

APPLICATION: MA/09/0476 Date: 18 March 2009 Received: 20 March 2009

APPLICANT: Messrs Colley & Holford

LOCATION: LOWER GALLANTS HOUSE, LOWER ROAD, EAST FARLEIGH,
MAIDSTONE, KENT, ME15 0GS

PROPOSAL: Provision of hard paved parking and turning area, erection of security fencing and associated soft landscaping. (Resubmission of MA/08/2247) as shown on drawing number 1327/1A received on 20th March 2009.

AGENDA DATE: 30th April 2009

CASE OFFICER: Katie Lazzam

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

- It has been called in by Councillor Wilson

POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV28, ENV35
Kent & Medway Structure Plan 2006: EN1, QL1, QL6, EP7, EP9
Village Design Statement: None
Government Policy: PPS1, PPS3, PPG15

HISTORY

- 08/2247- Erection of new boundary fence and creation of vehicle parking and turning area. WITHDRAWN
- 92/1558- Change of use of single storey building from an agricultural use (ancillary farm office) to an office (B1) use. APPROVED WITH CONDITIONS
- 69/0176/MK3-New office accommodation for Manager and Secretary. APPROVED WITH CONDITIONS

CONSULTATIONS

Conservation Officer- "Based on the information received, our comments remain the same as for MA/08/2247".

MA/08/2247 Comments- "These proposals will have no significant affect upon the Conservation Area or the Listed Building. A condition regarding a detailed landscaping scheme (to include hard surfacing) will be appropriate. Please consult KCC archaeologists in view of proximity of a known Roman site.

KCC Highways - "No objection subject to the insertion of the following condition:-

1. Any entrance gates erected shall be hung to open away from the highway only and shall be set back a minimum distance of 5.5 metres from the carriageway edge."

Rural Planning Ltd- Summary of Comments-

- 08/2247 Comments Summary- Conclusion that the decision is for the case officer to make, but highlights that although the area of land concerned is 1 (excellent) quality on the DEFRA map, it is very small and has now effectively been squared off and also that the paddock does not appear to be in particularly productive agricultural use.
- 09/0476 Comments Summary- Confirmation that view remains the same regarding the loss of some 0.05ha land that was apparently Grade 1 quality, as it represents a very small area of land and a former projection from the rest of the small paddock, which is now effectively squared off. It is also observed that the paddock does not appear to be in particularly productive agricultural use in any event.

REPRESENTATIONS

Councillor Wilson- Representation requests that the application be reported to the planning committee because:-"Despite assertions by the applicant that this land was garden land, it is, and always has been Grade 1 agricultural land and should not be used for any development".

Neighbouring occupiers were notified of this application and there has been no response

CONSIDERATIONS

Site and surroundings

The application site relates to a small office building located at Lower Gallants House, which lies within an Area of Local Landscape Importance and the open-countryside. The site is located on the periphery of East Farleigh, within a predominantly rural area. The site comprises a section of land approximately 960sq metres, there is a small

single storey office building with a flat roof located on the site, this has a footprint of 58sq metres. This building is set back from the road by 12 metres and is currently occupied by building contractors. To the west of the site there is a large metal clad single storey shed building comprising 5 light industrial units, surrounded by hardstanding. To the east of the site an arable field some 43 metres in width separates the site from the nearest property 'The Limes', which is a Grade II Listed Building. There is also screening in the form of hedging on part of the eastern boundary.

Proposal:

The proposal involves the erection of a new boundary fence and creation of vehicle parking and turning area. The fence would be a two metre high palisade fence, it would surround the perimeters of the site separating the site from the adjacent industrial units, road and fields. The proposed hardstanding is retrospective and is located to the rear of the building, being approximately 28 metres long and 20 metres wide. It comprises one disabled space, 3 staff spaces, 5 visiting staff parking spaces and a parking and turning area. It is stated by the applicant that the spaces are required to provide off-road parking during periods when employees visit and for the parking and turning of light goods vehicles making small deliveries of building components, and for the general prevention of vehicles related to the site parking on the road. Additional screening is proposed on the eastern and northern boundaries of the site and the rear section of the western boundary. This new planting includes a hedgerow surrounding the rear site boundaries, with trees planted within this. Some additional planting is also proposed to the front of the building, behind the vision splay. It is proposed that all new planting is to consist of indigenous species, as shown on the planting schedule. On the eastern side of the site there is a bund made of excavated material, located behind the fencing.

