

APPENDIX

APPLICATION: MA/13/1711 Date: 6 October 2013 Received: 21 November 2013

APPLICANT: Dr Peter Szwedziuk

LOCATION: 97, HOLLAND ROAD, MAIDSTONE, KENT, ME14 1UN

PARISH: Maidstone

PROPOSAL: An application for outline planning permission for the erection of 5 No. town houses with all matters reserved for future consideration as shown on drawing numbers 1339PS-PP01, 1339PS-PP02, 1339PS-PP03, 1339PS-PP04 and 1339PS-PP05 supported by a design and access statement and covering letter, all received 7th October 2013; NHS Property Services letter received 24th October 2013; and Arboricultural Impact Assessment and drawing numbers 1339PS-PP-T1, 1339PS-PP-T2, 1339PS-PP-T3 and 1339PS-PP-T4 received 21st November 2013.

AGENDA DATE: 6th February 2014

CASE OFFICER: Catherine Slade

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

- it has been called in by Councillor Naghi for the reasons set out in the report.

1. **POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6, T13, CF3
- Government Policy: National Planning Policy Framework 2012

2. **HISTORY**

MA/97/0310	Single storey rear extension, conversion of garage to practice nurse/treatment room, and rear entrance ramp with extended car parking area – APPROVED SUBJECT TO CONDITIONS
MA/89/1097	Demolition of single storey garage and erection of 2 storey extension to surgery – APPROVED SUBJECT TO CONDITIONS
MA/79/1731	Extension for additional doctors surgery and W.C. – APPROVED SUBJECT TO CONDITIONS
MA/75/1369	Change of use from dwelling to doctors surgery – APPROVED SUBJECT TO CONDITIONS

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MA/74/0770	Demolition of 97 Holland Road and erection of twelve flats - REFUSED
MA/74/0276	Three storey block and 3 No. 4 person flats and 23 car parking spaces - REFUSED
73/0833/MK1	The demolition of existing building and erection of two storey block of bed sitting units - APPROVED SUBJECT TO CONDITIONS
73/0535/MK1	Outline application for the demolition of the existing dwellinghouse and the erection of a three storey block comprising twenty one bed sitting units - REFUSED
61/0542A/MK1	Continued use of premises as additional accommodation for Maidstone College of Art - RAISE NO OBJECTION
61/0542/MK1	Use of premises as additional premises for College of Art - RAISE NO OBJECTION
60/0085/MK1	Erection of a detached bungalow and garage - APPROVED
59/0626/MK1	Outline application for the erection of a detached bungalow and garage - APPROVED SUBJECT TO CONDITIONS
53/0230/MK1	Outline application for the development land by the erection of houses thereon, having a frontage of approximately 340ft to Sittingbourne Road, and approximately 325ft to St Lukes Avenue and situated to the south of Riseholm - APPROVED SUBJECT TO CONDITIONS
51/0027/MK1	Change of use from two dwellings to two flats and one maisonette - APPROVED

3. CONSULTATIONS

- 3.1 **Maidstone Borough Council Landscape Officer** raises no objection to the proposal and makes the following detailed comments:
- 3.1.1 *"There are no protected trees on or adjacent to this site.*
- 3.1.2 *The Arboricultural impact assessment produced by MWA Arboriculture Ltd is very thorough but I do have reservations about the number of units proposed on the site and potential issues around future pressure for removal of trees, particularly the Lime tree identified as T1.*
- 3.1.3 *If, however, you are minded to grant consent for this application you will need to ensure that there is a strong condition attached requiring compliance with the recommendations of the above arboricultural method statement prior to the submission of a detailed application."*

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3.2 **The Kent County Council Highway Services** raise no objection to the proposal, and make the following detailed comments:

3.2.1 *"Zero off road parking provision at this location would be within the County's car parking standards. I write to confirm therefore on behalf of the Highway Authority that I have no objection to this application."*

3.3 **Southern Water** raise no objection to the proposal and make the following detailed comments:

3.3.1 *"Southern Water requires a formal application for a connection to the foul sewer to be made by the applicant or developer."*

3.3.2 *We request that should this application receive planning approval, the following informative is attached to the consent:*

3.3.3 *"A formal application for connection to the public sewerage system is required in order to service this development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688), or www.southernwater.co.uk".*

3.3.4 *Southern Water's current sewerage records do not show any public sewers to be crossing the above site. However, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site."*

3.4 **UK Power Networks** raise no objection to the proposal.

