

AGENDA

PLANNING COMMITTEE MEETING



Date: Thursday 31 January 2013
Time: 6.00 pm.
Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Ash, Collins, Cox, English, Garland,
Harwood, Hogg, Lusty (Chairman),
Newton, Paine, Paterson,
Mrs Robertson and J.A. Wilson

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1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 7 February 2013

Continued Over/:

Issued on 23 January 2013

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEBBIE SNOOK on 01622 602030**. To find out more about the work of the Committee, please visit www.maidstone.gov.uk

Alison Broom

**Alison Broom, Chief Executive, Maidstone Borough Council,
Maidstone House, King Street, Maidstone, Kent ME15 6JQ**

6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
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11. Presentation of Petitions (if any)
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13. MA 12 0378 - PILGRIMS RETREAT, HOGBARN LANE, HARRIETSHAM, MAIDSTONE, KENT 11 - 21
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PLEASE NOTE

The order in which items are taken at the meeting may be subject to change.

The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 10 JANUARY 2013

Present: Councillor Lusty (Chairman) and Councillors Ash, Collins, Cox, English, Garland, Harwood, Hogg, Newton, Paine, Paterson, Mrs Robertson and J.A. Wilson

Also Present: Councillors Chittenden, Mrs Grigg and Yates

227. APOLOGIES FOR ABSENCE

There were no apologies for absence.

228. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

229. NOTIFICATION OF VISITING MEMBERS

Councillor Chittenden indicated his wish to speak on the reports of the Head of Planning relating to applications MA/11/0478 and MA/12/0980.

Councillor Mrs Grigg indicated her wish to speak on the report of the Head of Planning relating to application MA/11/2169.

Councillor Yates indicated his wish to speak on the report of the Head of Planning relating to application MA/11/0478.

230. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

231. URGENT ITEMS

Urgent Update Report

The Chairman stated that, in his opinion, the update report of the Head of Planning should be taken as an urgent item as it contained further information relating to matters to be considered at the meeting.

232. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Paterson declared a Disclosable Pecuniary Interest in the reports of the Head of Planning relating to applications MA/11/1944 (Sainsbury's Supermarkets) and MA/12/0232 (Tesco Stores Ltd). She

stated that her husband had shares in one of the companies, the value of which exceeded the limit specified in the Code of Conduct for Members.

233. EXEMPT ITEMS

RESOLVED: That the item on Part II of the agenda be considered in public, but the information contained therein should remain private.

234. MINUTES OF THE MEETING HELD ON 13 DECEMBER 2012

RESOLVED: That the Minutes of the meeting held on 13 December 2012 be approved as a correct record and signed.

235. PRESENTATION OF PETITIONS

There were no petitions.

236. DEFERRED ITEMS

MA/12/0324 - RETROSPECTIVE APPLICATION FOR HARD LANDSCAPING WORKS TO REAR GARDEN (RE-SUBMISSION OF MA/11/1872) - RHENCULLEN, BRIDGE STREET, LOOSE, MAIDSTONE

See Minute 245 below.

MA/12/0760 - CONTINUED USE OF LAND AS A RESIDENTIAL GYPSY SITE WITHOUT COMPLYING WITH PREVIOUSLY IMPOSED CONDITIONS RELATING TO RESTRICTED OCCUPANCY TO MR J BIGNALL SNR AND HIS IMMEDIATE FAMILY, AND INCLUDING THE STATIONING OF A MOBILE HOME; THE RETENTION OF HARDSURFACING AND BOUNDARY FENCING AND PROPOSED BOUNDARY FENCING; THE RETENTION OF A DAY ROOM WITH CONSERVATORY ADDITION; A SEPARATE STOREROOM BUILDING; AND THE RETENTION OF A NEW ACCESS CREATED ONTO THE LENHAM ROAD - LAND AT THE MEADOWS, LENHAM ROAD, HEADCORN, KENT

See Minute 244 below.

237. MA/11/1944 - DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT OF THE SITE TO PROVIDE NEW (USE CLASS A1) FOOD STORE WITH ASSOCIATED CAR PARKING, LANDSCAPING AND ACCESS - GMS & D K HOLDINGS SITE AT STATION APPROACH, STAPLEHURST, MAIDSTONE

Having declared a Disclosable Pecuniary Interest, Councillor Paterson left the meeting whilst this application was discussed.

The Committee considered the report and the urgent update report of the Head of Planning.

Mr Pashley, an objector, Councillor Butcher of Staplehurst Parish Council (in support) and Mr Pepler for Sainsbury's and Mr Salter for D K Holdings, the applicants, addressed the meeting.

RESOLVED: That subject to the prior completion of a Section 106 legal agreement in such terms as the Head of Legal Services may advise to secure the following:-

- The construction of the factory building for D K Holdings as permitted under MA/11/1943 prior to the occupation of the supermarket;
- A contribution of £50,000 for the enhancement of the village centre of Staplehurst;
- The provision of a community bus that would serve the locality (including nearby villages) for a minimum of five years; and
- A contribution towards the County Council's costs in monitoring compliance with the Travel Plan (£5,000).

the Head of Planning be give delegated powers to grant permission subject to the conditions and informatives set out in the report, as amended by the urgent update report, and the additional conditions set out in the urgent update report.

Voting: 12 – For 0 – Against 0 – Abstentions

238. MA/12/0232 - ERECTION OF A CLASS A1 RETAIL STORE, ASSOCIATED PARKING AND PETROL FILLING STATION; TRANSPORT INTERCHANGE COMPRISING BUS AND TAXI DROP-OFF/PICK UP FACILITIES, 39 SHORT STAY RAILWAY STATION CAR PARKING SPACES AND COVERED WALKWAY TO EXISTING RAILWAY STATION BUILDING; AND 660-SPACE COMMUTER CAR PARK AND NATURE AREA - LAND AT STATION APPROACH AND GEORGE STREET, STAPLEHURST

Having declared a Disclosable Pecuniary Interest, Councillor Paterson left the meeting whilst this application was discussed.

The Committee considered the report and the urgent update report of the Head of Planning.

Councillor Butcher of Staplehurst Parish Council (against) and Mr Timothy, for the applicant, addressed the meeting.

RESOLVED: That consideration of this application be deferred to enable the Officers to, with regard to the area to the north of the railway line:-

- (a) Seek to improve the layout of the proposed car park and natural area;
- b) Seek to mitigate the damage to the countryside (including light pollution); and
- (c) Re-examine the results of the ecological surveys.

