lighting only and no general purpose lighting. The details of the proposed lighting shall be submitted to the Local Planning Authority in order that the amenity of nearby residents can be maintained.
- 5.5.10 Overall, I consider that the proposal would not result in a significantly detrimental impact on residential amenity and refusal would not be justified.

## 5.6 Impact on Special Landscape Area and Countryside

- 5.6.1 Physical changes to the building would be of a minor nature and, externally, comprise changes to fenestration and re-cladding in a goosewing grey colour.
- 5.6.2 Although the changes to the fenestration would result in less openings, and, to a certain degree, a more bland appearance, this is a simple building of functional appearance and the changes would preserve that functional appearance. The building appears tired and in need of updating and the re-cladding with Trafford Tiles would help to modernise and improve the visual appearance of the building. Goosewing Grey is an appropriate, unobtrusive colour which would blend well with the surroundings.
- 5.6.3 No additional mass is proposed, so there would be no harm to the openness of the countryside.
- 5.6.4 External lighting is proposed in the form of security lighting only and no general purpose lighting. The details of the proposed lighting shall be submitted to the Local Planning Authority in order that the impact on the character and appearance of the area can be minimised.

5.6.5 I conclude that the development would have a satisfactory visual appearance and would improve the appearance of the countryside and would not be detrimental to the landscape in this designated Special Landscape Area.

## 5.7 Other Issues

5.7.1 With regards to ecology, a bat survey has been submitted. This concludes that a bat had found its way into the building, probably in 2009, but this may have been the only use by bats. It also states that there are "no real conservation implications for the loss of this roost", especially if mitigation is provided. It considers the building to be generally unsuitable for roosting, but recommends that bat boxes are provided in order to provide an ecological enhancement. Given the conclusions of the survey, I am satisfied that a condition regarding bat boxes would ensure satisfactory mitigation and that there would be no significant loss of habitat or adverse impact upon bats.

5.7.2 In terms of the issues of support, the application would contribute to the infrastructure supporting increased levels of housing in Maidstone. This proposal is in line with the broad aims of PPS1 in this regard, by providing an additional Church facility which would be available to a wide range of people, due to its location.

5.7.3 The need for security checks for the motorway etc., and events such as "shoots", are unlikely to be events of high occurrence and their timings are similarly unlikely to clash with the peak use of the Church on a regular basis. Moreover, the Highways Authority has not objected to the proposal on the grounds of congestion or inconvenience.

5.7.4 Wear and tear on this private road is a civil matter and trespass and vandalism are not material planning considerations.

5.7.5 The proposal would not result in the loss of any trees as no extensions or hardstandings are proposed.

5.7.6 The proposal for KIG is separate, which is has recently been dismissed at appeal. I have assessed this case upon its own merits in accordance with the policies of the Development Plan and other material planning considerations.

## **6. Conclusion**

6.1 This proposal would generate additional traffic movements, but these can be accommodated in this location without significant detriment to highway safety either on Crismill Lane itself or at the junction with the A20. The applicant has put forward proposals for alternative modes of transport which clearly support the principles of sustainable development and are in line with guidance

contained within *PPG13: Transport* and in this location, which is not remote from the urban area I consider the level of parking to be acceptable. Kent Highway Services do not raise any objection to any aspect of the application on highway safety grounds.

- 6.2 The proposals would not give rise to significant residential amenity issues of a scale which would justify a refusal. Noise mitigation measures can be used to contain noise within the building and there are no objections raised by the Environmental Health Manager.
- 6.3 The proposals would not increase the bulk of the building in any way and the changes to the appearance have positive benefits for the visual impact on the countryside and the Special Landscape Area, as they would improve the appearance of the building.
- 6.4 Considering all of the above, the recommendation is for 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. The development shall not commence until details of noise mitigation measures to prevent noise transference from within the building have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be carried out prior to the first use of the building hereby permitted and subsequently maintained.

Reason: To protect residential amenity for neighbouring properties in accordance with policy ENV44 of the Maidstone Borough-Wide Local Plan (2000) and PPG24.

3. No amplified music shall be played or transmitted at the site;

Reason: To protect residential amenity for neighbouring properties in accordance with policy ENV44 of the Maidstone Borough-Wide Local Plan (2000) and PPS1.

4. The development shall not commence until details of any external lighting have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To protect residential amenity for neighbouring properties and to safeguard the character and appearance of the countryside in accordance with PPS1 and Policies ENV44 and ENV49 of the Maidstone Borough Wide Local Plan (2000).

5. The development shall not commence until details of biodiversity enhancements in the form of bat boxes have been submitted to and approved in writing by the Local Planning Authority. The approved enhancements shall be carried out prior to the first use of the building hereby permitted and subsequently maintained.

Reason: In the interests of biodiversity in accordance with PPS9.

6. The use shall not commence unless and until a detailed Travel Plan has been prepared and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. The agreed Travel Plan measures shall subsequently be implemented and thereafter maintained in full.

Reason: The proposal is within an area of open countryside with limited parking, and as such it is considered important to ensure that the site operates in a sustainable manner. The Travel Plan is required 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 PPS7 and PPG13.

7. No activity in connection with the use hereby permitted shall be carried out outside the hours of 1900 and 2200 Monday to Friday, 0930 and 2000 Sundays and not at any time on Saturdays;

Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers and to prevent peak time traffic conflict with the neighbouring gymnasium occupier in accordance with policy ENV44 of the Maidstone Borough-Wide Local Plan (2000) and PPS1.

8. No activities in connection with the use shall take place outside the building;

Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers in accordance with policy ENV44 of the Maidstone Borough-Wide Local Plan (2000) and PPS1.

### **Informatives set out below**

Should any bats be found prior to or during the work, work must stop immediately and Natural England must be contacted before work can proceed. This is a legal requirement under the 1981 Wildlife and Countryside Act (as amended) and applies to all contractors and persons involved on site, please ensure they are made aware of it.



Natural England's contact details should also be made available to all contractors on site, (01233 812525).

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.

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.

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