

# **APPENDIX ONE**

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

Voting: 9 – For 0 – Against 4 – Abstentions

133. MA/09/2004 - PLANNING PERMISSION FOR CHANGE OF USE OF LAND TO HOLIDAY CARAVAN SITE FOR UP TO 10 NO. STATIC CARAVANS INCLUDING ACCESS, HARDSTANDING, CESSPOOL, RECEPTION BUILDING, BOUNDARY TREATMENT AND SECURITY BARRIER - CHERRY-TREE CARAVAN SITE, CHURCH HILL, BOUGHTON MONCHELSEA, MAIDSTONE,

All Members except Councillors Burton, Butler, Nelson-Gracie, Paine and Ross stated that they had been lobbied.

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

Councillor Williams of Boughton Monchelsea Parish Council (against) and Mr Perrin, for the applicant, addressed the meeting.

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report with the amendment of condition 6 as follows:-

The site shall not be occupied until stock-proof fencing has been erected, together with the planting of a hawthorn hedge on the inside of the said fence, between the development and the adjacent woodland to the north and west. The precise siting of this is to be agreed with the Local Planning Authority. No works shall take place within the area outside the fence perimeter without the consent of the Local Planning Authority. The approved fencing shall remain in the agreed position for the duration of the approved use.

Reason: To ensure that important archaeological remains are not adversely affected by construction works, to ensure protection of the woodland and to ensure minimal risk of disturbance to wildlife and in accordance with policy ENV6 of the Maidstone Borough-Wide Local Plan 2000 and PPS9.

Voting: 13 – For 0 – Against 0 – Abstentions

134. MA/10/0649 - PLANNING APPLICATION FOR THE ERECTION OF 3-4 STOREY DEVELOPMENT TO INCLUDE 11 NO. DWELLINGS (3 STUDIO FLATS, 3 X 1-BED FLATS AND 5 X 3-BED TERRACED DWELLINGS) AND ASSOCIATED WORKS INCLUDING ACCESS AND PARKING - THE ROSE, 1 FARLEIGH HILL, TOVIL, MAIDSTONE

All Members except Councillor Burton stated that they had been lobbied.

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

Councillor Charlton of Tovil Parish Council (against), Mr Coomber, for the applicant, and Councillor J Wilson addressed the meeting.

RESOLVED: That consideration of this application be deferred for further negotiations to seek amendments to the layout to secure more parking if possible for public safety reasons.

Voting: 7 – For 2 – Against 4 – Abstentions

135. MA/10/0651 - ERECTION OF GRAIN STORE WITH CONTINUOUS FLOW GRAIN DRYER – COURT LODGE FARM, COURT LODGE ROAD, HARRIETSHAM, MAIDSTONE

The Committee considered the report of the Head of Development Management.

Mr Holland, an objector, and Councillor Sams of Harrietsham Parish Council (against) addressed the meeting.

RESOLVED:

1. That permission be granted subject to the conditions and informatives set out in the report with the amendment of condition 5 as follows:-

Notwithstanding the details submitted before development commences a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. This should include an island of landscaping to enhance bio-diversity and to soften the visual impact of the approved building and trees as shown on drawing no. WM/328/500 that shall consist of trees 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", that shall be planted during the tree planting season (October to February) following substantial completion of the building hereby permitted, and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: In the interests of amenity and in accordance with policies ENV28, ENV33 and ENV34 of the Maidstone Borough-Wide Local Plan 2000.

2. That the details to be submitted pursuant to condition 5 must be agreed in consultation with Councillor Harwood, Ward Members and the Parish Council.

Voting: 13 – For 0 – Against 0 – Abstentions

**MA/10/0649:**

**S106 Contributions**

I would advise that the **West Kent Primary Care Trust** have revised their requested contribution based on the sizes if the units within the scheme and are now seeking a contribution of £10,224 not £11,088.

**Parks and Leisure** have provided further justification and information as to where their previously requested contribution of £22,050 would be spent.

They have advised that within 1 mile of this development there are a number of green and open spaces, these include:

Woodbridge Drive Play Area  
St Stevens Church Yard  
Hudsons Quarry  
Millers Wharf  
Bridge Mill Way Open Space  
South Park

The contribution requested above would be used to improve some or all of the above open spaces to accommodate the additional usage created as a result of this development.

**Officer Comment**

I consider that the above details are now sufficient to justify the request for the Open Space contribution. In my view however, priority should be given to improvement of the green and open space areas located within Tovil Parish, the first group set out above with priority to Woodbridge Drive and Bridge Mill Way.

I can also advise Members that I have sought further modifications from the applicant to improve the external appearance of the scheme and provide for a greater degree of landscaping.

The applicants have submitted amended plans showing proposed design changes in the light of the discussions that have taken place and have also commented on the suggested changes as follows.

**'Elevational Treatment - First Floor Straw Mill Hill**

Weatherboarding has been substituted for tile-hanging on the Straw Mill Hill elevation to Units 12 and 13.

**Terraces/Balconies**

The Council has requested that the terraces/balconies are deepened to 3.5m (being an extra 1m).

This is not feasible for all of the dwellings, due to the arrangement of the terraces. The terraces to Units 3, 10 and 11 are currently all interconnected at the rear of the development, and it is not feasible to further extend these terraces without impacting on the residential amenities of the future occupiers. It is also not reasonable or feasible to

extend the terrace to Unit 14, as this is already a larger, wrap-around terrace providing a reasonable amount of amenity space, and it is noted that Maidstone BC does not have private amenity space standards. Also, should the terrace of Unit 14 be extended rearwards, the supports would interfere with the access and parking arrangements.