4. REPRESENTATIONS

4.1 **Councillor Naghi** has requested that the application be reported to Planning Committee on the grounds of "potential negative impact upon residential amenity and the streetscene." Concern was also raised in respect of the lack of on site parking.

4.2 5 representations were received. All representations raised concern over the proposal. The matters of concern are set out below:

- Insufficient on site parking provision.
- Impact on residential amenity.
- Loss of the existing medical facility.
- Lack of information relating to the scale and design of the proposed dwellings. Concerns over sustainability of development, including proposed level of Code for Sustainable Homes and option of refurbishment of existing building.
- Impact on services.

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- Loss of view.
- 4.3 Concern was also raised over the publicity procedure due to the site notice slipping down the sign post that it was attached to.

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 The proposal site comprises a part two storey, part single storey detached mid twentieth century building originally built as a dwellinghouse. The building has been used as a medical surgery since the mid 1970's, and remains a community facility to the current day. The remainder of the site is largely given over to hard surfacing. The site is located to the north east of the junction between Holland Road, the B2012, and St Lukes Avenue, an unclassified road.
- 5.1.2 The existing building is of limited architectural or historic interest, and is visually severed to a degree from the wider streetscene by an existing 1.8m brick wall.
- 5.1.3 The surroundings predominantly comprise residential properties of varying scale, age and appearance. The streetscape along Holland Road to the west of the site is made up of two storey Victorian semi detached and detached dwellings, whereas the properties to the north of the site along St Lukes Avenue are a mixture of Victorian and mid twentieth century semi-detached and detached dwellings. On the opposite side of Holland Road, to the south of the site, is an early twenty-first century development of three storey town houses and a substantial three and four storey apartment block which extends along Holland Road and south of the junction with Sittingbourne Road.
- 5.1.4 Notwithstanding the above, two of the buildings closest to the proposal site are in non-residential use. These are St Lukes Studio, a modest detached pitched roof building to the north of the site separating it from 24 St Lukes Avenue. The other is 9 Sittingbourne Road to the east of the site, a prominent detached Victorian building located on the junction of Holland Road and Sittingbourne Road, the A249. These buildings are understood to be in institutional use.
- 5.1.5 Holland Road in the vicinity of the site is subject to parking restrictions due to the proximity of the junction between the two A roads, and south of the site the road becomes two lane to provide filter lanes to service the junction.
- 5.1.6 The site is located in a sustainable edge of town centre location, and is within easy reach of a wide range of facilities, services and transport options. The site has no specific environmental or economic designations in the Maidstone Borough- Wide Local Plan 2000.

5.2 Proposal

- 5.2.1 The current application seeks outline planning permission for the erection of five dwellinghouses. As Members will be aware, applications for outline planning permission are assessed primarily in terms of the principle of the development,

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together with any matters to be considered under the scope of the outline application. The application is for outline planning permission with all matters being reserved, and therefore the detail of the proposal is not for full consideration at the current time. Although the application documentation states that all matters are to be reserved, the applicant has confirmed that the proposed development would not provide any on site parking, and therefore that there will not be any matters of access to determine.

- 5.2.2 Members will be aware that, following legislation published in 2010, Local Planning Authorities can no longer, in cases where layout and scale are reserved matters, require the applicant to provide details of the location of buildings, routes and open spaces within the development, or upper and lower limits for the height, width and length of the buildings proposed. The application therefore falls to be determined on whether the principle of the redevelopment of the site for the provision of five dwellings is acceptable or not.
- 5.2.3 Notwithstanding the above, the submitted documentation indicates that the dwellings would be arranged within the site in a pair of semi-detached properties and a terrace of three fronting onto Holland Road with front and rear gardens. The documentation describes the properties as being "three storey town houses of 3/4 bedrooms each" with a "similar design and feel as Kings Walk opposite".

