

APPLICATION: MA/10/0992 Date: 7 June 2010 Received: 7 June 2010

APPLICANT: Mr S Bains

LOCATION: LAND AT LONDIS STORE & BIRD IN HAND P.H., HEATH ROAD, COXHEATH, MAIDSTONE, KENT, ME17 4EH

PARISH: Coxheath

PROPOSAL: Demolition of Londis store and 'Bird In Hand' public house and erection of 2 buildings accommodating approximately 325sqm A1 Retail floorspace, with basement storage area, 110sqm A4 Public House floorspace, and 10 flats with associated parking, access and landscaping in accordance with the statement of community involvement, design and access statement, planning statement, transport statement, plans numbered DHA/7282/11; DHA/7282/10; DHA/7282/12 as received on 7 June 2010; plan numbered DHA/7282/13 received on the 14 June 2010; heritage statement received on 3 August 2010; plan numbered DHA/7282/02 received on 16 September 2010; and plan number DHA/7282/05 received on 13 October 2010.

AGENDA DATE: 25th November 2010

CASE OFFICER: Chris Hawkins

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

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

1 POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, H27, T13
South East Plan CC4, NRM11, H1, H3, H4, T4, NRM1, BE1, BE6
Village Design Statement: N/A
Government Policy: PPS1, PPS3, PPS9, PPG13

2 HISTORY

2.1 There is no relevant planning history for this site.

3 CONSULTATIONS

3.1 **Kent Highway Services** raise no objections to this proposal subject to the imposition of suitable safeguarding conditions and informatives upon any planning application. These are summarised as follows:

Conditions:

- Removal of pd rights for the parking spaces;
- Removal of pd rights for the loading bay;
- Cycle storage provision;
- Access shall be built to satisfaction of the highway authority;
- Any entrance gates to be set back at least 5.5metres from the highway;
- Suitable visibility splays.

Informatives:

- Parking provided for operatives;
- Disposal of surface water from the site;
- Prevention of mud being deposited onto the existing road network;

3.2 **Maidstone Borough Council Conservation Officer** has objected to the proposals. The concerns raised are as follows:

'As a late Georgian building (the public house) in the setting of a Grade II listed building (the dwelling opposite the site), the 'Bird in Hand' Public House is a non-designated heritage asset as defined in PPS5. In response to our initial feedback, a heritage statement was requested which would provide details of its history and architectural significance and explains how its demolition would be acceptable from a heritage standpoint. We have reviewed the statement which has been submitted, which addresses the question of the impact of the new development on the listed building. It does not, however, address the heritage significance of the Bird in Hand Public House itself and how its demolition should be considered acceptable from a heritage standpoint. We therefore object to the public house's demolition on the grounds that we have been given insufficient justification as per PPS5 Policy HE7.1:

In decision-making local planning authorities should seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal (including by development affecting the setting of a heritage asset) taking account of: (i) evidence provided with the application, [and] (iv) the heritage assets themselves.

As the applicant has failed to fully assess the significance of the non-designated heritage asset, we object to its demolition.

This building is considered to be a non-designated heritage asset due to its age, the survival of many of its features, and its location. The core of this building appears to be an early 19th century public house erected at the time that the road was created in this part of Coxheath. A brief inspection confirms that the core of the building retains many of its original design features, including some of the original sash windows. Importantly, it has group value with the listed building nearby, both of which are the only remaining historic structures at this crossroads. Of the buildings which appear on the 1876 Ordnance Survey map, only these two remain. In an area which has few historic buildings, the heritage importance of the pub is considered to be even greater. Demolishing it would not only permanently remove a building of some heritage significance, it would also in effect strand the listed building, leaving it the only building in the vicinity which can speak to the historic development of this area.'

- 3.3 **Maidstone Borough Council Environmental Health Officer** was consulted (on 16 June 2010) and raised no objection to this proposal.
- 3.4 **Maidstone Borough Council Parks and Open Space Officer** was consulted (on 16 June 2010) and raised no objections to this proposal subject to the applicant providing suitable contributions to improve the parks and open space provision within the locality. The Parks and Open Space Officer has identified that the money would be spent at the children's play area within Stockett Lane.
- 3.5 **EDF Energy** were consulted (on 16 June 2010) and raised no objections to the proposal.
- 3.6 **The Primary Care Trust** were consulted (on 16 June 2010) and raised no objections to this proposal subject to the applicant providing suitable contributions to improve healthcare facilities within the locality. It has been identified that the money would be spent improving the facilities within the Stockett Lane surgery, which is within the close proximity of the application site.
- 3.7 **Kent Police Authority** were consulted as it would result in the creation of a new pub/bar (on the 16 June 2010) and no comments have been received.