We agree to extend the terraces of Units 1, 2, 12 and 13 to a depth of 3500mm. We note that there is a recommended condition (11(e)) which requires further details of the external terraces and privacy screens prior to commencement, to ensure that privacy between future occupiers and to neighbouring occupiers is maintained.

#### **Unit 14 to be Moved Rearwards/Decrease the Access Width**

The objective of these two interrelated points is to maximise opportunities for soft landscaping on the southern side of the development, to soften the appearance of the building as viewed from the south looking along Straw Mill Hill.

As discussed yesterday, it is not feasible or reasonable to move Unit 14 further rearwards, primarily as this would push the parking space and terrace supports into the rear courtyard which would detrimentally affect parking and manoeuvring within the site. In addition, the ridge line currently runs the full length of the Straw Mill Hill dwellings, and it would result in an awkward roof arrangement and southern flank elevation to Unit 13. Moving this Unit rearwards would also not achieve a substantial area of landscaping in any event, as it would conflict with the southern side front entrance to Unit 14.

We agree to reduce the access and driveway width, with the intention of providing additional soft landscaping on the southern side of the development and along the return. The first section of the access road has been reduced in width to 4800mm and the gated section to 3100mm. This allows the provision of 900mm wide planters close to the southern wall of Unit 14 as shown in drawing 304RevG, and this could be supplemented with a planter frame attached to the southern flank wall of Unit 14.

We consider that that above would satisfactorily achieve the Member's objective to provide further landscaping to visually soften the appearance of the building as viewed from Straw Mill Hill, and it is noted that recommended Condition 7 would require details of hard and soft landscaping prior to commencement.

#### **Planters Under Decking**

As suggested, we have introduced planters below the canopied area in the rear courtyard. We have also provided a 600mm wide planter bed along the southern boundary of the courtyard. All additional planting is shown on drawing 304RevG, and details would be supplied in accordance with the recommended Condition 7.

#### **Conical Roof on Corner**

We have completed the conical roof form as suggested; this necessitates the provision of small sections of parapet walled flat roofs to fully contain the accommodation below but it does restore the visual gaps to the housing units on Straw Mill Hill and Farleigh Hill as previously approved.'

I consider that the proposed changes would result overall in an improved external appearance to the scheme and have increased the opportunity to provide landscaping within the site and also enlarge where possible the external amenity terraces. I also welcome the applicant's agreement to the incorporation of a planting frame attached to the southern flank elevation of unit 14 facing the site access.

#### **Amendments to recommendation**

**SUBJECT TO:**

**A:** The receipt of amended plans confirming the changes set out above and;

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

- Contributions for Kent County Council (Mouchel) for Library facilities (£3,178), Adult Education facilities (£2,520) towards additional capacity and the new library and adult education centre and Youth and Community facilities (£2,550) in the form of monies towards a youth worker for the area.
- Contributions for the Primary Care Trust. This would consist of a contribution of £10,244 which would be spent at the identified surgeries within the proximity of the site.
- Contributions for MBC Parks and Leisure towards the provision or improvement of Open and Green Spaces within Tovil Parish/South Ward at Bridge Mill Way and Woodbridge Drive

The Head of Development Management be given DELEGATED POWERS to GRANT PLANNING PERMISSION subject to the conditions set out in the report and amended as follows:

Amend condition 8 to read as follows

- 8: The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. The submitted details shall include inter-alia;
- (i) The provision of planter and planted beds under the terraced areas and within the car park and adjacent to the south flank elevation of unit 14.
  - (ii) The provision of a frame and climbing plants on the south flank wall of unit 14.

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

Amend condition 11 to read as follows

11. The development shall not commence until and in conjunction with the details submitted pursuant to condition 2 above, the following details have been submitted to and approved by the local planning authority;

- (i) large scale drawings at a scale of 1:50 or 1:20 showing

- (a) the layering of the elevations/juxtaposition of materials particularly at the junction of the weatherboarding and brickwork and ragstone panelling,
- (b) significant projections and recesses and details showing overhanging eaves and details combining these with rafter feet,
- (c) the extent of window/door reveals
- (d) details of the rubbed brick flat-arches to window heads and details of the brick window cills and brick window surrounds to the housing units with ragstone panel inserts
- (e) details of the design of the external terraced areas including any privacy screens between units
- (f) details of rainwater goods

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

Reason: To maintain the quality and integrity of the design and to ensure a satisfactory external appearance to the development pursuant to the advice in PPS1.

Add additional condition.

15. The development shall not commence until details of swift and bat bricks within the buildings have been submitted and approved by the local planning authority.