Voting: 7 – For 2 – Against 3 – Abstentions

239. MA/11/0478 - APPLICATION TO DISCHARGE CONDITIONS RELATING TO MA/03/1147/02 (APPROVAL OF RESERVED MATTERS OF SITING, MEANS OF ACCESS, DESIGN, EXTERNAL APPEARANCE AND LANDSCAPING PURSUANT TO CONDITIONS 1, 2 AND 3 OF OUTLINE PERMISSION MA/03/1147 FOR A REPLACEMENT COMMUNITY CENTRE, JUNIOR FOOTBALL PITCH, 83 DWELLINGS ASSOCIATED PARKING, ACCESS ROAD AND LANDSCAPING, RE-SUBMISSION OF MA/03/1147/01) BEING SUBMISSION OF DETAILS RECEIVED ON 24 MARCH 2011 AND 8 MARCH 2012 PURSUANT TO CONDITIONS 11 - SLAB LEVELS, 14 - FLOODLIGHTING AND 16 - PERIMETER FENCING TO THE SPORTS PITCH - YMCA, MELROSE CLOSE, MAIDSTONE

All Members stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning.

Mr Spearink, an objector, Mrs Day of the North Loose Residents' Association (against) and Councillors Yates and Chittenden addressed the meeting.

RESOLVED:

1. That consideration of this application be deferred to enable:-
 - (a) Further negotiations to take place with both the YMCA and local residents to seek to achieve a scheme of lighting that reduces the impact of the lighting on nearby housing; and
 - (b) The impact of the lighting on wildlife to be re-examined.
2. That the Ward Members and Councillor Harwood are to be involved in the negotiations.

Voting: 12 – For 1 – Against 0 – Abstentions

240. MA/12/1769 - PARTIAL DEMOLITION, ALTERATIONS, EXTENSIONS AND CHANGE OF USE OF BUILDING TO A MIXED USE OF A3 USE, A2 USE AND A SELF-CONTAINED RESIDENTIAL APARTMENT - 31 EARL STREET, MAIDSTONE

All Members stated that they had been lobbied.

The Committee considered the report of the Head of Planning.

Mr Briscow, for the applicant, addressed the meeting on this application and application MA/12/1770.

RESOLVED: That permission be refused for the reasons set out in the report.

Voting: 7 – For 2 – Against 4 – Abstentions

241. MA/12/1770 - LISTED BUILDING CONSENT FOR PARTIAL DEMOLITION, ALTERATIONS AND EXTENSIONS (BEING WORKS INVOLVED IN THE CHANGE OF USE OF BUILDING TO A MIXED USE OF A3 USE, A2 USE AND A SELF-CONTAINED RESIDENTIAL APARTMENT) - 31 EARL STREET, MAIDSTONE

All Members stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning.

Mr Briscow, for the applicant, had already addressed the meeting on this application and application MA/12/1769.

RESOLVED: That listed building consent be refused for the reasons set out in the report.

Voting: 10 – For 0 – Against 3 – Abstentions

242. MA/11/2169 - ERECTION OF FOURTEEN DWELLINGS WITH LANDSCAPING AND CAR PARKING AND REFURBISHMENT OF EXISTING TWO STOREY BLOCK 'AMIES HOUSE' INCLUDING NEW CLADDING AND ENTRANCE PORCH - GEORGE MARSHAM HOUSE, HOLMESDALE CLOSE, LOOSE, MAIDSTONE

All Members except Councillor Harwood stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning.

Councillor Andrew of Loose Parish Council (against), Mr Mandy, for the applicant, and Councillor Mrs Grigg addressed the meeting.

RESOLVED:

1. That subject to the prior completion of a Section 106 legal agreement in such terms as the Head of Legal Services may advise to secure the provision of two units of affordable housing in lieu of other contributions, the Head of Planning be given delegated powers to grant permission subject to the conditions and informatives set out in the report.
2. That the Officers in consultation with Councillor Harwood should seek to negotiate the inclusion of solar panels on the two affordable dwellings.

Voting: 12 – For 0 – Against 0 – Abstentions

Note: Councillor English was not present during consideration of this application.

243. MA/12/1299 - SINGLE STOREY SIDE EXTENSION AND ALTERATIONS TO EXISTING DWELLING - KEEPERS COTTAGE, RUMSTEAD LANE, STOCKBURY

The Committee considered the report of the Head of Planning.

RESOLVED: That permission be granted subject to the conditions set out in the report.

Voting: 12 – For 0 – Against 0 – Abstentions

Note: Councillor Ash was not present during consideration of this application.

244. MA/12/0760 - CONTINUED USE OF LAND AS A RESIDENTIAL GYPSY SITE WITHOUT COMPLYING WITH PREVIOUSLY IMPOSED CONDITIONS RELATING TO RESTRICTED OCCUPANCY TO MR J BIGNALL SNR AND HIS IMMEDIATE FAMILY, AND INCLUDING THE STATIONING OF A MOBILE HOME; THE RETENTION OF HARDSURFACING AND BOUNDARY FENCING AND PROPOSED BOUNDARY FENCING; THE RETENTION OF A DAY ROOM WITH CONSERVATORY ADDITION; A SEPARATE STOREROOM BUILDING; AND THE RETENTION OF A NEW ACCESS CREATED ONTO THE LENHAM ROAD - LAND AT THE MEADOWS, LENHAM ROAD, HEADCORN, MAIDSTONE

All Members stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning.

RESOLVED: That permission be granted subject to the conditions and informative set out in the report.

Voting: 12 – For 0 – Against 0 – Abstentions

Note: Councillor Ash was not present during consideration of this application.

245. MA/12/0324 - PART RETROSPECTIVE APPLICATION FOR HARD LANDSCAPING WORKS TO REAR GARDEN (RE-SUBMISSION OF MA/11/1872) - RHENCULLEN, BRIDGE STREET, LOOSE, MAIDSTONE

All Members stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning.

Mrs Kenny of the Loose Amenities Association (against), Councillor Andrew of Loose Parish Council (against) and Mr Clements, the applicant, addressed the meeting.

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report as amended by the urgent update report.

Voting: 11 – For 2 – Against 0 – Abstentions

246. MA/12/0980 - THE DEVELOPMENT OF 27 HOUSES TOGETHER WITH RAISING OF LAND LEVELS, NEW ACCESS AND ACCESS ROAD, PARKING, CAR BARN AND ASSOCIATED LANDSCAPING AND FOOTPATH LINKS - LAND WEST OF BURIAL GROUND LANE, TOVIL, MAIDSTONE

All Members stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning.

Mr Burns, an objector, Ms Lidington, for the applicant, and Councillor Chittenden addressed the meeting.

RESOLVED: That subject to the prior completion of a Section 106 legal agreement in such terms as the Head of Legal Services may advise to secure the following:-

- A contribution of £34,386.36 towards the delivery of off-site affordable housing; and
- A contribution of £42,525 towards the cost of general play area improvements at Woodbridge Drive.

the Head of Planning be given delegated powers to grant permission subject to the conditions and informatives set out in the urgent update report.

Voting: 11 – For 2 – Against 0 – Abstentions

247. LONG MEETING

Prior to 10.30 p.m., during consideration of application MA/12/0980, the Committee considered whether to adjourn at 10.30 p.m. or to continue until 11.00 p.m. if necessary.

RESOLVED: That the meeting should continue until 11.00 p.m. if necessary.