***Officer Comment:** I do not consider the lack of comments to result in an inability to determine this application.
- 3.8 **Southern Water** were consulted (on 16 June 2010) and raised no objections to this proposal.
- 3.9 **Scottish Gas** were consulted (on 16 June 2010) and raised no objections to this proposal.

4 **REPRESENTATIONS**

4.1 **Coxheath Parish Council** were notified of this application, and they wish to object to the proposal. Their concerns are summarised below: -

- Recognises that the proposed development will have a major impact on the village as a whole as it is located within a prominent location;
- It is acknowledged that this is an improvement to the existing facilities;
- Concern is raised with regards to the flat roof element of the proposal;
- It is not in scale or of a design that reflects the character and appearance of the locality;
- The letter which is included in the Transport Statement Appendix F relating to the use of smaller delivery vehicles is not a definitive undertaking to ensure rear servicing. It merely states that a smaller vehicle could be considered, subject to a risk assessment. The Parish Council wishes to see a definite undertaking on rear access, relating to both the shop and the pub, and a condition requiring rear access and preventing deliveries from Heath Road.
- The combined development of A1 retail, A4 public house plus 10 residential flats does not provide sufficient parking to meet the requirements as set out in the applicant's Transport Statement (ref JSL/T0086 dated May 2010). We would therefore like to see the two separate flats removed from the proposal in order to provide more parking for the shop and the pub.
- Of the 10 parking spaces allocated to the flats, two are enclosed garages beneath Flat No. 1 housed separately from the shop. The Parish Council feels that these must be used for parking, unlike many garages, and there must be a condition that they cannot be converted to residential use.
- The remaining 10 parking spaces, including a disabled bay are to service the A4 retail (14 spaces suggested), A1 public bar (11 spaces plus 1 staff space suggested); No provision seems to have been made for visitor parking at the flats. The Parish Council's contention, therefore, is that the present parking uses will be in conflict for many periods of the day, resulting in increased congestion and parking problems;
- The Parish Council would like to see as a public benefit an improvement in the kerbing and footway on Heath Road near the lay-by to make it more difficult for vehicles to park on the footway and obstruct public access, particularly disabled access, and if possible to slightly increase the parking capacity of the lay-by;
- The finishes to the ground floor of the shop building in straight coursed reconstituted stonework, with no features at the window reveals, are seen as inappropriate. Although we acknowledge that stonework would deter tagging, brickwork would be more in keeping with the character of the area, It is imperative that, in this prominent location, materials and finish are of a high standard;
- The public house requires an outside area to cater for smokers and also for drinking in summer weather. The Parish Council does not wish to see any

continuation of 'on street' drinking at this establishment, because it encourages anti-social behaviour and risks the encouragement of under-age drinking. Therefore, we would like to see an appropriate outside area identified on the plan.

- The public house will need to provide disabled toilet facilities, which the Parish Council has been unable to identify in the plans. If possible, we would like to see the toilets made more widely available for community use;
- The adequacy of the provision for the collection and storage of refuse wheelie bins is unclear;
- It is also unclear whether the ground floor glazing is obscured, sign written or clear and there are no details of signage or lighting given with the application.

4.2 Neighbouring properties were notified and four letters of objection have been received. The concerns raised within these letters are summarised below: -

- The proposal would overlook the neighbouring properties;
- It will result in the loss of natural light to neighbouring properties;
- It will lead to an increase in traffic along an already busy road (Stockett Lane);
- The proposal would be on a very busy junction which could prove dangerous;
- Three storeys is too high;
- The refuse area should be closer to the shop;
- The proposal would have a detrimental impact upon the listed building opposite;
- The proposal would impact upon pedestrian safety.

4.3 Six letters of support have been received. The points raised are summarised below: -

- The proposal will enhance the shop within the village;
- The proposal would be an improvement over the existing built form within the locality;
- The proposal will enhance the village facilities and community environment;
- The existing pub garden is a 'rubbish tip' and this will improve the situation;
- The proposal would provide a refreshing new look to this part of Coxheath;
- The proposal would enhance the character of the area;
- The provision of a suitable bin store is an enhancement;
- The provision of a green roof is to be applauded.