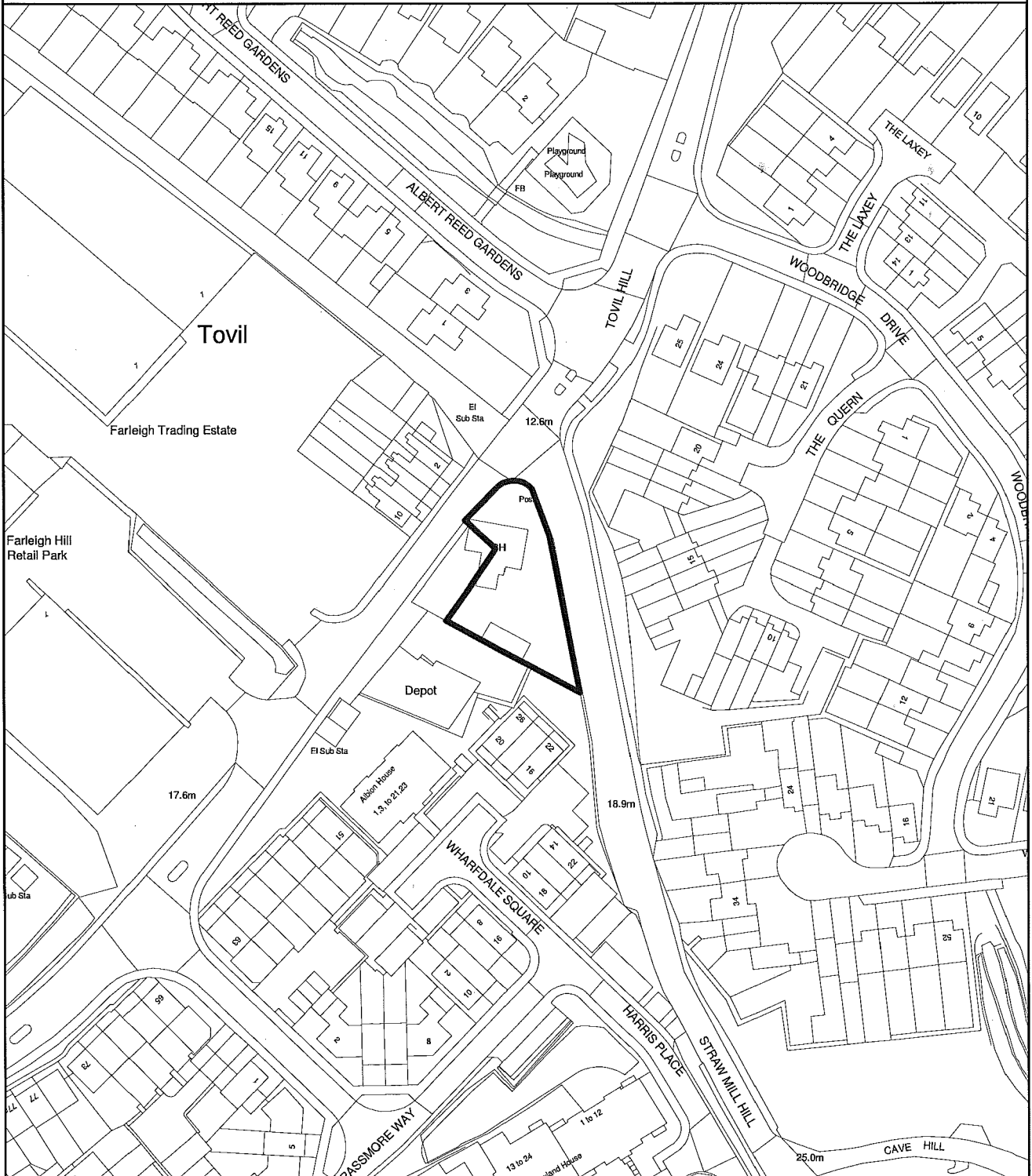
Reason: In the interests of biodiversity and ecology pursuant to the advice in PPS9.

# THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/10/0649

GRID REF: TQ7554

**THE ROSE,  
1 FARLEIGH HILL, TOVIL.**



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**Rob Jarman**  
**Head of Development Management**



APPLICATION: MA/10/0649 Date: 16 April 2010 Received: 19 April 2010

APPLICANT: Wisley Developments Ltd

LOCATION: THE ROSE, 1, FARLEIGH HILL, TOVIL, MAIDSTONE, KENT, ME15 6RG

PARISH: Tovil

PROPOSAL: Planning application for erection of 3-4 storey development to include 11no. dwellings (3 studio flats, 3x 1-bed flats and 5x 3-bed terraced dwellings) and associated works including access and parking as shown on drawing nos. 5002/TP/300/B, 303, 304/F, 305/F, 306/F, 308/B, 309/B and Design and Access Statement, Planning Statement, Planning & Noise Assessment, Flood Risk Assessment, Report on Subsoil Investigations, Geo-environmental Desk Study received 16/04/2010 and as amended by drawing no. 2002/TP/307/F received 28/07/2010, amendment to and in association with extant planning permission MA/07/2416.

AGENDA DATE: 2nd September 2010

CASE OFFICER: Steve Clarke

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

- it is contrary to views expressed by Tovil Parish Council

## **1. POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV6, T13, CF1  
Government Policy: PPS1, PPS3, PPS23, PPG13, PPG24

## **2. HISTORY**

2.1 The Public House ('The Rose'), which formerly stood on the site has now been demolished. The previous ragstone boundary walls are all that remain.

2.2 Previous planning history on the site is as follows;

- MA/10/0829: An application for discharge of conditions relating to MA/07/2416 (Redevelopment, including change of use, to provide a new 3-4 storey development containing three 2-bed houses and eleven 2-bed flats with on-site parking for fourteen cars) being details of Condition 2 materials; condition 3 slab levels; Parts 1 and 2 of condition 4 contamination report; condition 5 parking; condition 7

& 8 landscaping; condition 11 & 12 Financial contributions; condition 13 construction details; condition 14 acoustic amelioration; condition 15 code for sustainable homes: APPROVED 28/07/2010.

- MA/07/2416: Redevelopment, including change of use, to provide a new 3-4 storey development containing three 2-bed houses and eleven 2-bed flats with on-site parking for fourteen cars. APPROVED 30/07/2008.
- MA/06/1532: Change of use of site to residential together with the erection of a three/four storey building containing eleven two bedroom flats and three one bedroom flats, with on site parking for fourteen cars. (Resubmission MA/05/2100): WITHDRAWN 21/11/2007.
- MA/05/2100: Change of use of site to residential, together with the erection of a four storey building containing 5 No. 2 bedroom flats, 6 No. 1 bedroom flats and 3 No. studio flats, with on site parking for 14 No. cars: REFUSED 10/01/2006.