248. APPEAL DECISIONS

The Committee considered the report and the urgent update report of the Head of Planning setting out details of appeal decisions received since the last meeting.

RESOLVED: That the report be noted.

249. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that he was considering resigning from the Planning Committee. He did not wish to explain his reasons, but he was in discussion with the Leader of the Council.

250. DURATION OF MEETING

6.00 p.m. to 10.50 p.m.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

31 JANUARY 2013

REPORT OF THE HEAD OF PLANNING

1. DEFERRED ITEMS

1.1. The following applications stand deferred from previous meetings of the Planning Committee. The Head of Planning will report orally at the meeting on the latest situation. The applications may be reported back to the Committee for determination.

1.2. Description of Application Date Deferred

| | | |
|-----|---|--------------------|
| (1) | <u>MA/12/0232 - ERECTION OF A CLASS A1 RETAIL STORE, ASSOCIATED PARKING AND PETROL FILLING STATION; TRANSPORT INTERCHANGE COMPRISING BUS AND TAXI DROP-OFF/PICK UP FACILITIES, 39 SHORT STAY RAILWAY STATION CAR PARKING SPACES AND COVERED WALKWAY TO EXISTING RAILWAY STATION BUILDING; AND 660-SPACE COMMUTER CAR PARK AND NATURE AREA - LAND AT STATION APPROACH AND GEORGE STREET, STAPLEHURST</u> | 10 JANUARY 2013 |
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Deferred to enable the Officers to, with regard to the area to the north of the railway line:-

(a) Seek to improve the layout of the proposed car park and natural area;

(b) Seek to mitigate the damage to the countryside (including light pollution); and

(c) Re-examine the results of the ecological surveys.

| | | |
|-----|--|--------------------|
| (2) | <u>MA/11/0478 - APPLICATION TO DISCHARGE CONDITIONS RELATING TO MA/03/1147/02 (APPROVAL OF RESERVED MATTERS OF SITING, MEANS OF ACCESS, DESIGN, EXTERNAL APPEARANCE AND LANDSCAPING PURSUANT TO CONDITIONS 1, 2 AND 3 OF OUTLINE PERMISSION MA/03/1147 FOR A REPLACEMENT COMMUNITY CENTRE, JUNIOR FOOTBALL PITCH, 83 DWELLINGS ASSOCIATED PARKING, ACCESS ROAD AND LANDSCAPING, RE-SUBMISSION OF MA/03/1147/01) BEING SUBMISSION OF DETAILS RECEIVED ON 24 MARCH 2011 AND 8 MARCH 2012 PURSUANT TO CONDITIONS 11 - SLAB LEVELS, 14 - FLOODLIGHTING AND 16 - PERIMETER FENCING TO THE SPORTS PITCH - YMCA, MELROSE CLOSE, MAIDSTONE</u> | 10 JANUARY 2013 |
|-----|--|--------------------|

Deferred to enable:-

- (a) Further negotiations to take place with both the YMCA and local residents to seek to achieve a scheme of lighting that reduces the impact of the lighting on nearby housing; and
- (b) The impact of the lighting on wildlife to be re-examined.

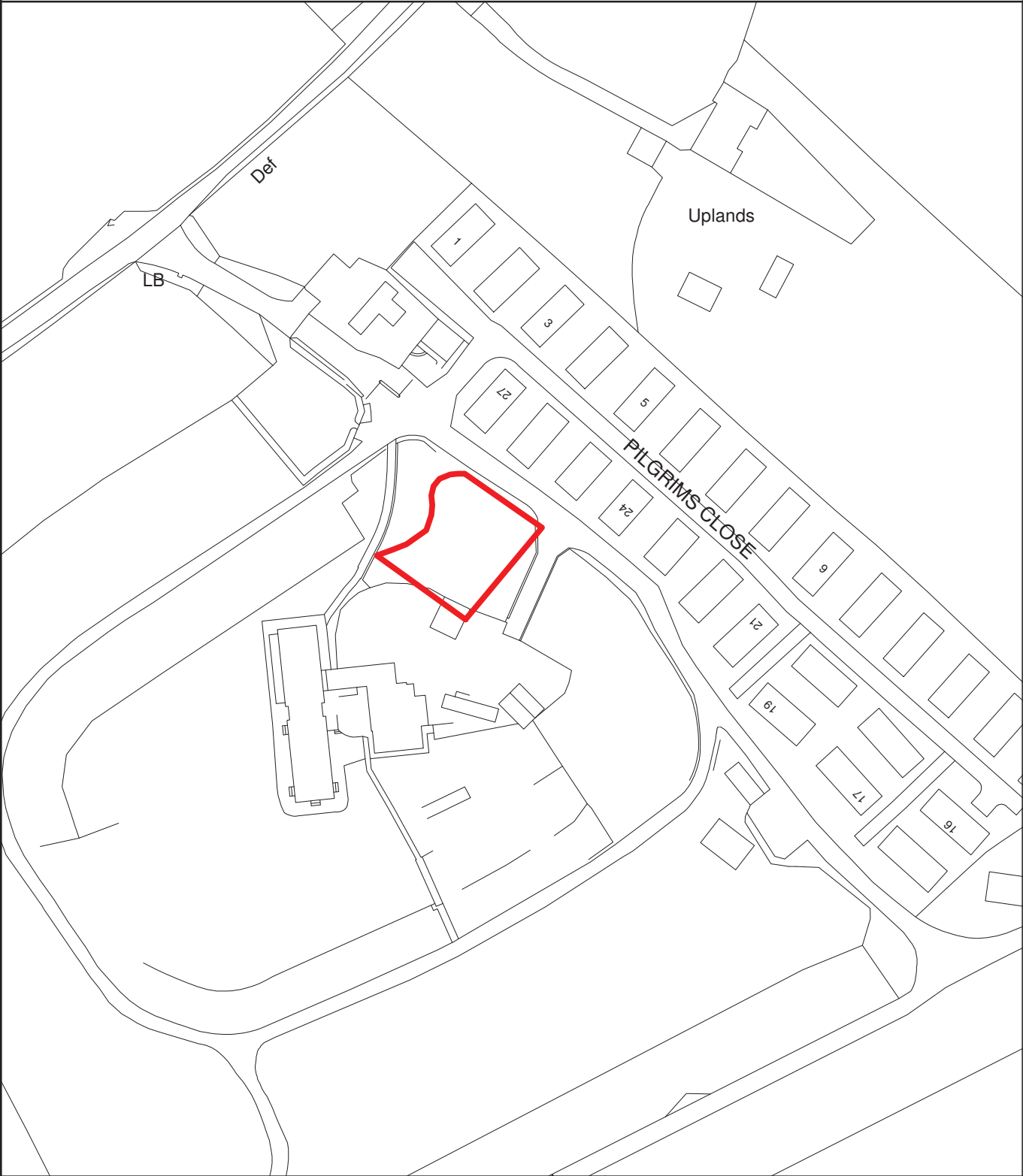
Ward Members and Councillor Harwood are to be involved in the negotiations.