5 CONSIDERATIONS

5.1 Site Description

- 5.1.1 The application site is located at the corner of Heath Road and Stockett Lane within the centre of the village of Coxheath. At present, the site contains a two storey, late Georgian public house - 'The Bird in Hand' - as well as a two storey pitched roof retail property, the 'Londis' store at ground floor level, with residential unit above.
- 5.1.2 The public house appears to have a number of additions, to the front, side and rear, and the retail unit has also been extended to the front, with a flat roof element. These bring the existing buildings to the edge of the pavement, with a disabled ramp provided to the front of the retail unit. The original 'core' of the public house is thought to be of late Georgian construction, with original detailing remaining. This appears to be the central element of the building, which retains the original windows at first floor level on the front and side elevation. I am of the opinion however, that due to the number of extensions to the property, it is not easily identifiable as being a building from this period.
- 5.1.3 The existing retail unit is a continuation of the public house in form, with the pitched roof following the same height/pitch. This building is of later construction. This unit has also been extended to the front, with a single storey flat roof projection - bringing the building up to the edge of the pavement.
- 5.1.4 To the rear of the application site, and served off Stockett Lane is the existing car park, which serves both the public house, and the retail unit. There are approximately 10 parking spaces at present, although these are not demarcated. This area is set out with the parking area to the north, with a strip of landscaping along the northern boundary. There is an open area to the west of the site, which is laid to grass, with a row of trees along the western boundary.
- 5.1.5 Directly opposite the application site are two storey pitched roof commercial units with residential units above. These are of mid 20th Century construction with brick at ground floor and tile hanging above.
- 5.1.6 To the south east of the application site are two storey flat roof commercial units, which are again of mid 20th Century construction. This is of brick construction.
- 5.1.7 To the east of the application site is a Grade II listed building (107 Heath Road). This is a detached dwelling with an attached garage. The building has timber cladding, with original sash windows. This building is set behind a low fence, and a hedge of approximately 1.8metres in height. This building is accessed directly off Stockett Lane.

- 5.1.8 Immediately to the north of the application site is a detached dwelling (1 Stockett Lane). This is two storey in height, and fronts on to Stockett Lane.
- 5.1.9 As well as being located within the centre of the village, the site is relatively well served by bus services. The 89 bus runs from Coxheath to Maidstone every 15 minutes during the day, and running twice a day from Marden. In addition, the number 5 bus runs from the edge of Coxheath (Linton Crossroads) to and from Staplehurst to Maidstone.

5.2 **Proposal**

- 5.2.1 This is a detailed planning application proposing the erection of a three storey corner block, containing a new, replacement, larger retail unit, a public house/bar at ground floor, with flats above. It is also proposed that flats be provided to the rear of the application site, above an area set aside for car parking.
- 5.2.2 The proposal would see the erection of a two and three storey, flat roof building, that would have a curved façade at the point of the junction of Heath Road and Stockett Lane. This would be a stone and white rendered building. It is also proposed to build a two storey building within the rear of the application site, accommodating two residential units, with parking below. This would be a pitched roof structure, of more traditional appearance.
- 5.2.3 The main block, to the front of the application site, would have a stone base, at ground floor level, and would be rendered above. This building would have a depth of approximately 28m along the Heath Road frontage, and 24m along the Stockett Lane frontage (although the building would be curved at the junction of the two roads). The maximum height of the building would be 8.5 metres, although this would fall to 6.2metres at either end, to reflect the scale of the buildings on either side of the site. Two areas of sedum roof would be provided on either end of the proposal (upon the roof of the two storey element), as well as paved areas to be used as roof terraces for the future occupiers. All windows fronting the highway would be provided with juliette balconies. Each floor of the building would be separated by a projecting band of render.
- 5.2.4 Two curved, projecting canopies are proposed, above the access to the shop, and to the public house/bar.
- 5.2.5 It is proposed that a total of 254sqm of retail floor space would be provided (an increase from the existing 170sqm) and 110sqm A4 use (reduced from the existing 176sqm). Both the bar and retail unit would have a basement which would be used for storage. A total of flats would be provided within the building, all on the first and second floors. Access to these flats would be from the car

park area to the rear of the building. It is proposed that there be two one bedroom flats, five two bedroom flats, and one three bedroom flat. Four of the eight flats would have a private outside space (roof terrace).

