

APPLICATION: MA/12/1426 Date: 3 August 2012 Received: 4 December 2012

APPLICANT: Wright Holdings Ltd

LOCATION: LAND AT, PENHURST CLOSE, GROVE GREEN, KENT

PARISH: Boxley

PROPOSAL: Erection of single storey building comprising four retail units for uses falling within Use Classes A1, A2, A3, or D1, with associated pedestrian and vehicular access ways, refuse stores, car parking, CCTV cameras with secure recording room, and landscaping as shown on drawing nos. 1842/01 and 1842/02/B received on 3/8/12; and drawing nos. 1842/03/J, 1842/04/G and 1213/12/6/A received on 4/12/12.

AGENDA DATE: 14th March 2013

CASE OFFICER: Geoff Brown

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

- It is contrary to views expressed by Boxley Parish Council and committee consideration has been requested.
- The proposal is a departure from the local plan and has been advertised as such.

## **1. POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV23, ENV24, R1, R10, R17  
South East Plan 2009: CC1, CC4, CC6, BE1, NRM5  
Village Design Statement: N/A  
Government Policy: NPPF

## **2. HISTORY**

The relevant planning history is considered to be:

- MA/11/1965 - Erection of seven dwellings, comprising three 3 bed dwellings and four 2 bed houses with 11 car parking spaces (including 1 visitor) – APPROVED WITH CONDITIONS

- MA/10/1028 - Erection of 4 no. 3 bedroom houses, 7 no. 2 bedroom flats and 3 no. 1 bedroom flats with associated parking and landscaping – REFUSED (NON DETERMINED), DISMISSED AT APPEAL
- MA/04/0440 - Renewal of planning permission MA/01/0069, being an outline application for the erection of a building to be used for a mixed use for assembly and leisure purposes (D2) and for library facilities (D1) with all matters reserved for future consideration, by variation of condition 1 (outline time condition) – APPROVED WITH CONDITIONS
- MA/01/0069 - Renewal of planning permission MA/97/1370N, being an outline application for the erection of a building to be used for a mixed use for assembly and leisure purposes (use class D2) and for library facilities (use class D1), with all matters reserved for future consideration, by variation of condition 01 (outline time condition) - APPROVED WITH CONDITIONS
- MA/97/1370 - An outline application for the erection of a building to be used for a mixed use for assembly and leisure purposes (use class D2) and for library facilities (use class D1) with all matters reserved for future consideration - APPROVED WITH CONDITIONS

### **3. CONSULTATIONS**

#### **3.1 BOXLEY PARISH COUNCIL states:**

“The Parish Council wishes to reiterate its previous reasons, given below, and makes further comments below.

Wish to see refused for the following planning reasons:

- Highway issues. The development would attract additional traffic and potential on-street car parking in Penhurst Close causing a hazard for pedestrians and other road users. The developers are relying on potential customers using the Tesco’s car park however if this becomes unavailable or proves an unattractive option to customers they would use the car parking at the rear of the units which would be inadequate.
- Impact on residents. Any additional traffic on the close, especially frequent traffic movements associated with such development, would have an adverse impact on the residential amenity and quality of life for residents living there.
- Noise pollution. The type of development planned for the site, especially the A3 & A5 use, is inappropriate for a small residential close. The late night traffic (vehicular and pedestrian) associated with such development will have a detrimental impact on Penhurst Close properties and would also impact on the residential properties on Grove Green Lane and Weaving Street.

Machinery associated with A3 & A5 development is often poorly insulated and when in such close proximity to residential properties will have, especially late at night, an unacceptable impact on residents quality of life.

- Air pollution. It is impossible to eradicate food smells from A3 & A5 development and again the close proximity to residential properties would make such development unacceptable.
- Litter and anti-social behaviour. Penhurst Close and the adjacent open space, because of its isolation and its position close to the minor shopping area, has attracted anti-social behaviour in the past and it is likely that this development, especially if A3 & A5 is allowed, would attract anti-social behaviour. Concern was raised about the alleyway between the development and the Dentist.