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/12/0378

GRID REF: TQ8855

PILGRIMS RETREAT, HOGBARN LANE,
HARRIETSHAM.



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Rob Jarman
Head of Planning

APPLICATION: MA/12/0378 Date: 28 February 2012 Received: 2 April 2012
APPLICANT: Sines LLP
LOCATION: PILGRIMS RETREAT, HOGBARN LANE, HARRIETSHAM, MAIDSTONE,
KENT, ME17 1NZ
PARISH: Harrietsham
PROPOSAL: Erection of shop and offices building in accordance with plans
received on 2 April 2012.
AGENDA DATE: 31st January 2013
CASE OFFICER: Chris Hawkins

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

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

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV33, T13
- South East Plan 2009: TSR2, C4.
- Government Policy: National Planning Policy Framework (2012).

2. HISTORY

2.1 Whilst the application site has a significant planning history, there is none directly related to this proposal.

3. CONSULTATIONS

3.1 Harrietsham Parish Council were consulted and wish to see the above application **refused** for the reasons set out below:

- The application is contained within the North Downs AONB
- It is an inappropriately large scale office development
- The positioning of the proposed 2 storey building would over look the 18 permanent residential properties.

- 3.1.1 The Parish Council would prefer that any shop unit was annexed onto the existing club house structure.
- 3.1.2 The Parish Council would request that, if the Planning Officer's view differs, the application is reported to Planning Committee.

4. REPRESENTATIONS

- 4.1 No objections have been raised by any other interested party.

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 The application site is located within the open countryside with the North Downs area of outstanding natural beauty (AONB). The site is currently undergoing a significant level of works, and it is noted that a recent permission has been granted to allow an extension on the existing clubhouse.
- 5.1.2 The site is screened from both short and long distance views by a significant level of tree planting. Whilst some of the trees within the vicinity have been removed, this does not make the site any more visible from Hogbarn Lane.
- 5.1.3 There are currently a significant number of mobile homes within the site, as well as a two storey, brick built structure that accommodates the clubhouse and swimming pool, which is located in close proximity to this application site.

5.2 Proposal

- 5.2.1 The application is for the erection of a two storey office building which would have a ground floor footprint of 15metres by 8.5metres, and a first floor of 12.2metres by 6.4metres. The maximum height of the proposed building would be 7.5metres. It is proposed that the building would be constructed of brick and plain tiles.
- 5.2.2 The proposal would house the offices for the holiday park, as well as a small shop that would serve the customers/residents of the park.
- 5.2.3 A small number (7) of parking spaces are proposed to be located to the front of the store.

5.3 Principle of Development

- 5.3.1 Whilst the application site falls within the AONB, this in itself does not preclude development, rather restricts development to a form that would not harm the beauty of this area. The policy does allow for development that would meet the social and economic need of the rural areas. Seeing as this would provide an element of convenience shopping for residents of the park, I consider that there would be benefits to providing a facility of this sort, subject to an appropriate design, and a location that would not cause harm.
- 5.3.2 As the site lies within the open countryside, Policy ENV28 also applies to this proposal. This policy again identifies that development within the countryside should not cause harm. There are a number of criteria that are set out within this policy, which demonstrate when development will be allowed. One of these criteria relates to open air recreation, or ancillary buildings providing operational uses only. To my mind, this building would be ancillary to the running of a holiday park, for which a rural location has clearly been justified in the past.
- 5.3.3 I therefore raise no objection to the principle of development subject to the proposal causing no visual harm.

5.4 Visual Impact

- 5.4.1 Due to the siting of the holiday park, and the significant level of tree planting around the site, there are very limited views into the development. Whilst the proposal would be close to the access point, it would be adjacent to an existing two storey building, and within a cluster of mobile homes. Tree planting is proposed to the front of the building, at it would be of such a minor scale, that it would not appear as dominant within the landscape. To my mind, there would be very little visual harm to the landscape should this proposal be permitted and constructed.
- 5.4.2 In terms of its detailed design, the proposed building would be of a similar form to the existing building on site. Whilst relatively unremarkable, it would not appear as out of keeping within its context. I would however, recommend a condition be imposed that would require the submission of material samples to ensure that the proposal has a high quality finish.
- 5.4.3 Subject to suitable materials being submitted, I raise no objection to the proposal in terms of its visual impact, and as such, consider that it accords with both ENV28 and ENV33.

5.5 Residential Amenity

- 5.5.1 There are a number of mobile homes within close proximity of the proposed building. Some of these are used for long term occupation, and others shorter term. Nonetheless, the proposed use would not see the provision of any habitable rooms – being purely an office use, and retail. As such, I do not consider that the proposal would give rise to any unacceptable impact in terms of loss of amenity to neighbouring occupiers.
- 5.5.2 I raise no concerns with regards to the proposal in terms of noise and disturbance to the existing residents. The shop would be of a minor scale, and would be in close proximity to the existing clubhouse. I consider its use unlikely to generate any harm to existing residents.

5.6 Highways

- 5.6.1 The offices and shop would be to serve residents only, and in my opinion a facility such as this would be likely to result in less vehicular movements into and out of the site. I therefore raise no objection on highways grounds.

5.7 Landscaping

- 5.7.1 The applicant is proposing that five additional trees be planted around the building to soften its impact. I consider this acceptable, and would seek that a landscaping condition be attached to ensure that a suitable species be provided should permission be granted.

6. CONCLUSION

- 6.1 I consider that the erection of a building of this scale would not be unacceptable in terms of its visual impact, either in terms of its design, or the impact upon the character and appearance of the locality. Whilst the site lies within the AONB, it would be well screened, and would not impact upon biodiversity, being located on what is at present a well maintained lawn.
- 6.2 The proposed use would conform with existing policy, and would help to promote the tourist economy. I therefore recommend that planning permission be granted, subject to the imposition of the safeguarding conditions, as set out below.

7. RECOMMENDATION

Grant planning permission subject to the imposition of 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, written details and samples of the materials to be used in the construction of the external surfaces of the building 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 National Planning Policy Framework (2012).

3. The proposed retail unit shall only be used for purposes ancillary to the holiday park, and shall at no time be operated as a separate unit.

Reason: In the interests of sustainability in accordance with ENV28 and the National Planning Policy Framework (2012).

4. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall be in accordance with BS 5837 (2012) 'Trees in relation to design, demolition and construction - Recommendations' with indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and shall include the following;

- i) Details of the species, size, density and location of all new planting within the site;
- ii) Except for 1 *Malus hupehensis*, the retention of all existing trees along the application site's eastern boundary;
- iii) The southern and eastern boundary hedges of the site to consist of 10% Field Maple, 70% Hawthorn, 15% Hazel and 5% Holly mix; to be planted at 45cm centres in a double staggered row with 30cm between the rows;

Reason: In the interests of visual amenity and biodiversity. This is in accordance with policy ENV6 of the Maidstone Borough-Wide Local Plan 2000, policy NRM5 of the South East Plan 2009 and the National Planning Policy Framework.