- 5.2.6 The development at the rear of the site would have a maximum width of 15metres, and a depth of 15metres. The maximum height of the proposal would be 7.5metres. This element of the proposal would have car parking provision at ground floor – both garages and open car ports, with two flats provided at first floor. There would be two separate accesses to these flats. Due to the relatively low eaves level, much of the first floor accommodation would be provided within the roof.
- 5.2.7 This rear element of the proposal is more traditional in form, with the use of pitched roofs, tile hanging, and details such as exposed rafter feet. Each flat would be provided with an area of private amenity space.
- 5.2.8 The car parking area would be re-arranged, with the introduction of additional landscaping, and the re-orientation of the parking spaces. A total of 17 spaces would be provided, although four of these would be provided beneath the private residential units, and would not therefore be for customers of the shop/public house. The parking spaces have been set out in such a way to enable suitable turning within the site. Delivery vehicles would be able to turn within this space. The access would be widened slightly to enable larger vehicles to enter the site for loading and unloading purposes. It is only to be a small increase in width (approximately 1metre).
- 5.2.9 Landscaping would be provided along the northern boundary of the application site, as well as along the southern boundary running adjacent to the properties within Heath Road. No details have been submitted with regards to the type of landscaping proposed, other than to identify that tree planting will be incorporated and hedgerows to the boundaries of the application site. A small area (42m²) is set aside for outside amenity space to the rear of the proposed retail unit.

5.3 **Principle of Development**

- 5.3.1 The site is previously developed land, as identified within Annex B of PPS3, and is located within the village confines of Coxheath. I consider that the site is relatively sustainable, being within the centre of the village, with all residential properties within the village within a short walk of the site. Whilst there is no identified need for additional housing provision within the locality, due to the sustainable location, I consider its provision to be acceptable. As such, I am satisfied that the principle of the redevelopment is acceptable, subject to all other material considerations being met.

5.3.2 A further consideration is that the existing public house would be removed as a result of this proposal. Policy R11 of the Maidstone Borough Wide Local Plan requires local planning authorities to consider the implications of the loss of public houses through new development. However, whilst the public house would be demolished, the proposal incorporates the provision of floor space for a new public house/bar to be provided. Therefore, whilst this existing facility would be lost, a suitable replacement would be provided, and as such, I consider that the proposal would comply with the requirements of this policy.

5.3.3 An additional consideration is the loss of the existing building on the application site – the Bird in Hand Public House. As can be seen from above, the Conservation Officer has raised an objection to this proposal on the basis that the applicant has not addressed the loss of the existing public house upon the character and appearance of the area. The Conservation Officer opines that this is required, as the property is of late Georgian period, and is one of only two historic structures remaining in this central part of the village – the other being the listed building opposite.

5.3.4 PPS5 introduced the idea of a heritage asset – which is defined as:

'A building, monument, site, place, area or landscape positively identified as having a degree of significance meriting consideration in planning decisions. Heritage assets are the valued components of the historic environment. They include designated heritage assets as assets identified by the Local Planning Authority during the process of decision-making or through the plan-making process.'

This effectively can mean that buildings not deemed worthy of listing, can still be identified and protected if they are still considered to have a degree of significance to the locality. By virtue of the age of the public house, and despite its numerous additions, the public house has been identified as such.

5.3.5 Whilst the Conservation Officer's interpretation of this policy is understood, and I acknowledge that the core of the public house is of some interest, because of the number of unfortunate additions upon the building, and due to the relatively high number of buildings of this age within the Borough (if not within the locality), I do not consider that it is of significant merit and that its loss would be unacceptable. I am not of the opinion that the building is easily identifiable as being of particular merit, and indeed no objections have been raised from the public about its loss. The number of additions, together with the use of replacement windows has resulted in a building that does little to add to the character and appearance of the locality. Both the appearance of the building and its setting (the rear of the site is a car park) have been severely compromised. The Council's Conservation Officer has given this building greater importance than perhaps they would otherwise due to the fact that there are

less buildings of this age within the area, than say, within the centre of Maidstone. Whilst it is understood that this is a building of a certain age, and does retain some of its original features – it appears that the windows within the first floor may be original - I am not of the opinion that this merits its retention, as a suitable replacement building has been proposed.

5.4 **Visual Impact**

- 5.4.1 The proposal does respect the scale of the surrounding development, to ensure that it does not dominate the street scene. I also consider it important that the development should adequately address this prominent corner. This proposal does this with a curved elevation that provides a softer edge to this 90 degree junction. I do not consider that the provision of a three storey development on this corner would be of a scale that would appear incongruous within this locality. It is a centre of village location, and whilst there is not other full three storey development, due to the flat roof, the massing of this building is no greater than many of the two storey properties within the vicinity. In addition, the design drops down to two storeys at each end to address the scale of the buildings on either side of the site within Heath Road and Stockett Lane.
- 5.4.2 The design of this proposal imitates an 'art deco' form, with the erection of a three storey property with a flat roof. It is proposed that the ground floor be constructed of stone, with the first and second floors rendered. It is accepted that this would contrast with the development within the locality. However, I do not consider that the majority of the development within the immediate vicinity to be of particular merit, and as such, I am not of the opinion that its design or form should be replicated in this instance. The question therefore arises as to whether the building would be out of keeping. In my opinion, the building would clearly be different to those within the locality, however, these are of little aesthetic merit. This proposal would however, respect the pattern of development, in that it fronts the highway, and would be of a scale that would not dominate, or appear as incongruous within its setting. I am therefore satisfied that the proposal would respond positively to the character and appearance of the area.
- 5.4.3 Concern has been raised over the impact of the proposal upon the listed building opposite the application site. I am satisfied that due to the fact that the highway runs between the site, the distance between the properties (10metres) and the high hedge to the front of this dwelling, this proposal would not have a detrimental impact upon the setting of this building. There are few vistas where the two building would be seen from the same vantage point. These would only be obtained from the south-west of the application site, if looking across the road junction. The proposal would not significantly block views of this listed building from any public vantage point either. I would suggest however, that