If the Planning Committee was minded to agree the development then members asked that the following conditions be imposed:

1. Do not allow A3 & A5 development. If allowed there should be a condition requiring owners to undertake regular litter picks of the Close and Open Space.
1. Restrictions on opening hours and delivery times to ensure residents are not subject to disturbance early in the morning, late at night or on Sundays.
2. Noise suppressors and relevant insulation on machinery to mitigate against noise.
3. Installation of proper controls/machinery to stop strong smells etc.
4. Landscaping should reflect and compliment the planting at the adjacent community orchard.
5. A planning-out crime review should be undertaken. Concern was raised over the alleyway being created and the lack of lighting and security.
6. No flashing or illuminated signs as this would disturb residents living in close proximity to the units.

With regards to the new amended details it wishes to make the following additional response.

Whilst acknowledging the removal of A5 (hot food takeaways) classification there is still concern that the A3 (restaurants and cafes) classification would have an adverse and unacceptable impact on the local community. The addition of food outlets at the site will have direct adverse impact on the residential properties of Penhurst Close and possibly Grove Green Lane.

The parish council strongly objects to the proposed opening times of all the units (8am – 10 pm Mon – Sat and 10.00am – 4.00pm Sunday ) as it fails to see why they should open until 10.00 pm and mirror the Sunday opening times of Tesco's when most, if not all, of the other retail units at the minor shopping centre do not.

The retention of the shop frontages and entrances directly into Penhurst Close is unacceptable as it will encourage additional traffic into the cul de sac. If the proposed car park is only open to staff and deliveries then why is it considered necessary to have a double frontage? There is also the issue of light disturbance to the residential properties facing the Penhurst Close shop frontages.

Penhurst Close is a small cul de sac not suited to numerous delivery lorries and vehicles. In order to stop the public using the staff car parking gates will have to be installed and this will result in the road and possibly footway being blocked. It is felt that delivery vehicles will have a negative impact on the safety of pedestrians, from Weaving Street and beyond, who use Penhurst Close to access the minor shopping area as there is an insufficient turning circle.

It is noted that CCTV cameras will be provided on the alleyway but it is not clear why this alleyway is retained if, as the applicant states, most of the foot traffic will come from the Tesco owned car park as a slope already connects the car park to the existing hall and dentists.

It should be noted that Tesco Property Ltd owns the minor shopping area including the adjacent retail units and the car park. It is not clear whether the applicant has been in discussion with Tesco Property Ltd or what would happen if that company considers that the new retail units are in direct conflict with the store and existing retail units and then refuses to allow customers of the Penhurst Close retail units to use its car parking facilities.

If the Planning Committee was minded to agree the development with the amended details then members asked that the following additional conditions be imposed:

7. Restrictions on the size of delivery vehicles entering into Penhurst Close.
8. Restriction on any take away service offered by restaurants and or cafes.
9. Restrictions on the lighting of the car parking and frontages on Penhurst Close.

Prior to any approval the parish council would like to see a noise survey from the proposed units built into the roof and also information on the units being used to eliminate the smells from any A3 units."

### 3.2 KENT HIGHWAY SERVICES states:

"The site lies adjacent to a Doctors surgery and behind a supermarket. Access is made via Penhurst Close onto Grovewood Drive and this is adequate for this development proposal. Pedestrians are able to access the site from the

supermarket car park or Penshurst Close. 12 parking spaces are proposed and this is below the maximum standard in the Kent & Medway Vehicle Parking Standards which recommends 1 space per 25m<sup>2</sup> which would equate to 19 spaces for the 468m<sup>2</sup> of retail use. I note that parking along Penshurst Close already occurs and this shortfall in parking may lead to additional demand for on street parking which would lead to amenity issues. However I do not consider that this will be detrimental to highway safety and therefore I have no objections to the proposals in respect of highway matters subject to the following condition(s) being attached to any permission granted" [conditions are then recommended with regard to measures to prevent the deposit of mud, etc. onto the highway, the safeguarding of parking and turning space, and the safeguarding of cycle spaces.]