Planning History:

The proposal for the erection of new boundary fence and creation of vehicle parking and turning area was initially submitted in November 2008 (MA/08/2247). The proposal was called in to committee by Councillor Wilson and East Farleigh Parish Council because it was considered that the proposed changes were not in-keeping with the surroundings and that the proposal site is Grade one agricultural land. However this application was withdrawn because upon conducting a final site visit for committee, it became apparent that the works that had already been commenced were not wholly representative of what had been applied for and illustrated on the plans. Therefore the plans were incorrect and the application needed to be resubmitted, including plans that accurately reflect the development.

The most significant differences between this scheme and withdrawn application 08/2247 are that the boundary of the site has been widened by 8 metres on the western side of the site to the rear, 22 metres from the front elevation. This includes an additional 3 metres for parking space, and a further 5 metres, beyond the fencing to provide the section of bunding. The boundary has also been widened on the eastern

side to the front, to include a section of hardstanding. The perforated wire fencing has been replaced by palisade fencing of the same height. The amount of fencing has also increased from being on the western boundary of the site, to also surround the eastern and northern perimeters of the site. The amount of vegetational screening proposed has also been increased to include hedging and additional trees, within the rear boundaries of the site.

Planning Assessment:

Principle of Development

In terms of the principle of the development, there is an existing office building on the site, Policy EP7 allows for the expansion of established small businesses within rural areas, where there is good access to the primary road network, and provided that there would be no adverse impact upon the existing environment. With regards to analysing the proposal in terms of visual impact, it is not considered that the proposed fence would have any significant impact upon the character and appearance of the area. This is because it would surround the industrial units and hardstanding on the western side, and would be largely screened on the eastern and northern sides by the bunding and vegetation. The adjoining unit also has fencing surrounding its boundaries; therefore it is not considered that it would look incongruous within this already light-industrial location. The palisade fencing is the same as the existing fencing on the site and surrounding the adjoining unit, it would also be perforated so would not appear unduly prominent or obscure views.

Visual Appearance

The proposed hardstanding is constructed to the rear of the site; it is also considered that this would not harm the locality, as although it is within an Area of Local Landscape Importance, the hardstanding extends to the same level as that of the existing hardstanding within the adjoining industrial units. The industrial nature of the existing site also ensures that there is minimal harm to the surrounding rural area, as the proposal is of a style which would not appear out of character within such a setting, and would not form a dominant feature within this area of open countryside. A substantial landscaping scheme is also proposed to help screen the site from the surrounding area with bunding and trees, although full details of the species location have not been given at this stage and would be secured by a condition. Once planted it is considered that the bunding would provide a natural screen of the site from the surrounding countryside. Given the above, the design and appearance of the proposal is considered to be of an acceptable standard and would not have a detrimental impact upon the character of the area.

Conservation Considerations

The proposal site is also within close proximity to a Grade II Listed Building and a Conservation Area; however it is not considered that the proposals would have any significant affect in this regard. This is because the alterations are relatively small scale

in a locality that is already commercial in character; there are also sufficient separation distances of approximately 60 metres. MBC's Conservation Officer has also been consulted on the proposals and wished to raise no objection subject to the insertion of a condition regarding a detailed landscaping scheme (to include hard surfacing). The Conservation Officer has also suggested that it would be beneficial to consult KCC archaeologists in view of proximity of a known Roman site. However as the hardstanding is retrospective; it is considered that there would be no benefit in consulting KCC archaeology at this stage, as the excavation works have already taken place.