location of this listed building reinforces the need for the development to be finished to a high standard, in accordance with PPS5.

- 5.4.4 There is currently a ragstone wall along the Stockett Lane frontage, which would be retained as part of this proposal. Amendments have been received that demonstrate that the bin storage area, to the rear of this wall, would also be constructed of this material, so as to appear in keeping with this feature.
- 5.4.5 The flat block at the rear of the site is of a more 'traditional' form and design. This incorporates a pitched roof, with dormer windows above garaging and car ports. This building would be set back a significant distance from the street (33m), and would only be visible through the car park, and through glimpses between the existing buildings in Heath Road. Whilst of a different form once more, I consider this more appropriate, as it allows for a less stark material to be used, and as such it is more likely to relate to the more residential properties to which it sits adjacent to. I am of the opinion that a white rendered building, set to the rear, would actually appear quite out of place.
- 5.4.6 I am therefore, not of the opinion that this element of the proposal would be to the detriment of the character and appearance of the area.
- 5.4.7 To conclude, I consider that this proposal (subject to a high level of detailing) would improve the character and appearance of this part of Coxheath. I acknowledge that the building is somewhat different to the surrounding area, but do not feel that it is of a scale, or form that would appear as incongruous, or detract from the setting of the listed building. The curved form of the building would create a elegant, yet strong appearance to this structure, that would reinforce the fact that the site is within the centre of a vibrant, large village. I am therefore satisfied that the proposal complies with the requirements of the Development Plan and PPS1.

5.5 **Residential Amenity**

- 5.5.1 The nearest residential property is that located to the north within Stockett Lane (number 1), which is set forward by some 12metres from the flats over garages, and 22metres to the north of the main building. This property is side on to the application site. The largest element of this proposal would be side on to this existing dwelling. Whilst this proposal would see an increase in the number of floors from two to three, as this proposal would incorporate a flat roof, the overall height of the building would not be dissimilar to that already in situ.
- 5.5.2 Concern has been raised by neighbouring properties with regards to the potential for the new development to result in overlooking to their properties. In particular, from the roof terraces proposed. The proposed roof terraces would be located so as to serve the flats within both the first and second floor of the

building. These roof terraces would be a minimum of 28metres from 1 Stockett Lane, and would be across the highway from the listed dwelling opposite the site, which is screened by a tall hedge. I do not consider therefore that this proposal would give rise to any significant overlooking of the neighbouring properties, by virtue of these distances, and their relationship with one another.

5.5.3 The flats proposed within the rear of the application site are much closer to 1 Stockett Lane. These are set approximately 1metre from the boundary with this property (although set some 33metres from the highway). As this building would be some 12metres from the rear wall of this property, and as there is a significant level of soft landscaping along this boundary (both within the application site, and the neighbouring property) I do not consider that this would give rise to the creation of a sense of enclosure to the occupiers of this property. In addition, this building would be provided with only roof lights along this elevation, which would not result in any significant overlooking of this neighbouring property.

5.5.4 I do not consider that the creation of a more formal car parking area to the rear of the site would result in an unacceptable level of noise and disturbance to the neighbouring occupiers.

5.5.5 I am therefore satisfied that the proposal would not have a detrimental impact upon the amenities of the occupiers of the neighbouring properties.

5.6 **Highways**

5.6.1 Kent Highway Services have raised no objections to the proposal, subject to conditions. At present there is a car park to the rear of the application site with approximately 10 parking spaces provided. This serves the public house and the shop on Heath Road.

5.6.2 This proposal would see the provision of a landscaped parking area (in place of the existing car park) which would accommodate a total of 17 car parking spaces (four of these are provided under the proposed flats). An area is also set aside for delivery vehicles within the car park. The position of the access is unaltered, although it is to be widened to 4.8metres.