5. 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 is in accordance with policy ENV6 of the Maidstone Borough-Wide Local Plan 2000 and the National Planning Policy Framework.

6. The development shall not commence until details of a scheme of foul and surface water drainage for the site have been submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details;

Reason: To ensure adequate drainage arrangements. This is in accordance with the National Planning Policy Framework.

7. The development shall not commence until details of the following have been submitted to and approved in writing by the Local Planning Authority and maintained thereafter;

i) details of the provision of swift and/or bat/bird boxes within the development;

Reason: In the interests of ecology and biodiversity. This is in accordance with policy NRM5 of the South East Plan 2009 and the National Planning Policy Framework.

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.

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23.03.2012

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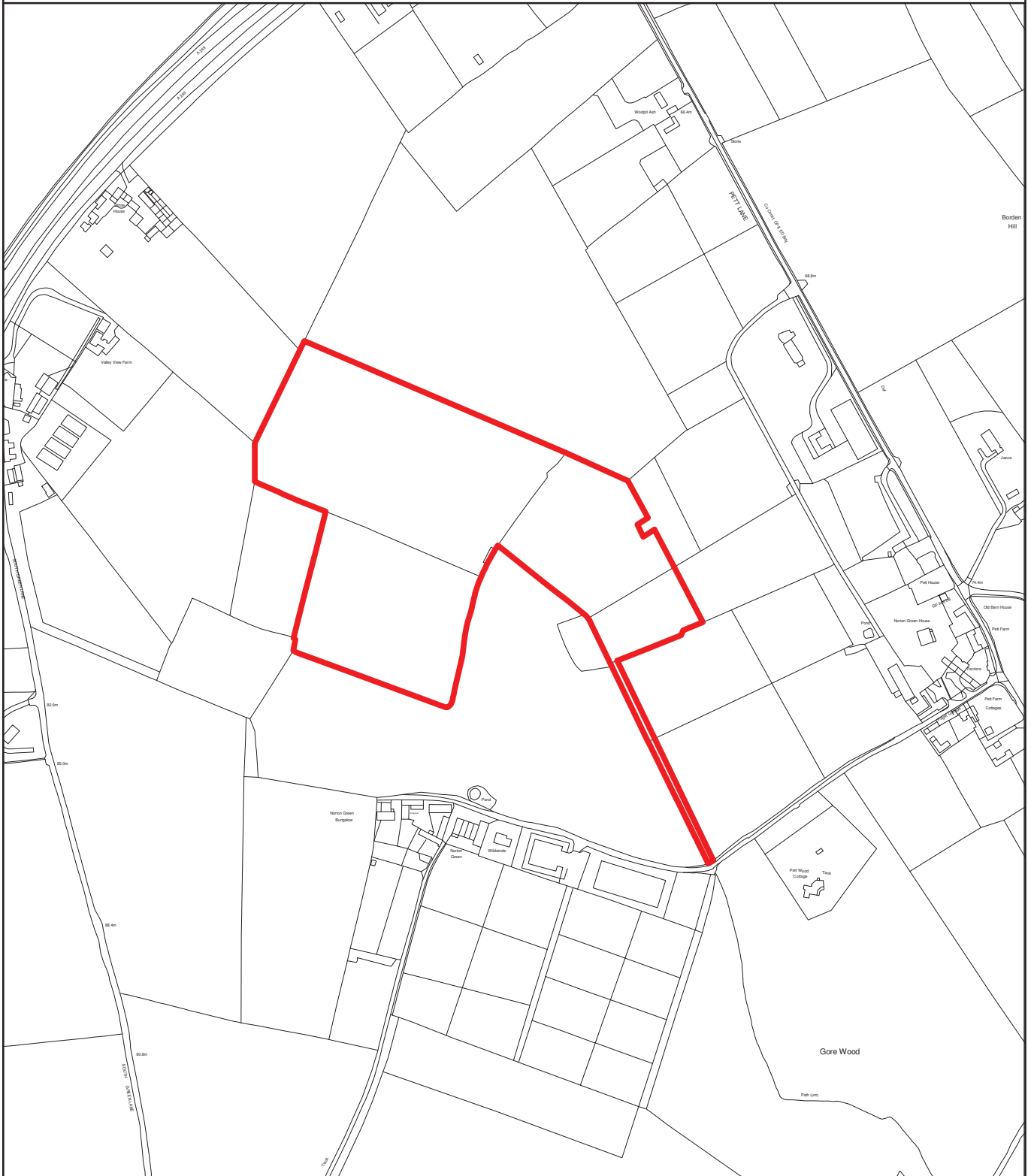


Agenda Item 14

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/12/1317 GRID REF: TQ8560/8561

CHERRY TREE FARM, PETT ROAD,
STOCKBURY.



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Rob Jarman
Head of Planning

APPLICATION: MA/12/1317 Date: 13 July 2012 Received: 7 December 2012

APPLICANT: Mr Sean Cole

LOCATION: CHERRY TREE FARM, PETT ROAD, STOCKBURY, SITTINGBOURNE, KENT, ME9 7RL

PARISH: Stockbury

PROPOSAL: Permanent retention of existing poultry house and feed silos permitted under reference MA/08/1173; and erection of a detached farmhouse and garage to replace existing mobile home as shown on drawing nos. 1136/3 and 1136/5 received on 16/7/12; drawing no. 1136/10/A received on 28/11/12; and drawing no. 1136/4/A received on 7/12/12.

AGENDA DATE: 31st January 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 the Parish Council

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV33, ENV34, ENV43
- South East Plan 2009: CC1, CC6, C3
- Village Design Statement: N/A
- Government Policy: NPPF

2. HISTORY

The relevant planning history is considered to be:

MA/08/1173 - Erection of a poultry house and two feed silos, stationing of a mobile home for a period of three years, hard surfacing of existing access track and improvement of existing access - Approved

3. CONSULTATIONS

3.1 STOCKBURY PARISH COUNCIL states:

“Stockbury Parish Council has considered the amended details for the above planning application and I am writing to inform you that our objections still stand for the following reasons:

- The proposed development is out of keeping with the surrounding area.
- The site lies within an AONB.
- This application would amount to creeping development in the AONB.
- A similar application was recently turned down and we feel that this has established a precedent.

The Parish Council would therefore wish to see this planning application refused and reported to the Planning Committee.”

On the fourth point the Parish Council elaborate thus:

“There are two applications that have been refused recently, these are as follows:

12/1689 KEEPERS COTTAGE, RUMSTEAD LANE, STOCKBURY, KENT, ME9 7QL

Change of use of land from agricultural/forestry land to garden, construction of concrete hard surfacing and erection of detached garage/storage building as shown on the site location plan and drawing numbers 2029-001 rev A, 2029-006 rev B, 2029-007 rev B.