- 3.3 THE KCC BIODIVERSITY OFFICER has examined the ecological survey that has been submitted with the application and notes the comments therein that there is limited potential for the site to contain protected species as the site contains regularly managed grassland. She points out that a previous scoping and reptile survey identified areas of scrub and rough grassland that may have had potential for low numbers of reptiles: a precautionary approach to site clearance was recommended. There is now a limited potential for reptiles and no further information is required. Landscape works should be carried out to provide enhanced habitat.
- 3.4 THE MBC LANDSCAPE OFFICER has examined the submitted tree survey and landscape plan and has no objection subject to conditions to secure the landscaping scheme.
- 3.5 THE MBC ENVIRONMENTAL HEALTH OFFICER has no objections subject to conditions to cover the detail of a scheme for the ventilation of fumes and odours and waste disposal.

#### **4. REPRESENTATIONS**

- 4.1 COUNCILLOR HINDER states:

"I feel I must object to application for the following reasons;

I do not think there is a need for this sort of business in this area, this area already has a very busy shopping area which attracts customers from a very wide area.

This area around Penhurst Close has been the subject of a lot of anti-social behaviour over many years and I am concerned that to allow Takeaway business's here will encourage and attract even more of it.

The Parish Council has recently planted the land next to site as an orchard and I have fears that this sort of development will create a big litter problem.

I understand that the development will face the houses in Penhurst Close and because the land is higher will mean this houses and flats will be overlooked and suffer from a lack of privacy.

I have been contacted by several very worried and concerned residents who are also concerned that the development is out of keeping with the area and that the design does not fit in well with the surroundings. I believe they were happy enough to accept the previous application for residential use.”

These comments were made prior to the removal of the proposed takeaway use from the application.

4.2 Before the scheme was amended to delete the proposed A5 use (hot food takeaways) 55 LETTERS OF OBJECTION WERE RECEIVED FROM LOCAL RESIDENTS. LETTERS OF OBJECTION WERE ALSO RECEIVED FROM THE GROVE GREEN RESIDENTS ASSOCIATION AND THE GROVE GREEN ORTHODONTIC CENTRE. THE FOLLOWING (SUMMARISED) POINTS WERE RAISED:

- a) The publicity for this application has not been adequate.
- b) The scheme would give rise to excessive noise and disturbance to local residents from people arriving and leaving by vehicle or on foot. Deliveries would cause disturbance. There would also be problems from smells from cooking and food. Lights would cause a loss of amenity.
- c) There would be a loss of privacy, a loss of light and a loss of view to residential property.
- d) The scheme would disrupt the area and be out of character with it. The Jubilee Orchard would be adversely affected. The design of the units is not appropriate and there would be light pollution.
- e) Penhurst Close is not suitable to serve the development. There would be parking problems on local roads as the parking provision would be inadequate, particularly if the supermarket car park were unavailable. Pedestrians would not have safe access.
- f) There would be an increase in anti-social behaviour.
- g) There would be an increase in litter.

h) Amenity problems would be particularly bad with regard to hot food takeaway outlets.

i) This development would encourage out-of-town retailing at the expense of the town centre.

j) There is no need for this sort of facility.

k) A redevelopment for housing would be more appropriate.

ONE LETTER OF SUPPORT FROM A LOCAL RESIDENT WAS RECEIVED.

Amended plans removed the proposal for hot food takeaway uses, outlined CCTV security measures and altered the landscaping scheme. All parties were re-notified. IN RESPONSE 10 LOCAL RESIDENTS CONFIRM THEIR OBJECTIONS AND THE FOLLOWING (SUMMARISED) POINTS ARE RAISED:

a) Previously expressed objections are reiterated.

b) CCTV would not deter anti-social behaviour.

c) The removal of the takeaway element is acknowledged but that use, and other changes, this could be applied for later.