5.3 Principle of Development

- 5.3.1 The planning policy context comprises the Development Plan (the saved policies of the Maidstone Borough-Wide Local Plan 2000, together with any other formally adopted planning policy documents), and national planning policy and guidance as set out in the National Planning Policy Framework 2012 (NPPF). There are no Local Plan policies relating to residential development in locations such as this, however the NPPF states that housing applications should be considered in the context of the presumption of sustainable development, which is identified as one of the key objectives of the planning system.
- 5.3.2 As stated above, the site is located in a sustainable location in close proximity to local facilities and services including shops, schools and health facilities within the defined settlement boundary of Maidstone. The site is considered to represent previously developed land and has no specific economic designations in the Local Plan. As such the principle of residential use in this location is considered to be acceptable in terms of the general principle of the siting of new residential development and sustainable development in general, as set out in the National Planning Policy Framework.
- 5.3.3 Notwithstanding the above, saved Local Plan policy CF3 seeks to prevent the loss of community facilities where an alternative facility has not been provided. In this case, the applicant has stated that there is an intention to merge with a second local surgery, the resultant practice being located in a new facility. This is supported by letter from NHS Property Services which indicates that an

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application to them for a new surgery practice premises is in train. However, there do not appear to be any of the necessary planning permissions in place at the current time which would allow the relocation to the identified site to take place lawfully. However, to my mind a condition preventing any permission granted under the scope of MA/13/1711 commencing until such a time as a replacement facility or adequate compensatory facility at an existing surgery has been locally provided to the satisfaction of the Local Planning Authority, would adequately safeguard against the loss of the current facility. As such, planning permission could be granted without being contrary to the provisions of policy CF3.

5.3.4 For the reasons set out above, it is considered that the principle of the development is acceptable in policy terms, subject the condition stipulated in paragraph 5.3.2 above and all other material considerations.

5.4 Assessment of indicative reserved matters

Layout

5.4.1 As set out above, the applicant is not required to provide any details of layout when layout is a reserved matter under the current legislative regime, however an indicative layout has been provided which shows that the proposed dwellings would be arranged within the site as a pair of semi-detached dwellings, and a terrace of three, all fronting onto Holland Road with front and rear gardens. The dwellings are shown as having a depth of 12m and a width of 4.65m (55.8m²), which is comparable to that of other dwellings in the locality and adequate to provide a reasonable internal living space. As such, I am satisfied that the proposal site can accommodate the density of development proposed, and that the potential scale, arrangement and siting of the dwellings would not be out of keeping with the grain of the local area, which features terraces of modest proportions with diminutive front and rear gardens, as well as more substantial semi-detached and detached dwellings.

5.4.2 The indicative layout shows the front elevations of the dwellings to be set back from the highway by a distance approximate to that of the existing building, and to respond to the pattern of the surrounding built development to a satisfactory degree. The set back of built development can be secured by way of condition. It is also the case that, the loss of the existing frontage wall and the introduction of boundary treatments of a more domestic scale and appearance will have the effect of opening up the appearance of the site, which is to be welcomed, and would be controlled by way of condition.

Access

5.4.3 Although the matter of access is a reserved matter, it is clear from the application documentation that the proposal does not include any on site vehicle parking provision, and therefore does not include the provision of a vehicular access to the site. The highways in close proximity to the site are subject to

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parking restrictions, either by way of double yellow lines or resident permit/time limited restrictions.

- 5.4.4 Whilst the concerns of Cllr Naghi and the occupiers of neighbouring dwellings in respect of the impact of the development in respect of on-street car parking are noted, Members will be aware that Maidstone Borough Council has no adopted parking standards, and as set out above Kent County Council Highway Services raise no objection to the proposal on the grounds of insufficient parking provision. In light of the highly sustainable location and the absence of any objection from the Highway Authority, there is not considered to be any justification for refusing the scheme on this ground.

Scale

- 5.4.5 As described above, the application documentation describes the properties as being "three storey town houses of 3/4 bedrooms each" with a "similar design and feel as Kings Walk opposite".
- 5.4.6 The context is made up predominantly of dwellings of a variety of scales and types, from modest two storey Victorian terraces along the north side of Holland Road to the west and more substantial two storey detached and semi-detached dwellings along the south side of Holland Road to the west; substantial two storey mid twentieth century dwellings to the north of the site along St Lukes Avenue; and denser residential development formed of three and four storey flatted development and three storey townhouses to the immediate south of the site. The non-residential buildings in close proximity to the site are also variable in scale, the studio to the immediate north of the site being not dissimilar in scale to a early twentieth century detached garage, and the building to the east of the site being a prominent Victorian buildings of significant scale and visual impact in the streetscape.
- 5.4.7 In this context, the introduction of three storey buildings of a domestic appearance and scale would be acceptable in terms of their contribution to the overall streetscene, and would not appear overly dominant. However, a condition should be imposed restricting the development to three storeys in height in order to safeguard against overly tall development that would result in harm to the streetscene and a form of development that would be poorly proportioned.
- 5.4.8 The concerns over the potential impact of the proposed development on the residential amenity of the occupiers of neighbouring dwellings are noted. The detailed design of the proposal, which would be fully assessed at such a time as a application for reserved matters or full planning permission is submitted would be undertaken in such a way as to address any potential impact in respect of privacy.
- 5.4.9 Notwithstanding the above, in any case, to my mind the separation distances involved, and the presence in most cases of intervening public highways, are