Refused

Reason for Refusal

The proposed development, by way of the visual impact of the proposed outbuilding, in particular the horizontal extent of the proposed outbuilding which would be sited above the natural slope of the land and the prominence of the development as a result of the elevated and exposed location and character of the site, would result in visual harm and a detrimental impact upon the character and appearance of open countryside with the designations of being within the North Downs Area of Outstanding Natural Beauty and Kent Downs Special Landscape Area.

CREST FARM, YELSTED ROAD, YELSTED, SITTINGBOURNE, KENT, ME9 7UU

An outline application with all matters reserved for the erection of a dwelling as shown on site location plan received on 14/3/12.

The reasons for this refusal:

No adequate justification has been put forward to demonstrate why a new dwelling is essential to the workings of the stables, nor has it been demonstrated

that the stables constitute a viable business. In the absence of adequate justification, a new dwelling here would be an unsustainable form of development, harmful to the character of The Kent Downs Area of Outstanding Natural Beauty, The North Downs Special Landscape Area and the Strategic Gap. The application is therefore considered to be contrary to The South East Plan (2009) Policies CC1, CC6 and C3 and Maidstone Borough-Wide Local Plan 2000 Policies ENV28, ENV31, ENV33 and ENV34; and the advice in the National Planning Policy Framework (2012).

This application has been considered in relation to the following policies: Maidstone Borough-Wide Local Plan 2000: ENV28, ENV31, ENV33, ENV34 South East Plan 2009 : CC1, CC4, CC6, C3"

- 3.2 The Council has consulted RURAL PLANNING LTD as its advisers on agricultural matters on this application. Rural Planning were initially concerned as to the size of the building proposed and the costs of its construction in relation to the overall size and viability of the business. Following the receipt of amended plans and details Rural Planning state:

"Further to my letter of 11 October 2012, and to our meeting with Mr and Mrs Cole and their agent David Bass on 20 November 2012, I note that a revised house design has now been submitted which reduces the size of the dwelling proposed to 178m² gross, 158m² internal.

The size reduction, a revision of some of the specifications, and a degree of internal work (floor covering, and decoration) being undertaken by Mr Cole himself, has enabled the estimated cost to be brought down to just under £105,000 (including £5,000 contingency).

This appears broadly in line with the sum I suggested as being potentially affordable from the income that the holding can produce. I would also regard the revised size of dwelling as not inappropriate in relation to the functional needs of the holding. Consequently the revised scheme now appears in line with the general tenets that were set out in Annex A of PPS7, to which we are still referring, notwithstanding its withdrawal as official government policy.

However, the dwelling appears about on the limit of what might be affordable as matters stand, hence I would suggest that it would be appropriate to consider applying a condition to any consent withdrawing permitted development rights for extensions (as per Annex A PPS7, para. 10)."

4. REPRESENTATIONS

- 4.1 None received.

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 The application site is in the open countryside, lying within the Kent Downs Area of Outstanding Natural Beauty (AONB) and the North Downs Special Landscape Area (SLA). The application relates to a 6.2ha holding, formerly covered in cherry trees. It is irregular in shape but roughly forms a T-shape. It is bounded by fields in equestrian use to the south, east and north and fields in agricultural use to the west.
- 5.1.2 The site is found towards the top of a valley slope that drops down gently to Pett Road to the east. The landscape is undulating with gentle valleys and slopes in this part of the AONB. Numerous cherry and other trees are found within the site with the land generally overgrown. Access is off Pett Lane, (a narrow country lane) via a surfaced track.
- 5.1.3 Permission MA/08/1173 allowed the erection of a poultry house, two feed silos and the stationing of a mobile home for a period of three years; and the hard surfacing of an existing access track. Since then the land has been developed in accordance with that permission and the land used for an organic free-range hen farm business selling eggs to at least one major supermarket and a local farm shop. The mobile home is to be found in an informal 'garden area' at the northern end of the track with the poultry building and silos to the north west of that.

5.2 Proposal

- 5.2.1 The main element of this application involves the construction of a permanent farmhouse to replace the existing mobile home. The new house would be on roughly the same site as the mobile home with a double garage to its south; all set within a rectangular garden area off the north side of the access track. This would be a two storey dwelling of traditional 'farm cottage' design with a rectangular 'footprint' of approx. 11.5m by 7.8m. The dwelling would have hipped roofs and would be of a fairly simple vernacular form, with brickwork under a tiled roof (details to be approved). It would have an eaves height of approx. 4.7m and a ridge height of 8.4m. The garage is again in open 'cart lodge' style of weatherboarding under a clay tile roof.
- 5.2.2 The temporary permission for the poultry building and silos has expired and this application seeks to retain the buildings permanently. The poultry building (48m x 10m) is located at the end of the access track and is sited on a northwest to southeast axis. It has a ridge height of 4m with a shallow 15° pitch roof. The building is constructed of plastic coated profile roof sheeting and walls of

concrete blockwork. The two feed silos are sited on a concrete base to the immediate rear, south of the poultry building, both with an overall height of 4m.

5.3 Principle of Development including Agricultural Need

5.3.1 Development in the countryside is restricted under the terms of the Development Plan and the Central Government Guidance set out in The National Planning Policy Framework (NPPF). The high quality of the AONB/SLA landscape is to be protected from visually harmful development.

5.3.2 As an exception to the general theme of restraint, Policy and Guidance allow for the construction of farm buildings where there is an essential need for such accommodation. The NPPF states in para. 55:

“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or” [there follows a list of other ‘exceptions’ criteria]

Similarly Local Plan Policy ENV28 allows for the construction of farm dwellings as an exception to an otherwise restrictive regime.

5.3.3 This background allows for the principle of farm accommodation but clearly, to avoid the proliferation of such dwellings, they should only be allowed where there is an essential need. There is no Development Plan Policy directly related to agricultural dwellings. The old PPS7 Annex A had detailed guidance on how to assess need but PPS7 has now been superseded by the NPPF. Nevertheless, in my view (and that of Rural Planning), the tests in Annex A remain the most appropriate means of assessing need and I consider it appropriate to utilise it in this case.

5.3.4 Annex A sets a functional test and a financial test. The applicant has requested that the trading accounts be kept confidential. Rural Planning have thoroughly examined the business, its trading accounts and the estimated cost of construction. In their initial comments they said:

“I consider the business can now provide a sufficient livelihood for the applicant (in excess of an average farm worker's wage), for the purposes of the sort of

financial test normally applied to such cases (under the criteria set out in Annex A of PPS7, which is still being used by decision makers for such assessments, albeit no longer official Government advice).

By the same token, I consider the viability of the unit has been proven for the purposes of retaining the poultry building and feed silos.

I also consider (for the reasons previously accepted in relation to the mobile home) that the enterprise generates an essential functional requirement for someone to be resident on site at most times for the proper care of the hens.”