## **5. CONSIDERATIONS**

### **5.1 Site Description**

5.1.1 The proposal site comprises an irregularly shaped parcel of land with an area of approximately 0.14ha designated as public open space in the Maidstone Borough-Wide Local Plan 2000 in the Grove Green area of Maidstone. The site comprises an undeveloped plot of land enclosed by fencing which at the time of the site visit was rough ground laid to grass, fenced and fringed by hedging and generally small trees. The site is roughly level, however the adjacent land levels fall towards the south.

5.1.2 The site is located within the defined urban area of Maidstone in the parish of Boxley, and comprises the northern part of a larger parcel of land which is allocated in the Local Plan for public open space under Policy ENV24. The land to the south of the site is included in this designation, and has been landscaped to provide a children's play area and pedestrian access from Penhurst Close to Weaving Street.

- 5.1.3 The site is located on the western side of the head of Penhurst Close, an unclassified highway extending southwards from Grovewood Drive. The site is approximately 60m to the south of the junction of the two highways.
- 5.1.4 Penhurst Close is characterised by residential development along its eastern side comprising two storey blocks of flats arranged around a parking area accessed from Penhurst Close. To the west of Penhurst Close, immediately north of the proposal site, is a single storey detached building used as an orthodontic surgery. To the north of this building, on the junction with Grovewood Drive, is a larger detached building which serves as a community hall. Both these buildings are set back from the highway by approximately 12m from the public highway, with off road parking provided to the front of both establishments. Immediately adjacent to the rear (west) of the site is a large supermarket and associated infrastructure including car parking and a petrol station, which is designated in the Local Plan as being a local retail centre under the provisions of Policy R10, and two detached dwellings granted planning permission in the late 1980s which face the site.

## **5.2 Proposal**

- 5.2.1 This application proposes the erection of a rectangular, single storey building to form four retail units. These units would be used for uses within use classes A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes) or D1 (non residential institutions): the application seeks flexibility between uses and the precise use of each unit is not stipulated at this stage. A5 use (hot food takeaways) was previously proposed but has now been deleted from the application.
- 5.2.2 The building would be located close to the western boundary of the site (ie the boundary with the Tesco's car park). It would fill much of the width of the site and would have a 'footprint' of approx. 30m by 16m. The structure would have a pitched roof but with a 'cut-out' section along the ridge line to accommodate plant and machinery: the building would be approx. 3.5m to eaves and 6.8m to the highest part of the roof.
- 5.2.3 The building would face the supermarket car park with large display windows and the customer entrance. Access would be achieved from the car park by new pedestrian pathways and an access ramp, with pathways extending around the north and east elevations (but with no path along the southern flank). The side elevations would have no openings. On the rear (east facing) elevation, again there would be display windows and access doors and this has been devised to provide design detail to what would otherwise have been a bland rear elevation to the building. The units would be constructed of a red stock brick with red



brick of a different make to provide decorative feature banding and piers. The roof would be of 'Eternit' fibre cement slates.

- 5.2.4 Externally, a parking area for 12 cars is proposed to the rear (east) of the building with vehicular access onto the existing turning head at the end of Penhurst Close. Two bin enclosures are proposed close to the building, with bike racks in the same vicinity. Security features are proposed with CCTV monitoring and security bollards at the boundary of the car park with the footway along the rear elevation of the building.
- 5.2.5 A detailed landscaping scheme is put forward based on a tree survey. This is discussed in more detail below but generally proposes the retention of the existing trees around the boundaries of the site. New planting is proposed in the eastern part of the land in the form of a line of crab apple trees along the Penhurst Close frontage, with low level planting behind that.

### **5.3 Principle of Development**

- 5.3.1 The site is located in an urban area where a range of uses may be acceptable. The site is allocated as public open space under the provisions of Policy ENV24 and this application has therefore been advertised as a departure from the provisions of the development plan. However, at the appeal into MA/ 10/1028 (a redevelopment for housing) the Inspector concluded that there would be limited harm from conflict with ENV24 and acknowledged that the site is not required for open space purposes or community facilities. Since then the Council has granted permission for residential development under MA/11/0965 and therefore the open space allocation is no longer an obstruction to redevelopment.
- 5.3.2 Policy R10 designates Grovewood Drive, Grove Green as a local retail centre with the intention of maintaining existing retail uses and also to look favourably upon further class A1 retail development in, or immediately adjacent to, the existing local centre, subject to detail. This site is adjacent to the local retail centre allocation. I note that R10 is silent on A2, A3 and D1 uses but it seems to me that these uses constitute community uses appropriate to a local centre. In terms of general principles, the NPPF places a firm emphasis on the encouragement of sustainable economic development. I conclude that the principle of the development is acceptable.

