

APPLICATION: MA/09/0671 Date: 22 April 2009 Received: 23 April 2009

APPLICANT: Mrs Pam Thomas, Madginford Pre-School

LOCATION: MADGINFORD COMMUNITY HALL, EGREMONT ROAD, BEARSTED, KENT, ME15 8LH

PROPOSAL: Erection of a new single storey nursery school building in accordance with plans numbered PT-08-001 001; PT-08-001 002; PT-08-001 003, PT-08-001 004 as received on the 23 April 2009.

AGENDA DATE: 23rd July 2009

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

### **POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV6, T13  
SE Plan 2009: CC4, CC6, T4  
Village Design Statement: N/A  
Government Policy: PPS1, PPG13

### **HISTORY**

Whilst there is significant planning history for this site, these relate to the main school building and as there is no planning history relevant to this application.

### **CONSULTATIONS**

**Bearsted Parish Council** were consulted and objected to this proposal. The concerns raised by the Parish Council are as follows:

'The proposed development would result in increased traffic and pedestrian flows, particularly at peak times, with conflicts in the direction of these movements. There currently exists, and will remain, restrictions relating to ingress and egress from the car park between the hours of 2-4 p.m. In addition the proposal would result in the loss of amenity within the Hall grounds.

Removal of the bund mounds to locate the new building - These bunds were installed to minimise residential noise levels from the existing hall, being part of an agreement with the residents to allow the building to take place.'

**Maidstone Borough Council Environmental Health Officer** was consulted and made the following comments: 'The only issue of potential concern is the possibility of noise from children attending this facility. If permission is granted, the organisers must keep noise to a reasonable level. No objections.'

**Kent County Council Highways Authority** were consulted and raised no objection to this proposal as there is adequate parking and turning facilities already within the site.

## **REPRESENTATIONS**

Neighbouring properties were notified and one letter of objection has been received. The main concerns within this letter are:

- The development will breach the human rights of the residents of Merton Road;
- The trees and green lung will be lost in favour of a commercial development;
- Increased traffic will be a problem.

## **CONSIDERATIONS**

### **Site Description**

The application site is within the grounds of a complex containing Madginford Primary School (both infants and juniors), library and community centre, in Egremont Road, Bearsted. The site is an area of open ground, which contains a bund of approximately 1.8metres in height (which contains a small number of trees and shrubs). The site is currently unused for any specific purposes. Immediately to the north and east of the application site is a car park which is used for the library and community centre (which are sited beyond this car park to the east). To the west of the application site are residential properties, which are separated from this site by high fences (with again, a number of trees and shrubs along this boundary). These properties are approximately 14metres away from the boundary. To the south of the application site lies the school playing fields for the infants school.

The site lies within the grounds of the school, library and community centre, with access gained through the main gates.

### **Proposal**

The proposal is for the erection of a flat roof, detached building which would provide a pre-school facility, including two classrooms and ancillary facilities (toilets/office/kitchen). The building would have a maximum width of 18metres, a

depth of 10.8metres, and a maximum height of 3.1metres to apex. A small play area is also proposed to the rear of the building, which would be fenced of (although no details of the fence have yet been provided).

The proposal would see the loss of an existing bund, which at present contains a number of small trees and shrubs. There is one silver birch tree within this bund, which is of limited value, and two other large shrubs, which appear to be self-seeded.

## **Principle**

Whilst the site is at present open space, it is acknowledged that the land falls within the curtilage of the school buildings, and as such the site constitutes previously developed land, within the urban confines. The principle of such a development is therefore considered acceptable within this location.

## **Design**

As stated above, the building would have a flat roof. This building is not of a high standard of design, however, it would reflect many of the existing structures within the vicinity, namely the library building; the shops facing Egremont Road, and the existing school are all flat roof buildings, and as such this would be contextual within the locality, and would not appear unduly incongruous within the locality.

In addition, this building would be relatively tucked away from public views, and whilst adjacent to a public building (the village hall) would not be seen from any other public vantage point – i.e. a highway, or public footpath. As such, its impact upon the character and appearance of the area would be minimal. In addition, further landscaping should be provided along the boundary, to ensure that the proposal is screened from the rear of the neighbouring properties. It is considered appropriate to therefore impose a condition upon any permission to ensure that the landscaping is provided and thereafter maintained.