5.6.3 Whilst this proposal would see the provision of some 10 flats, whose residents would be able to use the parking area, it is unlikely that these residents would be parked within these spaces all day. Indeed, the busiest time for the shop would be likely to be during normal working hours, when the resident's vehicles are least likely to require a space. I do not consider therefore, that this proposal would result in a significant loss of parking provision for the shop/public house. The Parish Council have raised concerns about the lack of parking provision, and in particular visitor parking within the development. However, Kent Highway

Services raise no objection to the parking provision. The site is located centrally within the village, and is well served by public transport. It is a local shop/public house to serve residents of the nearby residential area. Many of the customers of the proposed units would travel to the premises on foot. In any event, on-street parking is also restricted along both Stockett Lane and Heath Road, which would prevent an overspill onto this junction. I am therefore satisfied that the level of parking provision demonstrated is sufficient to ensure that there would be no detrimental impact upon highway safety.

- 5.6.4 This proposal also includes the provision of a delivery bay to the rear of the property. At present, deliveries to the store take place from the road, with the lorry parked within the highway. I consider that the inclusion of a delivery space to the rear to help alleviate this particular concern.
- 5.6.5 The access is being widened to ensure that there is a suitable width to allow for the delivery vehicles to enter and leave the site in a forward gear. This will also improve the existing pedestrian visibility splays to either side of the access. Whilst this would result in a larger area of hardstanding at the point of access, but I do not consider that this would be to the detriment of the character and appearance of the area, as it would be a minor change.
- 5.6.6 The Parish Council have requested that footpath improvements, and new high kerbs be introduced to the front of the application site. However there are existing parking restrictions (no parking) on this junction, and as such I do not consider it likely that this area would be used for this purpose. I do not therefore consider it appropriate to impose such a condition.
- 5.6.7 I am of the opinion that as the development is located centrally, with many of the customers of the retail unit and public house being within a walking distance of the site. I therefore consider it to be within a sustainable location. In addition, there is an increase in parking provision from the existing car park, which would enable the new flats to be accommodated. This, together with the existing parking restrictions in place, would ensure that this development would not give rise to any highway safety concerns. I am therefore satisfied that the development is acceptable in this respect.

5.7 **Landscaping**

- 5.7.1 Illustrative plans have been submitted showing the potential landscaping proposal for this development. This includes the provision of additional tree planting along the northern boundary of the application site, as well as tree planting facing Stockett Lane. The existing trees that are in good health are to be retained along this boundary. In addition, planting is proposed along the southern boundary of the application site, to the rear of the commercial and residential properties within Heath Road.

5.7.2 Although a full application, no full landscaping plans have been submitted to date – the applicant is willing to accept a condition addressing this matter – and as such I have recommended that a detailed condition be imposed that specifies that this planting form part of the overall landscaping provision. The submitted layout plans show that there would be landscaping along the northern and western boundaries, however, I feel it necessary to ensure that this is carefully controlled. This condition shall request that the following be provided:

- A buffer strip along the northern boundary of at least 1.5metres;
- A buffer strip along the western boundary of at least 1.5metres.

In terms of the species to be used, I am of the opinion that field maples (*Acer campestre*) would be an appropriate species to be planted along the edge of the car park. These would give a good variety of colour at differing times of the year.

5.7.3 Within the core of the site, I am satisfied that the details of planting can be provided at a later date should planning permission be granted. Should these details be submitted, I am satisfied that the development would be provided with a suitable level of landscaping, which would ensure that it would assimilate into the surrounding area appropriately.

5.8 Contributions

5.8.1 Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Act. This has strict criteria that sets out that any obligation must meet the following requirements: -

It is:

- (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.

5.8.2 This proposal includes the provision of contributions for the Primary Care Trust (PCT), Kent County Council (KCC), and for Maidstone Borough Council Parks and Open Space Department (POS). The applicant has been made aware of these requests, and has agreed, in writing, the heads of terms as set out below.

5.8.3 The PCT have requested that a contribution of £6,552 be provided to upgrade the existing facilities within the locality, to ensure that the additional demand placed upon this infrastructure can be accommodated. The PCT have confirmed that the money will be spent upgrading the nearby surgery within Stockett Lane (plans are currently being produced). Policy CF1 of the Local Plan states that

residential development that would generate a need for new community facilities will not be permitted unless the provision of new (or extended) facilities are provided, or unless a contribution towards such provision is made. I am of the opinion that the additional units being proposed here would give rise to additional demand upon the existing surgery, and that the money being requested is not excessive. I am therefore satisfied that this request for contributions complies with the three tests as set out above.