### **5.4 Visual Impact**

- 5.4.1 The development proposed here has been the subject of pre-application discussions and I consider that the scheme constitutes good quality design. This is an area of mixed uses and a variety of different buildings in terms of scale, design and materials. There is housing here but also the larger scale structures

of the community hall, the surgery and (further afield) the supermarket buildings. I consider the proposed to be of modest scale (an overall height of approx. 6.8m is certainly not excessive) and the design importantly acknowledges the need for the structure to provide an 'active' frontage to both front and rear through the use of appropriately designed display windows and entrance features. Materials are good quality and appropriate to the locality.

## **5.5 Landscaping**

- 5.5.1 The application is accompanied by a tree survey and detailed landscaping proposals. All of the trees are located just off site: individually, none are regarded as being of significant amenity value although there is some group value. No trees would be removed as a result of the development and trees would be protected during construction, including by hand excavation on parts of the western boundary to protect the line of trees between the site and the local centre car park.
- 5.5.2 New planting is proposed to complement the existing vegetation. The principle element of this involves landscaping work in the eastern part of the site to help soften the impact of the car park and rear elevation, bin stores, etc. This involves the establishment of a line of crab apple trees along the Penhurst Close frontage and walnut trees on either side of the access point. Inside this, on the northern side of the car park, a grassed area would be formed with low level shrubs and lines of hedging. This is deliberately low level in order to provide clear views for the various cctv cameras that would be put in place at the request of the Crime Prevention Design Advisor. I agree with the Landscape Officer that the landscaping scheme is appropriate: in my view it would adequately soften the appearance of the scheme and provide some ecological enhancement.

## **5.6 Ecology**

- 5.6.1 An ecological survey has been submitted with the application. That report concludes:

"Overall, habitats within and adjacent to the site were considered to be of very low wildlife value and it is considered unlikely that the site supports any significant population of any protected species."

The report recommends that a precautionary approach is taken to site works to avoid the bird nesting season and to carefully investigate fox earths. No other measures or mitigation works are considered necessary. As reported above the KCC Biodiversity Officer has no objection and there is no justifiable reason to object to this application on ecology grounds.

## **5.7 Residential amenity**

- 5.7.1 The proposed location and design of the building is such that there would be no significant loss of light, outlook or privacy here. Impact of noise and disturbance is a more balanced issue given the blocks of flats in Penhurst Close that face the site and the dwellings to the west of the site that are accessed from a short spur road that leads north from Grove Green Lane. The uses proposed raise the potential for noise and disturbance from 'comings and goings' from vehicles and pedestrians (rather than the uses in themselves being inherently noisy).
- 5.7.2 The previously proposed A5 hot food takeaway use has now been removed from the application in response to public concern. Other uses have the potential for some disturbance but, to my mind, the dwellings around the site must already experience some loss of amenity from the operation of the supermarket car park (which has 24 hour operation) and, to the east, activities associated with the community hall and surgery. In addition it would be the front elevations and gardens of properties that would be affected by the development rather than any private areas to the rear of the houses. Provided that the hours of use of the units proposed are restricted, I do not consider that the uses would have such a significant impact on amenity as to warrant a refusal here from either noise and disturbance or light pollution. Conditions can be imposed to control hours of use and the design of kitchen ventilation equipment. The hours of use of the units is intended to be 0800-2200 Monday to Saturday and 1000 to 1600 on Sundays and I consider that acceptable. I conclude that there would be no significant loss of residential amenity here.