- 5.3.5 The ‘trial run’ set up by the MA/08/1173 permission has proved successful and the functional and financial tests are satisfied. I consider the principle of a permanent farmhouse to be acceptable here. However, it is also appropriate to examine whether the size and cost of construction of the property is acceptable. Rural Planning’s view on the original scheme was that the house was overly large and expensive to construct when assessed against the needs of the farming enterprise. Negotiations followed resulting in the revised scheme now before Members. As reported above, Rural Planning considers the revised dwelling and costings to be acceptably proportionate to the needs of the holding. I agree with that assessment. I also consider there to be a clearly reasonable need to retain the poultry building and silos which are essential to the functioning of the unit.

5.4 Visual Impact

- 5.4.1 This is an elevated site on the sides of a valley within the AONB/SLA. The relative isolation of the site for the dwelling means that there are unlikely to be clear short range views of the development. For example, the new dwelling would be approx. 280m away from Pett Road to the south. However, because of the position on elevated ground and the fact that a two storey house is proposed, I consider that there would be distant views of the dwelling, albeit against a background of rising land. I do not consider that this renders the development unacceptable, particular as a fairly modest, traditionally designed structure is put forward that would not be prominent. Provided that adequate landscaping is put in place, I consider that the new dwelling and garage would not be significantly harmful to the landscape qualities of the AONB/SLA.
- 5.4.2 The poultry shed and silos are low structures that would not cause significant harm.

5.5 Residential Amenity

5.5.1 The dwelling would be so far removed from neighbours that no loss of light, outlook or privacy could occur. Similarly, the poultry building and silos are so remote that there are unlikely to be significant amenity problems to any residential properties in the general area.

5.6 Highways

5.6.1 The access track is established and, together with the local highway network, is adequate to serve the traffic for the uses proposed. The dwelling would have parking and turning space on site. The occupiers of the dwelling would be heavily reliant on the private motor car for their basic needs but that is often the situation with farm dwellings and I consider the need to provide a dwelling outweighs those sustainability considerations in this case.

5.7 Landscaping

5.7.1 Following the implementation of permission MA/12/1317, there are no trees on the site intended for any of the buildings in this application. The nearest trees are old cherry orchard trees that would not be directly affected by the proposed scheme. I note the plans indicate an intention to retain cherry trees and to plant a new hedgerow along the access road. However I consider that more extensive landscaping is required than that (most notably to mark the garden boundaries) and this can be secured by condition. The areas that would form the siting and curtilage for the buildings is quite intensively managed and unlikely to be of any significance for ecology. Clearly a properly devised landscaping of indigenous species would provide ecological benefits.

5.8 Other Matters

5.8.1 Looking at the comments of the Parish Council, I disagree that the proposals would be out of keeping with the surrounding area: I consider this a worthy attempt to design a vernacular farmhouse. The site lies within an AONB but this is not, in itself, a bar to providing a new farm dwelling where deemed essential (as in this case). The other cases referred to by the Parish Council are not, in my view, comparable: the Keepers Cottage case did not involve any agricultural considerations; whilst, at Crest Farm, the equestrian-related case for a dwelling was so weak that the principle of a dwelling there was deemed unacceptable.

6. CONCLUSION

6.1 I conclude that it has been proven that there is an over-riding need to provide a permanent dwelling on this site and that the detail is appropriate.

7. 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 hereby permitted shall be carried out in accordance with the following approved plans:
drawing nos. 1136/3 and 1136/5 received on 16/7/12; drawing no. 1136/10/A received on 28/11/12; and drawing no. 1136/4/A received on 7/12/12;

Reason: To ensure the quality of the development is maintained in accordance with Policies CC1, CC6 and C3 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 dwelling and garage 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 ENV28, ENV33 and ENV34 of The Maidstone Borough-Wide Local Plan 2000.

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping (including boundary treatments), 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. This in accordance with Policies ENV28, ENV33 and ENV34 of The Maidstone Borough-Wide Local Plan 2000.

5. 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 Policies ENV28, ENV33 and ENV34 of The Maidstone Borough-Wide Local Plan 2000.

6. The existing mobile home shall be permanently removed from the site within 2 months of the first use of the dwelling hereby approved:

Reason: In order to avoid an unnecessary proliferation of residential development in the countryside. This in accordance with Policies ENV28, ENV33 and ENV34 of The Maidstone Borough-Wide Local Plan 2000.

7. The occupation of the dwelling hereby approved shall be limited to a person solely or mainly working, or last working, in the locality in agriculture (as defined in Section 336 (1) of the Town and Country Planning Act 1990) or in forestry, or a widow or widower of such a person, and to any resident dependants;

Reason: The site is in an area where new residential development is not normally permitted unless essentially required for the proper functioning of the enterprise concerned. This in accordance with Policies ENV28, ENV33 and ENV34 of The Maidstone Borough-Wide Local Plan 2000.

8. No free-standing lighting shall be installed on the site;

Reason: To safeguard visual amenity. This in accordance with Policies ENV28, ENV33 and ENV34 of The Maidstone Borough-Wide Local Plan 2000.

9. With regard to the curtilage of the dwelling hereby approved no further development shall take place within that curtilage without the prior written permission of the local planning authority;

Reason: The dwelling and garage are considered to be the maximum size appropriate to the farming enterprise and uncontrolled additions or alterations may be harmful to the character of the countryside. This in accordance with Policies ENV28, ENV33 and ENV34 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 the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.