Loss of Agricultural Land

It is stated by the applicant that the area of grassland that has been converted to hardstanding was previously part of the adjoining property 'The Limes' garden land, which would be considered as brownfield land. Concern has been raised by Councillor Wilson with regards to the loss of Grade 1 Agricultural land. It would appear that the projecting section of land was previously part of the small paddock adjacent to 'The Limes'. MBC's Agricultural advisor has been consulted on this application and stated that the land in this area in general is Grade 1 (excellent) quality on the DEFRA map, however the area of land concerned is very small and has now effectively been squared off. The paddock also does not appear to be in particularly productive agricultural use. Therefore having taken all of the relevant issues into consideration, on balance it is concluded that the loss of such a small piece of projecting agricultural land would not be significantly harmful enough in agricultural terms to warrant a refusal on such grounds.

Parking Provision

With regards to highway and parking related issues Kent Vehicle Parking Standards-SPG4 requests that one parking space should be provided per 20sqm of floor space. The building has a footprint of 58sq metres and 3 staff spaces are proposed, which is considered acceptable. 5 visiting staff parking spaces are also proposed, whilst this may be argued to be a slight over provision, it is not considered significantly harmful enough to warrant a refusal on such grounds. This is because the nature of the business is such that visiting spaces are required to ensure safety in terms of parking provision. The site is also relatively isolated, and although there is a bus service for this locality, the area is not well linked to public transport networks. It is considered that the applicant has demonstrated that there is a requirement for additional parking on the site in relation to the functioning of the business. In the absence of any demonstrable harm there would be no justified reason for refusal. It is also accepted that the proposal would help to ensure highway safety, as vehicles would not need to park on the nearby road, which is narrow. The KCC Highways Officer has also been consulted on the proposals and has raised no objection, subject to the inclusion of a condition relating to the insurance that the access details shown on the approved plans would be completed to the satisfaction of the Local Planning Authority. As the

development has already been partly completed, it is not considered reasonable or necessary to enforce this condition.

Neighbouring Amenity

When considering whether the proposal would have any significant impact on the amenity of neighbouring properties, given that the proposal relates to a perforated fence and area of hardstanding and that the nearest residential property is 43 metres from the area of development, it is not considered that there would be any significant amenity issues as a result of the proposal.

Drainage

With regards to drainage issues raised by the Parish Council, it is not considered that there would be any problems as a result of the proposal as water can run-off into the surrounding fields.

Conclusion

All of the relevant issues have been discussed above and the proposal is acceptable in every respect. For the reasons set out above, the alterations meet all of the relevant provisions of Maidstone Borough-Wide Local Plan 2000 and with those within the Kent and Medway Structure Plan 2006. It is therefore considered that that the proposal is acceptable, and Members are therefore recommended to give this application favourable consideration, subject to the imposition of suitable safeguarding conditions.

RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

2. The development shall not commence until details of both hard and soft landscape works including species and their location, have been submitted to and approved in writing by the Local Planning Authority. The details should be in accordance with MBC's Landscape Guidelines and the development shall be carried out in accordance with the approved details before the first occupation of the building or land;

Reason: To ensure a satisfactory appearance to the development in accordance with Policies ENV28 and ENV35 of the Maidstone Borough-Wide Local Plan 2000 and Policies EN1, QL1, QL6 and EP9 of the Kent & Medway Structure Plan 2006.

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

Reason: To ensure a satisfactory setting and external appearance to the development in accordance with Policies ENV28 and ENV35 of the Maidstone Borough-Wide Local Plan 2000 and Policies EN1, QL1, QL6 and EP9 of the Kent & Medway Structure Plan 2006.

Informatives set out below

Any entrance gates erected shall be hung to open away from the highway only and shall be set back a minimum distance of 5.5 metres from the carriageway edge.

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 Kent and Medway Structure Plan 2006) and there are no overriding material considerations to indicate a refusal of planning consent.