The proposal would not incorporate a significant level of soft landscaping as the site is restricted by its size. However, it is proposed that indigenous planting be incorporated within any landscaping plan along the western boundary to soften the impact of the proposal, and to mitigate against the loss of the existing trees.

The proposal would be located within a grassed area alongside the car park, which as stated, contains a small number of trees and shrubs. The proposal would see the loss of these shrubs, however, I have visited the site with the Councils' arboriculturist, who has confirmed that these trees are not of a sufficient quality to have a preservation order placed upon them. It is his view that whilst of some amenity value, their loss could be mitigated against with additional planting, which the applicant has confirmed that he is happy to carry out. It is therefore considered appropriate for a condition to be imposed which would see additional landscaping provided along the boundary with

the site, as well as a condition which would ensure the long term preservation of the large tree within the south-western corner of the site (i.e. root protection). Should this additional landscaping be provided it is considered that the proposal would not be to the detriment of the character and appearance of the area, and as such would comply with the objectives of the Development Plan.

It is not considered therefore that the proposal would have a detrimental impact upon the character and appearance of the area as a whole.

### **Residential Amenity**

Whilst the proposal is in close proximity to the boundary (3metres) with the properties within Merton Road, due to the flat roof design of the building, it is not considered that this proposal would have any significant impact upon the residential amenities of the neighbouring occupiers in terms of overshadowing. The properties have a garden depth of approximately 14metres, with an existing 1.8/2metre high fence along this boundary with mature shrubs, and a small number of trees, which would restrict views of this proposal from these neighbouring properties. In addition, it is proposed that additional trees be planted along this boundary, which would further restrict the impact of the proposal.

The proposal would not have any side facing windows and as such would not result in any overlooking of neighbouring properties.

The use of the site is not considered to give rise to any significant concerns in terms of noise and disturbance to the neighbouring occupiers. The proposal would only be operated during normal school hours, and as such would not result in disturbance during the evenings and weekends. Regardless, it should be noted that there is already a large school, with playing fields in close proximity to this site, which generates noise (when children are playing outside) and it is not considered that this additional use (despite the proximity to the boundary) would be likely to significantly exacerbate this.

### **Highways**

As stated above, Kent County Council Highways Authority were consulted and raised no objections to this proposal. Adjacent to the application site is a large surface car park (which contains approx 35 spaces) which currently serves the hall the other community uses within the site. This site is also considered to have a suitable level of access inot and out of the site, via Egremont Road, with this additional use, not considered likely to generate a level of additional traffic that would be to the detriment of highway safety within the locality. This access allows for two way traffic movements. The Parish Council have raised concerns about the access, however, it is considered that the proposal a sufficient level of parking and the access and internal roads are adequate to absorb the additional traffic movements – these are of sufficient width, and due to the slow speeds that one would travel upon these internal roads, it is not felt that there

would be any impact upon the safety of road users or pedestrians. It is therefore opined that this proposal accords with the policies within the development plan in respect of highways, and as such does not warrant a refusal on these grounds.

## **Conclusion**

It is therefore concluded that the application would not result in any significant detrimental impact either upon the character of the area, nor the amenities of the neighbouring occupiers. It is also not considered that the proposal would be to the detriment of highway safety. It is therefore recommended that Members give this application favourable consideration, and grant planning permission subject to the imposition of the conditions as set out below.

## **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. Prior to the commencement of the development, written details and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted shall be 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 in accordance with PPS1.

3. The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building or land and maintained thereafter;

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

4. The development shall not commence until, details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority 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 PPS1.

5. 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: To safeguard the external appearance and character of the building in accordance with PPS1.

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 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 the visual amenity of the locality in accordance with PPS1 and 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 building 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 and Policy ENV6 of the Maidstone Borough Wide Local Plan 2000.

8. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction-Recommendations'. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development in accordance with PPS1 and Policy ENV6 of the Maidstone Borough Wide Local Plan 2000.

9. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. If any retained tree is removed, uprooted or destroyed or dies, a replacement tree shall be planted and that tree shall be of such size and species, and shall be planted at such time and in a position to be agreed with the Local Planning Authority, as may be specified in writing by the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development in accordance with PPS1 and Policy ENV6 of the Maidstone Borough Wide Local Plan 2000.

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.