### **3. CONSULTATIONS**

- 3.1 **Tovil Parish Council:** (23 June 2010) objected on the grounds of inadequate car parking provision and stated that there should be a minimum of 1 space per unit.

On the 10 August 2010 The Parish Council reiterated their original views following receipt of the amended details being the ragstone panelling, and agreed that the amendment makes no difference to its original objections which are on the basis of inadequate car parking.

"Cllrs are of the opinion that the inadequate car parking provision will inevitably result in vehicle overspill to neighbouring areas and cause severe social problems and downgrade the quality of life of the residents of The Rose development and neighbouring developments."

- 3.2 **Environment Agency:** No objections subject to the finished floor level for all accommodation being at a minimum level of 13.5m AOD Newlyn.
- 3.3 **Kent County Council (Mouchel):** Have requested contributions towards; Libraries at £227/unit and Adult Education at £180/unit. Both of these contributions would be used for at the new Maidstone Hub Library/Archive/History Centre currently under construction to provide additional space and improve capacity.

Youth and Community contributions are required for a youth worker to serve the additional demand and this is a total of £2550 for the eight houses on the site.

- 3.4 **West Kent Primary Care Trust:** Raise no objections to the development and request £11088 for the provision of healthcare as a result of the additional demand to be spent at Vine Surgery, St Luke's and Marsham Street.
- 3.5 **Kent Highway Services:** Have no objections and are satisfied that the visibility at the junction of Straw Mill Hill and Farleigh Hill is no worse than that of the extant permission ref. MA/07/2416, now that this has been demonstrated by the applicants. They have also confirmed that the level of parking provision is acceptable. They have suggested a number of conditions seeking implementation of parking spaces and provision of cycle spaces and visibility splays to the access as well as pedestrian visibility splays and informatives including means to ensure surface water drainage from the site does not drain onto the highway, wheel washing and the parking of operatives, contractors' vehicles on site.
- 3.6 **Southern Water:** Have advised that there is a public sewer in the vicinity of the site and have stated that no development or tree planting should take place within 3m either side of the centre line of the sewer. They have also advised that there is the capacity to provide both foul and surface water sewage disposal to serve the development. Informatives have been requested relating to the presence of the sewer and the need to make a formal application for connection to the sewer are placed on any permission.
- 3.7 **MBC Parks and Open Spaces:**

'The site is within South Ward. Clearly there is no on-site open space provision to be made at this location and we would therefore request an off-site contribution to be written into the Section 106 Head of Terms.

This would go towards enhancing, maintaining, repairing and renewing play areas and green spaces within a one mile radius of the proposed development – primarily within South Ward

The contribution would be based on 14 units x £1575 per unit = £22,050. This is the cost per dwelling as set out in the 'Supplementary Planning Guidelines' and Fields in Trust's (formerly National Playing Fields Association) guidelines as a provision costs for outdoor playing space.'

**\*Officer Comment:** - I have spoken to the Parks and Open Space Officer and he has informed me that he would expect contributions. No formal response has been received to identify how much, or where it would be spent. I have requested that the Parks and Open Space Officer confirm exactly where the money would be spent, in order for this request to meet the statutory tests.

3.8 **MBC Environmental Health:** Have commented on the matters of noise and potential contamination.

'Regarding the original application, MA/07/2416, my colleague previously noted that:

- *A Desk Study and Report on Subsoil Investigations was submitted with the application. The Desk Study has identified all the past contaminative sources around the property, and the Source-Path-Receptors. The Report on Subsoil Investigations has results from 8 boreholes, which are located all around the site and are therefore considered a reasonable representation of the site as a whole. No landfill gas has been detected, and there are no special measures proposed for the building. However it is worth noting that this can change and it may be prudent of the developer to consider the use of a clear space, or membrane as a precautionary measure.*
- *The recommendations 1-8 from the Report are satisfactory and should be followed. This Department will want a Closure Report once works have been completed to include details of any further work found to be necessary and waste transfer notes for soil removed from the site.*

I note that the Rose Public House has now been demolished, and that a contaminated land closure report will continue to be outstanding until the development has gone into the construction phase. Any demolition or construction activities will definitely have an impact on local residents and so the usual informatives should apply in this respect.

The noise assessment report previously submitted is still relevant and its recommendations should be implemented.

Since the 2007 application a section of the clean neighbourhoods Act has come into force which requires the developer to produce a site waste management plan for any development which is over £300,000. The plan must be held on site and be freely available for view by the local Authority at any time.

No objections subject to land contamination conditions and informatives relating to noise and conduct and hours of operation on site during construction.'

#### **4. REPRESENTATIONS**

- 4.1 One letter of representation has been received from the occupiers of the adjacent commercial building to the south of the site (RPM installations). This makes the following (summarised) points.
- They request that the balcony on the end unit of the 2-bed terraced house closest be moved to the inner wall line to avoid neighbourhood disputed and problems in the future.
  - The proposed parking provision is inadequate.

- They express surprise that the applicants have advised the company under the terms of the Party Wall Act that work will commence on the development before the target date for the determination of the current application.

*(Officer comment: No work has commenced to-date)*

## **5. CONSIDERATIONS**

### **5.1 Background**

- 5.1.1 There is an extant permission on the site for the erection of fourteen dwellings including 11 two-bedroom flats and 3 two-bedroom houses (MA/07/2416). This application seeks to amend the development on the part of the site that previously accommodated the 11 flats (Straw Mill Hill and at the corner between Straw Mill Hill and Farleigh Hill). It is the applicant's intention to develop the 3 previously approved 2-bedroom houses fronting Farleigh Hill following on with this scheme if approved. Conditions have been discharged on the earlier application in respect of the three houses in order to enable the development to be implemented.
- 5.1.2 This application would represent no increase in the overall number of units as opposed to that previously approved under MA/07/2416 but would alter the mix of proposed accommodation with six flats and five houses proposed rather than 11 flats on this site.
- 5.1.3 The development would be attached to and provide a continuation of the previously approved houses fronting Farleigh Hill. North of these houses the apartment building would 'turn the corner' at the junction with Straw Mill Hill with a circular building with a conical roof, which in turn would be linked to the five houses fronting Straw Mill Hill.