5.8.4 KCC have requested that the following contributions be made:

- £576.32 for additional bookstock for the local library;
- £557.81 for the additional youth and community workers (part thereof) required as a result of this development.

Again, I am satisfied that this request is in accordance with Policy CF1 of the Maidstone Borough Wide Local Plan (2000). KCC have identified that there would be (on average) an additional 4 people utilising the local library as a result of this proposal, and these would each (on average) borrow 27.52 books per year. In order to meet this additional demand, KCC have assessed the average bookstock, and use, as well as the cost of providing new books. This demonstrates that to provide these additional books over a three year period would cost £576.32. I consider this request to meet the tests set out above.

5.8.5 With regards to the request for youth and community workers, KCC have identified that the proposal would give rise to additional demand for such a provision. I consider that this request is justified, and that applicants have agreed to provide such a contribution. Again, I consider that this request meets the three tests as set out above, and as such, it is appropriate to require this contribution be made.

5.8.6 Maidstone Borough Council Parks and Open Space Officer was consulted and has requested that a contribution of £15,750 be made to improve the open space provision within the locality. It has been agreed that this money would be spent to improve the playing area within Stockett Lane, which is within a short walk of the application site. As all but one of the proposed residential units are two bedroom or more, I consider that they are capable of being suitable for family accommodation. I therefore am of the opinion that providing these contributions would not only be in accordance with the Councils adopted Development Plan Document (DPD) but the three tests set out above.

5.8.7 I am therefore satisfied that the contributions being sought, and agreed by the applicant are acceptable, and should be provided through a suitable legal agreement.

5.9 **Other Matters**

- 5.9.1 The applicant has demonstrated that the residential element of the development will be constructed to at least level 3 of the Code for Sustainable Homes. Likewise, the commercial units would be constructed to a very good BREEAM standard. Whilst there are no specific policy requirements to achieve a set level, I consider that the principle of PPS1, requiring any development to be constructed to a good standard of design necessitates that sustainable construction techniques be incorporated. I am satisfied that hitting this level of both the BREEAM and the Code for Sustainable Homes accords with this requirement for good quality design.
- 5.9.2 At present the site is used for commercial purposes, with buildings and hardstanding. There is a small area of open space to the rear of the site, which is currently grassed over. I am satisfied that the site is of limited ecological value, and that the redevelopment of the site gives rise to an opportunity to improve the biodiversity of the site through additional landscaping and the provision of a sedum roof. I will be requesting details of the planting within the sedum roof to ensure that this enhances the ecological value of the site as much as possible. I also consider it appropriate to suggest an informative asking for the applicant to consider the use of swift bricks and bat boxes within the construction of the development.
- 5.9.3 Whilst only a relatively small area of communal amenity space (40m²), containing grass and trees, has been provided, four of the flats would be provided with private terraces, and two with private gardens. There would only therefore be four flats that would not be provided with any outside space. As noted above, contributions are being sought for improvements to the local open space, which is only a short walk from the application site. I am therefore of the opinion that this lack of open space provision within the site would not be so significant as to warrant a refusal in this instance.
- 5.9.4 Concern has been raised with regards to the fact that services vehicles would not be forced by the planning permission to park to the rear. I do not consider that a condition of this nature would meet the tests of circular 11/95. Currently all loading and unloading takes place to the front of the store, and the provision of a loading bay to the rear would discourage this within the future.
- 5.9.5 The Parish Council have requested a condition that ensures that the garages proposed are retained for parking. I am suggesting a condition that removes pd rights for the removal of any parking spaces – garages included.
- 5.9.6 The Parish Council are also concerned about outside drinking, and lack of an outside smoking area. It is acknowledged that no outside space is provided, but this is currently the situation, and as such, this proposal would make this situation no worse.

5.9.7 No details of the signage have been submitted with this application. These would be subject to a separate advertisement consent, to be submitted at a later date. Likewise, there has been no details of drainage submitted to date.

6 CONCLUSION

6.0.1 To conclude, I consider that the proposal, whilst resulting in the loss of a building of a significant age (late Georgian period) would have an overall benefit to the character and appearance of the locality. In addition, the proposal would see the expansion of the existing shop, and the retention of a community facility (public house) which has been intermittently closed for a significant period of time. I therefore consider there to be significant benefits to the community of Coxheath. Whilst concern has been raised about the impact upon the neighbouring occupiers, I do not consider that this proposal would result in any significant overlooking, or overshadowing of these properties. I am satisfied that the proposal would comply with the requirements of both the Development Plan, and central government guidance, and as such, I recommend that Members give this application favourable consideration, and give the Head of Development Management delegated powers to approve subject to a suitable legal agreement, and the imposition of the conditions as set out below.