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such that harm to residential amenity would not result to the occupiers of existing properties from the proposed development.

Appearance

5.4.10 As with the reserved matters of scale and layout, the applicant is not required to provide information pertaining to appearance where that matter is not to be considered at outline stage. In this case, the applicant has not provided any drawings of the proposed dwellings, only states that the proposed dwellings will be of a "townhouse" style, of a "similar design and feel as Kings Walk opposite." Kings Walk is a modern development of traditional form and contemporary appearance, primarily achieved by way of the use of red brick and render with Juliet balconies in terms of the elevational details, with slate roofs with eave height overhangs. This is considered to be a valid design approach to the development, however alternative visual palettes would potentially be acceptable in this location, and given that the matter of appearance is a reserved matter, I do not consider it appropriate in this case to impose a condition requiring the appearance to be in accordance with the limited details submitted.

Landscaping

5.4.11 Landscaping is also a reserved matter, and as such no further details are required from the applicant at this stage. However, the applicant has indicated that the proposed dwellings would have front and rear gardens, the landscape details of which would be subject to scrutiny at the time of an application for approval of reserved matters or full planning permission.

5.4.12 Notwithstanding the above, the proposed development would be located in close proximity to a highway tree on St Lukes Avenue which is considered to be of significant amenity value. The Arboricultural Impact Assessment submitted in support of the applicant demonstrates that the specimen can be successfully retained. To this end, a condition requiring compliance with the submitted report is considered to be both reasonable and necessary for the purposes of safeguarding the contribution of this tree to the amenity of the area.

5.4.13 The comments of the Maidstone Borough Council Landscape Officer in respect of future pressure for removal of the tree are noted, however this is most likely to arise as a result of the provision of a window to the west elevation of the nearest property; this is a matter that can be addressed by way of the detailed design of this dwelling, which as set out above, is not a matter for consideration at this stage.

5.5 Other Matters

5.5.1 There are no heritage or biodiversity assets which would be affected by the proposed development and the site is not in a location recorded by the Environment Agency as being prone to flood.

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- 5.5.2 The applicant has confirmed in writing that the proposed dwellings would achieve Level 4 of the Code for Sustainable Homes, which in the circumstances of this case is considered to be appropriate and in accordance with both emerging Local Plan policy and the expectations of the Council in respect of residential development of this scale. The attainment of a minimum of Level 4 of the Code for Sustainable Homes can be secured by way of condition.
- 5.5.3 As Members will be aware, loss of views are not a planning matter and therefore cannot be taken into consideration in the determination of planning applications.
- 5.5.4 The comments received in respect of the publicity procedure are noted, however the Council has, in displaying a site notice, fulfilled the statutory publicity requirements. Whilst it is regrettable that the notice slipped down the post it was attached to, it is not considered that this prejudiced any party. Indeed, the presence of the notice was noted by at least two respondents. In addition to this, the Council wrote to a number of local residents.
- 5.5.5 It is therefore considered that the Council has therefore satisfactorily discharged its obligations in respect of publicising the application.

6. CONCLUSION

- 6.1 In the circumstances of this case the application for the erection of five dwellings on this site is considered to be acceptable in principle, and it is not considered that the proposed development would be detrimental to the appearance of the streetscene or the character of the area.
- 6.2 For the reasons set out above and having regard to the policies of the Development Plan and any other material considerations, the proposed development is considered to be in accordance with the policies of the Maidstone Borough-Wide Local Plan 2000 and central government planning policy guidance and advice as set out in the National Planning Policy Framework 2012, and I therefore recommend the application for approval subject to the conditions set out above.

7. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-
 - a. Layout
 - b. Scale
 - c. Appearance
 - d. Access
 - e. Landscaping

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

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 development 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 in accordance with the provisions of the National Planning Policy Framework 2012.

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 buildings or land and maintained thereafter. The details shall submitted shall include, inter alia, a boundary treatment of not greater than 1m to the site boundaries with Holland Road and St Lukes Avenue;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers in accordance with the provisions of the National Planning Policy Framework 2012.

4. The development shall not commence until, details of satisfactory facilities for the storage of refuse and recycling on the site have been submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be provided before the first occupation of the buildings or land and maintained thereafter;

Reason: No such details have been submitted and in the interest of amenity in accordance with the provisions of the National Planning Policy Framework 2012.

5. The dwellings hereby permitted shall achieve a minimum of Level 4 of the Code for Sustainable Homes;

Reason: to ensure a sustainable and energy efficient form of development in accordance with the provisions of the National Planning Policy Framework 2012.

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6. The development shall not commence until details of the proposed materials to be used in the surfacing of all pathways within the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the subsequently approved details;

Reason: To ensure a high quality external appearance to the development in accordance with the provisions of the National Planning Policy Framework 2012.

7. The development shall not commence until details of foul and surface water drainage have been submitted to and approved by the Local Planning Authority, and the development shall thereafter be carried out in accordance with the approved details;

Reason: In the interest of the prevention of pollution and flood prevention in accordance with the provisions of to the National Planning Policy Framework 2012.

8. Details submitted pursuant to condition 1 (reserved matters submission relating to scale) shall show dwellings not exceeding three storeys in height;

Reason: To ensure that the development remains in proportion and in scale and character with the surrounding area in accordance with the provisions of National Planning Policy Framework 2012.

9. Details submitted pursuant to condition 1 (reserved matters submission relating to layout) shall show no part of the dwellings hereby approved being closer than 5 metres to the back edge of the public highway fronting the site;

Reason: To ensure good landscaping provision, safeguard the visual quality of the development, and secure an acceptable living environment for future occupiers in accordance with the provisions of National Planning Policy Framework 2012.

10. All planting, seeding or turfing comprised in the approved details submitted pursuant to condition 1 (reserved matters submission relating to 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

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development in accordance with the provisions of the National Planning Policy Framework 2012.

11. The development hereby permitted shall be undertaken in complete accordance with the recommendations of the MWA Arboricultural Impact Assessment received 21st November 2013;

Reason: to safeguard trees of amenity value and secure the amenity of the surrounding area in accordance with the provisions of the National Planning Policy Framework 2012.

12. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved;

Reasons: To protect vulnerable groundwater resources and prevent pollution of the environment in accordance with the provisions of the National Planning Policy Framework 2012.

13. The development hereby permitted shall not commence until a suitable local replacement surgery facility is operational. Details of the replacement facility shall be submitted to and approved in writing by the Local Planning Authority prior to any works on site commencing, and the approved details subsequently implemented;

Reason: to prevent the loss of a community facility for which a replacement has not been provided in accordance with policy CF3 of the Maidstone Borough-Wide Local Plan 2000 and the provisions of the National Planning Policy Framework 2012.

14. Notwithstanding the provisions of 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) no development within Schedule 2, Part 1 Classes A, B, C and E to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development and safeguard the residential amenity of the occupiers of surrounding dwellings.

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Informatives set out below

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

You are advised that Southern Water seeks to emphasise the development must be served by adequate drainage infrastructure.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside of the normal working hours is advisable.

The developer shall implement a scheme for the use of wheel cleaning, dust laying and road sweeping, to ensure that vehicles do not deposit mud and other materials on the public highway in the vicinity of the site or create a dust nuisance.

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.considerateconstructorsscheme.org.uk.

No vehicles, in connection with the construction of the development, may arrive, depart, be loaded or unloaded within the general site, and plant and machinery shall not be operated, that would generate noise beyond the boundary of the site, except between the hours of 0800 hours and 1800 Mondays to Fridays and 0800 and 1300 hours on Saturdays (and at no time on Sundays or Bank or Public Holidays).

A formal application for connection to the public sewerage system is required in order to service this development. For further details please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688), or www.southernwater.co.uk.

Southern Water's current sewerage records do not show any public sewers to be crossing the above site. However, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

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