### **5.2 Site Description**

- 5.2.1 The site is the former Rose Public House located at the junction of the B2010 Farleigh Hill/Tovil Hill and Straw Mill Hill in Tovil. It is approximately 0.07 hectares in area. The site falls northwards from its southern boundary towards the junction of Farleigh Hill/Tovil Hill and Straw Mill Hill. The site lies at the bottom of the valley caused by the River Loose, which passes under Tovil Hill to the north of the site. As a consequence, the site lies adjacent to but not within the flood plain of the river.
- 5.2.2 The surrounding area was once the industrial heart of Tovil but the former paper mills to the east and west have now been redeveloped for housing purposes as has an adjacent printing works site further to the south. There is an existing industrial/office building immediately to the south of the site but this too has

recently been the subject of a housing development proposal for 10 flats (MA/06/0288) allowed on appeal on 06/01/2009 superseding an earlier decision dated 02/11/2007 that was quashed by Order of the High Court.

- 5.2.3 The residential development in the area comprises a variety of styles and ages with some Victorian/Edwardian cottages on the western side of Farleigh Hill opposite the site to more modern development undertaken from the mid 1980s to within the last three years comprising flats and detached, semi-detached and terraced houses elsewhere.
- 5.2.4 There is a public house (Royal Paper Mill) at the top of Tovil Hill opposite the junction with Church Street to the north. There are also a number of other industrial and retail units including a post office and 'Lidl' and 'Tesco' supermarkets in close proximity to the site.
- 5.2.5 The site amounts to approximately 0.089 ha in area. It is located within the defined urban area of Maidstone as set out in the Maidstone Borough-wide Local Plan 2000 but has no specific allocation or designation in the Plan.

### **5.3 Proposal**

- 5.3.1 The proposal effectively involves the erection of 5 houses and 6 flats in place of 11 flats proposed under ref. MA/07/2416. The 3 houses proposed under MA/07/2416 will be constructed as approved.
- 5.3.2 The application proposes the erection of a 3-4 storey development comprising 11 dwellings including 3 studio flats, 3 one-bedroom flats and 5 three-bedroom terraced houses. The five terraced houses would front Straw Mill Hill with the apartment building containing the 3 studio flats and 3 one bedroom flats located to the northern most part of the site at the junction of Straw Mill Hill and Tovil Hill/Farleigh Hill.
- 5.3.3 The apartment building would primarily be three storeys in height but the bedroom of unit 8 would be located in the roof space on the Farleigh Hill side lit only by rooflights. The height of the main apartment building would be approximately 12.5m with the overall height of the conical roof section being approximately 14.5m.
- 5.3.4 The houses fronting Straw Mill Hill would be arranged in two pairs and a single unit. They would have a ridge height of between 10.5m and 11m this is maintained along the frontage by stepping-down the houses from the vehicular access located adjacent to the southern site boundary in its south eastern corner, as the land falls northwards along Straw Mill Hill. The houses would also be three storeys in height with the third floor accommodation within the roof space.

- 5.3.5 Indicated materials for the five houses comprise ragstone panelling/brick quoins with brick window cills and surrounds to three of the houses at ground floor and brick on the remaining two, with horizontal weatherboarding to the upper elevations of the houses with the ragstone panelling (salvaged from the existing boundary wall) and tile hanging to the two units with brickwork. The roofs would be finished in plain interlocking tiles. The apartment block would be brick built under a slate roof. The windows would however, be topped with a 'rubbed' brickwork flat-arched lintel. I have requested that the apartment building is provided with a ragstone plinth that 'turns the corner' between Straw Mill Hill and Farleigh Hill and amended plans are awaited showing this detail.
- 5.3.6 The housing units within the development, including the three units fronting Farleigh Hill, would be provided with external terraces extending 2.5m from the rear wall of the units. Unit 14 at the south east corner of the site would have a larger external terrace that returns along part of the south elevation of the unit. This is in contrast to the much larger open terraced area covering the car park below shown on the previously approved scheme.
- 5.3.7 The houses would be provided with car parking at a ratio of 1 for 1 with a total of 8 proposed. The flats provided with no dedicated parking, although a cycle parking area is shown located in a secure room inside the apartment building. This amounts to a reduction of 6 parking spaces compared to the extant scheme, which proposed a ratio of 1 for 1 parking for the entire development (flats and houses).

### **5.3 Principle of Development**

- 5.3.1 The site is located within the urban area of Maidstone and as a former Public House clearly constitutes previously developed land as defined in PPS3.
- 5.3.2 There is an extant planning permission for the erection of 11 flats and 3 houses on the overall site MA/07/2416.
- 5.3.3 There has been no significant changes to the surrounding area since the granting of the previous permission. The site remains in the urban area and whilst the Public House on site has been demolished there have been no significant changes in the surrounding area. There is an existing industrial/office building immediately to the south of the site that has recently been the subject of a housing development proposal for 10 flats (MA/06/0288) allowed on appeal on 06/01/2009. The impact of this permission needs to be given consideration in the determination of this application.
- 5.3.4 Whilst there have been changes to the Development Plan since the previous decision in that the South East Plan (2009) and been revoked there has been no

significant change to the preferred location of housing. New housing should be located in sustainable areas and on previously developed land. Being a former Public House in the urban area of Maidstone, this site is acceptable for residential development and therefore there are no objections to the principle of redevelopment of the site for residential purposes.