## **5.8 Highways**

- 5.8.1 I agree with the Highways Officer that the development would be adequately served by Penhurst Close which has footways on both sides and an existing turning head that could be adapted to provide access to the site. This is a sustainable location for new development and the public could access the site by a number of options including on foot, cycle, or by public transport. There would also be the propensity for linked shopping trips with the existing facilities at the local centre. The 12 space car park is intended primarily for staff and deliveries with customer parking taking place within the local centre car park as happens at present for the surgery and community centre. With all of these factors in mind I consider the parking provision to be adequate.

## **5.9 Other Issues**

- 5.9.1 Litter and anti-social behaviour are essentially matters for the police although I propose to impose a condition requiring details of litter bins to be submitted for

approval, whilst the developers have amended their scheme to address anti-social behaviour following liaison with the Crime Prevention Design Advisor. Illuminated advertisements would require the benefit of separate advertisement consent.

- 5.9.2 Whether or not the facilities proposed here are needed by the community or whether there is a demand for such units are matters beyond the scope of planning control. I am satisfied that small units of this nature would have no significant impact on the vitality and viability of existing facilities in this locality or in the town centre.
- 5.9.3 The publicity for this application has been carried out in accordance with the Council's usual procedures and I consider it properly carried out.

## **6. CONCLUSION**

- 6.1 The Council has accepted that development of this site can go ahead without the need to safeguard the land as public open space. The Local Plan allows for enhanced facilities in or adjacent to the local retail centre and I consider the principle of this development to be acceptable. Details are appropriate and the residential amenities of local residents can be safeguarded through the appropriate conditions. I recommend that planning permission be granted. The publicity period with regard to advertisement as a departure from the development plan has not yet expired and therefore I phrase my recommendation to request delegated powers to permit.

## **7. RECOMMENDATION**

SUBJECT TO:

The receipt of no representations raising new planning issues as a result of the publicity of this application as a departure from the provisions of the Development Plan

I BE DELEGATED POWER TO GRANT 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 hereby permitted shall be carried out in accordance with the following approved plans:  
drawing nos. 1842/01 and 1842/02/B received on 3/8/12; and drawing nos. 1842/03/J, 1842/04/G and 1213/12/6/A received on 4/12/12;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers in accordance with Policies CC1 and CC6 of The South East Plan 2009.

3. 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. This in accordance with Policies CC1 and CC6 of The South East Plan 2009.

4. 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. This in accordance with Policy ENV6 of The Maidstone Borough-Wide Local Plan 2000.

5. The units hereby approved shall only be open for business between the hours of 0800-2200 Monday to Saturday and 1000 to 1600 on Sunday. The units shall not be open for business outside of those times;

Reason: In the interests of residential amenity. This in accordance with Policies CC1 and CC6 of The South East Plan 2009.

6. No development shall commence on site until detailed plans and specifications of the appearance and location of and the equipment comprising a ventilation system have been submitted to and approved by the LPA. Such details should include the required measures to suppress and disperse fumes and odours, noise and vibration due to cooking on the premises. Equipment shall be installed and in full working order to the satisfaction of the LPA prior to the commencement of

use and shall be maintained in accordance with the manufacturers instructions for as long as the approved use continues.

Reason: In the interests of visual amenity. This in accordance with Policies CC1 and CC6 of The South East Plan 2009.

7. Before development commences details of the provision of a litter bin on the exterior of the units shall be submitted to and approved by the Local Planning Authority. The approved bin shall be provided before the first use of the units hereby approved and maintained thereafter;

Reason: In the interests of the amenity of the area. This in accordance with Policies CC1 and CC6 of The South East Plan 2009.

8. 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. This in accordance with Policies CC1 and CC6 of The South East Plan 2009.

#### Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed.

The applicant/agent was provided with formal pre-application advice.

This proposal is considered to be contrary to the provisions of the Development Plan. Planning permission has been granted in this case, as an exception to the provisions of the Development Plan, in recognition of there being an extant permission for a residential development of the site; whilst it has been demonstrated that there is no longer a need for the site to be allocated as public open space.