7 RECOMMENDATION

Subject to:

1. Contributions made to Kent County Council of £576.32 for the improvement of existing library stock within the locality;
2. Contributions made to Kent County Council of £557.81 towards the provision of youth and community workers within the locality;
3. Contributions of £15,750 for improvements of the open space within Stockett Lane;
4. Contributions made to the Primary Care Trust of £6,552 towards improving the facilities at the existing surgery within Stockett Lane.

The Head of Development Management BE GIVEN DELEGATED POWERS TO APPROVE subject to the following conditions and informatives:

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 buildings 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 high quality appearance to the development in accordance with PPS1.

3. The development shall not commence until, details of the colour of the external finish of the buildings have been submitted to and approved in writing by the Local Planning Authority. The approved colour scheme shall be fully implemented before the first occupation of the buildings and thereafter maintained;

Reason: In the interest of a high quality finish of the development hereby permitted, in accordance with PPS1.

4. No structure, plant, equipment or machinery shall be placed, erected, or installed on or above the roof or on external walls without the prior approval in writing of the Local Planning Authority;

Reason: In the interest of a high quality finish of the development hereby permitted, in accordance with PPS1.

5. 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 in accordance with PPG13.

6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include:

i) tree planting, where possible, along the northern boundary, and adjacent to Stockett Lane of a depth of at least 1.5metres;

- ii) tree planting, where possible, along the southern boundary of the application site of a minimum depth of 1.5metres; and
- iii) a living/green roof as shown on plan number DHA/7282/02;

together with indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted and in the interests of visual amenity in accordance with PPS1 and Policy ENV6 of the Maidstone Borough Wide Local Plan 2000.

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

Reason: To ensure a satisfactory setting and external appearance to the development in accordance with PPS1.

8. No development shall take place until details of any measures to prevent unauthorised use of the car parking spaces within the development have been submitted to and approved by the local planning authority.

Reason: No such details have been submitted and to ensure adequate parking provision is made for the development pursuant to policy T13 of the Maidstone Borough-Wide Local Plan 2000.

9. No external lighting shall be installed on the site without the prior written consent of the local planning authority.

Reason: In order to maintain the character and appearance of the site in accordance with Policy ENV49 of the Maidstone Borough-Wide Local Plan 2000.

10. No development shall take place until full details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the local planning authority;

- i) Details of windows and doors and recesses/reveals (which shall be a minimum of

100mm);

- ii) Details of the junction between the stonework and the render;
- iii) Details of the finish of the roof of the residential units and of the facade;
- iv) Details of junction of the cills of the windows and the render;
- v) Details of the balconies;
- vi) Details of the projecting bands.

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

Reason: To ensure a satisfactory external appearance to the building in the interests of the visual amenity and character of the surrounding area in accordance with PPS1.

11. No development shall take place until precise details (including the planting schedule) of the sedum roof are submitted to the Local Planning Authority and approved in writing.

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

12. No development shall take place until a detailed scheme for the retainment of areas of cordwood from any tree works within the site have been submitted to and approved in writing by the Local Planning Authority;

Reason: In the interest of biodiversity enhancement in accordance with PPS9.

13. No development shall take place until an independently verified report has been submitted to and approved in writing by the Local Planning Authority showing that the development achieves a minimum score of Level 3 or better for each residential unit under 'The Code for Sustainable Homes' and a BREEAM rating of VERY GOOD for the retail unit and public house/bar. The development shall be provided strictly in accordance with the approved report before it is occupied or brought into use.

Reason: to ensure a sustainable and energy efficient form of development in accordance with Kent Design 2000 and PPS1.

14. No development shall take place until details of the visibility splays of m x m to be provided on either side of the access have been provided to the local planning authority and approved in writing. Such details as are agreed shall be provided prior to the first occupation of any of the approved units (commercial or residential).

Reason: In the interests of highway safety, in accordance with PPG13.

15. No development shall take place until details of the cycle storage provision have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of ensuring a sustainable form of development in accordance with PPS1.

Informatives set out below

Removal of existing trees or hedgerows containing nesting birds shall take place outside of the bird-breeding season (generally March to August).

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

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

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.

A scheme for the use of wheel cleaning, dust laying and road sweeping equipment shall be provided on site if required. This shall be implemented in its entirety once development has commenced, for the duration of demolition/construction works at the site.

You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at www.considerateconstructorscheme.org.uk

No burning shall take place at the application site.

The developers shall provide adequate space within the application site for the parking/turning/unloading of contractors vehicles before any works commence on site. Such space shall thereafter be maintained during the construction process where practicable.

REASON FOR APPROVAL

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