## **5.4 Design**

- 5.4.1 The design largely follows the principles established by the earlier extant scheme with units fronting both roads, a feature building at the junction and secure parking to the rear.
- 5.4.2 The design respects the context of the site and the fact that it would have two road frontages and is located in a prominent corner site in the streetscape. Due account is also taken of the site levels which fall northwards towards the junction of Straw Mill Hill and Farleigh Hill from its southern boundary. The use of the semi-circular building to front the junction between Farleigh Hill and Straw Mill Hill is interesting and will generate a presence in the street particularly when viewed from the top of Tovil Hill (to the north). The houses in Straw Mill Hill have differing materials and differing roof lines to provide interest.
- 5.4.3 The main differences in the design of the buildings from the previously approved scheme are the reduction of the overall bulk of the buildings on the Straw Mill Hill elevation with the eaves line reduced from approximately 10.5m to 7.7m, provision of the third floor accommodation within the roofspace and the loss of the communal amenity area previously located above the parking courtyard to be replaced by individual decked terraced areas at first floor level to the rear of each of the eight houses.
- 5.4.4 I consider the scale of the development to be acceptable in relation to its surroundings. The scale and massing in Straw Mill Hill has been further reduced from the extant scheme through the lowering in overall height of the buildings by up to 1.8m together with the provision of the third floor accommodation largely within the roof space and the set back from the southern boundary by 5m. Whilst the ragstone boundary walls are to be demolished this was approved under the earlier scheme. However material salvaged from the walls will be re-used as part of the external elevations of the development. Overall, I consider that the development will not have an unacceptably adverse impact on the visual amenities and character of the area.
- 5.4.5 The detailing of the scheme as indicated is also acceptable. Windows and doorways are recessed, there are brick cills and quoins for the houses with ragstone panelling and the apartment windows have rubbed brick flat-arched lintels. Subject to the provision of the ragstone plinth to the apartment section and a condition requiring submission of precise details of the architectural



detailing to include a detailed design of the terraced areas and supporting structures, I raise no objections to the overall design of the buildings.

5.4.6 It is however regrettable that the previously proposed communal amenity area above the parking courtyard has been omitted from the current scheme, on the grounds of cost/viability, although no figures have been submitted to substantiate this. However, each of the eight houses will have a decked terrace at first floor level to provide useable external amenity space, however none of the six flats will have any external amenity space. As Members will be aware, the Council has no adopted amenity space standards for development and given the flats are one bedroom flats or studio flats and not family housing it would be unreasonable to require amenity space on the back of *PPS3: Housing*. Therefore whilst the loss of the amenity area is regrettable, on balance I consider the alternative provision to be acceptable. Appropriate s106 contributions have been sought and agreed by the applicant for the improvement of public open space within a 1 mile radius of the site within South Ward.

5.4.7 The Design and Access Statement also confirms that the scheme will be designed and built to achieve Level Three within the Code for Sustainable Homes and that a condition to this effect would be acceptable.

## **5.5 Residential Amenity**

5.5.1 The general layout and height of the development and its orientation remain unchanged from the previously approved scheme. However, there is now permission for housing development proposal for 10 flats (MA/06/0288) allowed on appeal on 06/01/2009 on the existing industrial/office building immediately to the south of the site. The previous scheme was considered acceptable in terms of its impact on residential amenity. I shall consider this matter fully below.

5.5.2 The proposed houses on the Straw Mill Hill frontage would be located approximately 25m from the dwellings at 13-16 (consec.) The Quern. The properties in The Quern are two-storey terraced dwellings located on the eastern side of Straw Mill Hill and their rear (west) elevations and gardens face Straw Mill Hill. They are approximately 1.5m lower than the carriageway in Straw Mill Hill, the boundary to which is formed by a 2m high brick wall.

5.5.3 In addition, compared to the previously approved scheme the overall height of the proposed buildings on Straw Mill Hill has been reduced by up to 1.8m and the development moved away from the southern site boundary by approximately 5m.

5.5.4 Given the separation between the existing and proposed developments, the intervening highway, the existing boundary wall and the level differences, I do

not consider that the proposed houses would result in an unacceptable loss of privacy or amenity to the occupiers of the properties in The Quern.

- 5.5.5 The relationship between the apartment element and the houses on the east side of Farleigh Hill is also considered to be acceptable. Whilst the separation distance is approximately 12.5m-13m, this is across a busy road and is a relationship common to many urban areas. I do not consider that objections in terms of an unacceptable loss of privacy or amenity could be raised on this basis. Furthermore the currently proposed apartments are no closer to the highway and other houses on the east side of Farleigh Hill than the extant scheme.
- 5.5.6 I have also considered the potential relationship between the development and the existing and permitted development on the land to the south of the site.
- 5.5.7 The apartments adjacent to the south east corner of the site within Wharfedale Square are located at an angle looking north east away from the site and as a result would not directly overlook any habitable room windows in unit 14 the closest of the proposed houses in Straw Mill Hill. The external deck area to no.14 could be surveilled.
- 5.5.8 The dwellings fronting Straw Mill Hill would be located approximately 14m from the rear elevation of the apartment building approved on appeal on the RPM site to the south (MA/06/0288). The windows on the north elevation of the block permitted on appeal are small square secondary windows that serve a kitchen/diner and the main stairway on each floor. There is also a window serving the main stairway on each floor of the block approved on appeal located on the rear elevation adjacent to the current site boundary. Rear facing bedroom windows on the approved RPM site block would be located approximately 6m in from the site boundary and approximately 18m from the rear of the houses fronting Straw Mill Hill.
- 5.58 I do not consider that the relationship of the currently proposed development and the existing and approved development to the south of the site would be so unacceptable as to warrant and sustain a ground of refusal.

## **5.6 Highways**

- 5.6.1 The proposal retains vehicular access onto Straw Mill Hill in a similar location, although slightly further from the junction with Tovil Hill/Farleigh Hill. The visibility proposed is acceptable and the use of the access would not harm highway safety. Kent Highway Services raise no objections to the scheme and are also satisfied that the building at the junction of Straw Mill Hill and Tovil Hill/Farleigh Hill would not impair visibility at the junction.

- 5.6.2 The level of off street car parking has been reduced from fourteen spaces under MA/07/2416 (one space per unit) to eight spaces under the current proposal (one for each house). There would be no car parking for the one bed flats or studio flats.
- 5.6.3 There has been a reduction in proposed provision on the site compared to the approved scheme and this is regrettable. However, the site is in a sustainable location being located on a 'bus route with stops adjacent to the site and in close proximity to shopping and other community facilities such as the local primary school.
- 5.6.4 In respect of the development I would remind Members that the Council does not have parking standards adopted at a local level. I would also draw Members' attention to PPG13 which states as follows in paragraph 51
- "2. not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety which cannot be resolved through the introduction or enforcement of on-street parking controls;"
- 5.6.5 There have been no injury accidents in the vicinity of the site within the last three years. In my view on street parking is unlikely to occur in the vicinity, but measures can be put in place if necessary through enforcement of on-street parking controls. On balance therefore I raise no objections to the development in terms of the parking provision proposed.
- 5.6.6 Kent Highway Services agree with his assessment and have raised no objections to the development in terms of the access or site layout or number of parking spaces or on highway safety grounds.

## **5.7 Noise**

- 5.7.1 An acoustic assessment has been submitted as part of the application. This indicates that the properties fronting Farleigh Hill would be in NEC 'C' and those fronting Straw Mill Hill in NEC 'B'. The submitted acoustic report concludes that noise can be satisfactorily ameliorated by use of appropriate acoustic fenestration to meet a minimum of  $R_w$  of 40dB to meet the requirement of 30dBA Leq, 1 hour in bedrooms (2300-0700hours), and in living rooms and dining rooms not greater than 35dBA Leq, 1 hour (0700-2300 hours) and the use of mechanical ventilation such as 'Passivent Fresh80dB' (or similar). This can be secured by condition.

## **5.8 Contamination**

- 5.8.1 The reports submitted with the application have identified areas of potential contamination largely in fill material thought to have been brought onto the site

when originally developed and therefore the necessity for remediation works to be undertaken. No evidence of landfill gas has been detected. A contamination condition is considered necessary as recommended by Environmental Health to ensure the site is adequately remediated.

## **5.9 Flood Risk**

5.9.1 The Environment Agency has stipulated that the finished floor level of the development should be no lower than 13.5m AOD Newlyn. The applicants have confirmed that this will be the case. This can be secured by means of an appropriate condition.

## **5.10 S106 obligations**

5.10.1 The following Heads of Terms are proposed and would take the form of a new s106 agreement to replace that entered into in respect of the extant permission MA/07/2416.

5.10.2 Contributions for Parks and Open Space: This would be a contribution of **£22,050** towards improving parks and open space within a 1 mile radius of the application site within South Ward. This would address the need generated by this proposal and would be in accordance with the Councils adopted DPD;

5.10.3 No formal response has been received to identify how much, or where it would be spent. I have requested that the Parks and Open Space Officer confirm exactly where the money would be spent, in order for this request to meet the statutory tests. In the absence of this information the request would not be justified.

5.10.4 Contributions for Kent County Council (Mouchel): These would be contributions of

£227/dwelling for Library facilities (**£3,178**)

£180 for Adult Education facilities (**£2,520**)

These two contributions would be used towards additional provision and enhanced capacity at the new Maidstone Hub Library and Archive/History centre.

Youth and Community contributions are required for a youth worker to serve the additional demand and this is a total of **£2,550** for the eight houses on the site.

5.10.5 Contributions for Healthcare (PCT): These would be contributions of **£11,088** as it is considered that a residential development would be likely to generate additional demand upon the existing health care facilities within the locality. I have requested that the Primary Care Trust confirm where this money be spent,

in order that it meet the requirements of Regulation 122 of the Act. They have identified three surgeries that would be improved as a result of the money provided – at Vine Surgery, St Luke’s and Marsham Street. They have identified that the additional units would be a further strain upon the existing medical facilities within the locality by virtue of introducing additional residents in place of a work place – i.e. not simply an intensification of the existing use. I am therefore satisfied that this request is required to overcome a potential concern of granting planning permission, and it directly related to the proposal, and is reasonable.

5.10.6 The Heads of Terms for the s106 obligations have been considered against the statutory tests as set out within Regulation 122 of the Act. This sets out that any obligation should be;

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

I consider that this proposal, with the exception of the Parks and Public Open Space request, unless further justification is supplied by the Parks and Open Space Officer, would meet these requirements in that the legal agreement is necessary. The contributions are related to the development, and fair and reasonable in terms of the scale of the requirements, to the development. These contributions are as requested by the interested parties. I consider that the provision of these contributions would ensure that the development would provide a suitable level of funding to ensure that any additional strain placed upon the existing services and infrastructure within the locality is addressed. I therefore consider that the proposal complies with Policy CF1 of the Maidstone Borough-wide Local Plan (2000).

## **6. CONCLUSION**

6.1 The scheme proposes changes to an extant residential scheme for 14 units comprising 3 houses and 11 two-bedroom flats. The total number of units stays the same but the primary change is the provision of 5 houses fronting Straw Mill Hill in-lieu of previously proposed flats and the consequential overall reduction in the number of flats to 6 units as well as changing the mixture to 3 studio and 3 one-bedroom units from two-bedroom units.

6.2 The design of the scheme is considered to be acceptable as it is impact on the character and visual amenities of the area and surrounding residential properties. It is regrettable that the previously proposed amenity area has been deleted from the scheme. However, on balance, I consider the currently proposed external amenity provision to the houses to be acceptable.

- 6.3 The concerns of the Parish Council regarding car parking are noted. Whilst the reduction from 14 spaces to 8 spaces in overall provision is regrettable, again I would remind Members that the Council does not have locally adopted parking standards and of the advice at Paragraph 51 of PPG13. In addition Kent Highway Services raise no objections to the scheme in respect of the level of car parking.
- 6.4 Appropriate s106 contributions that meet the requirements of Regulation 122 of the CIL Regulations have been sought and agreed. Subject to appropriate safeguarding conditions, on balance I consider the proposals to be acceptable and recommend accordingly.

## **7. RECOMMENDATION**

### **SUBJECT TO:**

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

- Contributions for Kent County Council (Mouchel) for Library facilities (£3,178), Adult Education facilities (£2,520) towards additional capacity and the new library and adult education centre and Youth and Community facilities (£2,550) in the form of monies towards a youth worker for the area.
- Contributions for the Primary Care Trust. This would consist of a contribution of £11,088 which would be spent at the identified surgeries within the proximity of the site.

The Head of Development Management be given DELEGATED POWERS to GRANT PLANNING PERMISSION subject to the following conditions:

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

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

2. 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 pursuant to the advice in PPS1.

3. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety pursuant to policy T13 of the Maidstone Borough-wide Local Plan 2000.

4. The development shall not commence until, details of the proposed slab levels of the buildings which shall show accommodation to be no lower than 13.5m AOD Newlyn 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 pursuant to the advice in PPS1 and PPS25

5. The development shall not commence until:

1. The application site has been subjected to a detailed scheme for the investigation and recording of site contamination and a report has been submitted to and approved by the Local planning authority. The investigation strategy shall be based upon relevant information discovered by a desk study. The report shall include a risk assessment and detail how site monitoring during decontamination shall be carried out. The site investigation shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology and these details recorded.

2. Detailed proposals in line with current best practice for removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') have been submitted to and approved by the Local Planning Authority. The Contamination Proposals shall detail sources of best practice employed.

3. Approved remediation works have been carried out in full on site under a Quality Assurance scheme to demonstrate compliance with the proposed methodology. If, during any works, contamination is identified which has not previously been identified additional Contamination Proposals shall be submitted to and approved by, the local planning authority.

9. 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.

10. The development shall not commence until details of both foul and surface water drainage to serve the development have been submitted to and approved by the local planning authority in consultation with Southern Water. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: to ensure adequate and proper drainage of the site and to prevent flood risk from surface water run-off pursuant to the advice in PPS25

11. The development shall not commence until and in conjunction with the details submitted pursuant to condition 2 above, the following details have been submitted to and approved by the local planning authority;

- (i) large scale drawings at a scale of 1:50 or 1:20 showing
  - (a) the layering of the elevations/juxtaposition of materials particularly at the junction of the weatherboarding and brickwork and ragstone panelling,
  - (b) significant projections and recesses and details showing overhanging eaves and details combining these with rafter feet,
  - (c) the extent of window/door reveals
  - (d) details of the rubbed brick flat-arches to window heads and details of the brick window cills and brick window surrounds to the housing units with ragstone panel inserts
  - (e) details of the design of the external terraced areas including any privacy screens between units

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

Reason: To maintain the quality and integrity of the design and to ensure a satisfactory external appearance to the development pursuant to the advice in PPS1.



12. The development shall not commence until details of acoustic amelioration as recommended in the acoustic assessment undertaken by Acoustics Plus Ltd. have been submitted to and approved by the local planning authority.

(i) Where habitable rooms will be exposed to noise levels that are in excess of NEC A of PPG24, mitigation should include a scheme of acoustic protection sufficient to ensure internal noise levels (L<sub>AeqT</sub>) no greater than 30 dB in bedrooms and living rooms with windows closed. Where the internal noise levels (L<sub>Aeq,T</sub>) will exceed 35 dB in bedrooms (night-time) and 45dB in living rooms (daytime) with windows open, the scheme of acoustic protection should incorporate appropriate acoustically screened mechanical ventilation.

(ii) Within gardens and amenity areas, the daytime 07.00-23.00 hours level of noise should not exceed 55dB (L<sub>Aeq</sub>) free field. This excludes front gardens;

The subsequently approved scheme of mitigation shall be implemented to the satisfaction of the local planning authority prior to the first occupation of the dwellings and maintained thereafter.

Reason: To protect residential amenity pursuant to the advice in PPG24.

13. The dwelling units shall achieve Level 3 of the Code for Sustainable Homes. No dwelling unit shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

Reason: to ensure a sustainable and energy efficient form of development in accordance with Kent Design and PPS1.

14. A sample panel of ragstone that clearly demonstrates the proposed bond, mortar mix and pointing method shall be provided on site for approval by the local planning authority prior to its use within the development. The ragstone panels on the dwellings shall then be implemented in accordance with the approved details and the sample panel retained on site as a reference until works to provide the ragstone panels have been completed.

Reason: To ensure a satisfactory visual appearance to the dwellings pursuant to the advice in PPS1.

### **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.

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

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

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

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.

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

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.