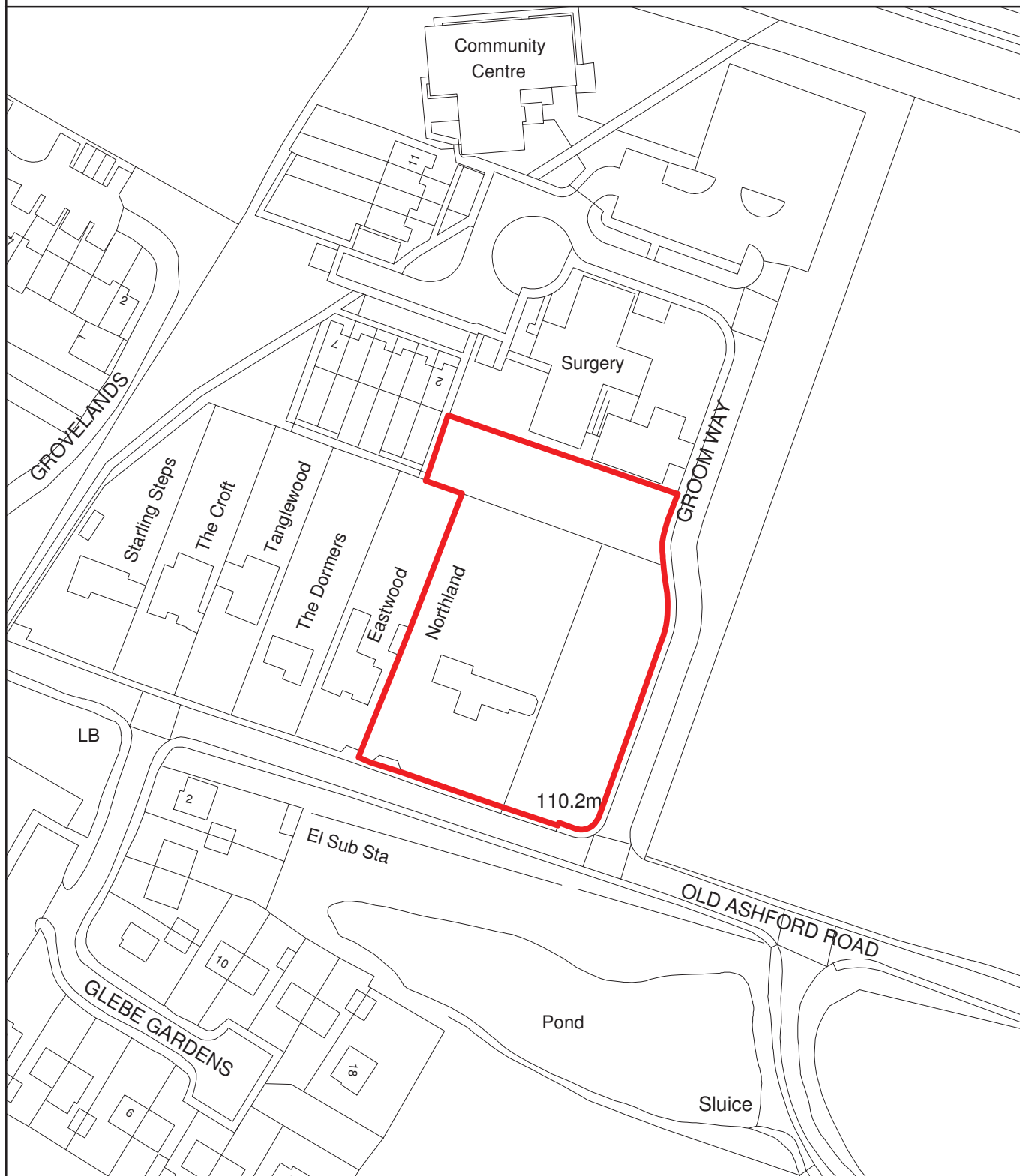


THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/12/1777

GRID REF: TQ9052

LAND AT NORTHLAND AND GROOM WAY,
OLD ASHFORD ROAD, LENHAM.



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Rob Jarman
Head of Planning

APPLICATION: MA/12/1777 Date: 28 September 2012 Received: 28 September 2012

APPLICANT: Mr John Showler, Rogate

LOCATION: LAND AT NORTHLAND AND GROOM WAY, OLD ASHFORD ROAD, LENHAM, MAIDSTONE, KENT, ME17 0QY

PARISH: Lenham

PROPOSAL: Erection of 12(no) dwellings and associated works as shown on Design & Access statement, Ecological Scoping report, Arboricultural Survey and Planning Integration report, Herpetofauna search results, Kent birds record summary, protected species inventory, Kent Bat Group search results and drawing nos. 596: P02, P03, P04, P07, P12 and P15 received 28/09/12 and drawing nos. 596: P01 A, P05 A, P06 A, P10 A and P11 A received 20/11/12.

AGENDA DATE: 31st January 2013

CASE OFFICER: Kathryn Altieri

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

- It is a departure from the Development Plan.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34, T13
- South East Plan 2009: SP3, CC1, CC4, CC6, BE1, H1, H4, H5, NRM4, NRM5, NRM9, NRM10, T4
- Government Policy: National Planning Policy Framework (2012)
- 'Planning for Growth' Ministerial Statement (March 2011)

2. HISTORY

2.1 There is no planning history that is relevant within the application site, however the history of the surrounding area is a material planning consideration;

MA/99/0813 - Outline application for the erection of a community centre, medical centre and 10 local needs housing units and construction of new access road to Old Ashford Road with siting and means of access only to be determined – approved/granted with conditions

MA/02/0087 - Erection of doctor's surgery, detached bin store, 12 car parking spaces and means of access to Old Ashford Road – approved/granted with conditions

MA/00/1969 - Erection of community centre with parking and access onto Old Ashford Road – approved/granted with conditions

MA/00/1917 - Erection of 10 dwellinghouses with parking, and access onto Ashford Road - approved/granted with conditions

3. CONSULTATIONS

3.1 Councillor T. Sams:

3.1.1 *"If you are minded to approve this application, please report it to the planning committee for the reasons set out below. The application is of significant interest within the community. A consultative meeting on 17/06/12 by the applicants before submitting the application attracted a large number of attendees. There will be an impact on what is already a busy area serving, housing, doctor's surgery and community centre. I would like the planning committee to give particular consideration to the highways issues."*

3.2 **Lenham Parish Council:** Does not wish to comment on this application.

3.3 **KCC Highways Officer:** Raises no objections with recommended conditions and informatives;

3.3.1 *"The access onto Old Ashford Road serves 2 dwellings (units 1 and 2) and replaces the existing access which will be closed. Adequate space is available for parking and turning and vision splays are satisfactory.*

3.3.2 *The access onto Groom Way would serve the remaining 10 dwellings. Visibility from the access is satisfactory. Unit 3 is provided with 3 parking spaces in the car barn and 14 spaces are provided for the remaining 9 dwellings which is considered to be adequate.*

3.3.3 *Improvements are to be made to the visibility splay at the junction of Old Ashford Road and Groom Way by the removal of the conifer hedging and a footway is to be provided along the site boundary on Old Ashford Road.*

3.3.4 *I would recommend that improvements are made to the 2 bus stops near to the site in Old Ashford Road by the provision of bus boarders in order that these are accessible by the residents of this development and to enhance the use of the bus service.*

3.3.5 The recommended informatives have duly been added.

3.4 Environmental Health Officer: Raises no objections;

3.4.1 *"The site is in a relatively quiet semi-rural area and traffic noise is not a problem. It is also outside the Maidstone Town Air Quality Management Area and I do not consider the scale of this development and/or its site position warrant an air quality assessment. Any demolition or construction activities may have an impact on local residents and so the usual informatives should apply in this respect. The building to be demolished should be checked for the presence of asbestos and any found must only be removed by a licensed contractor."*

3.4.2 *There is no indication of land contamination based on information from the Maidstone Borough Council's contaminated land database and historic maps databases, and no indication from the latest British Geological Survey maps that there is a significant chance of high radon concentrations."*

3.4.3 The recommended informatives have duly been added.

3.5 Landscape Officer: Raises no objections subject to conditions;

3.5.1 *"The arboricultural survey and planning integration report provided by the applicant is acceptable. I, therefore, raise no objection on arboricultural grounds subject to conditions requiring compliance with the above mentioned document together with the submission, prior approval of and compliance with the full details recommended in paragraph 10.1 of this report. A standard landscape condition will also be required."*

3.6 KCC Biodiversity Officer:

3.6.1 *"We have reviewed the ecological scoping survey in conjunction with the desk top information we have available to us (including aerial photos and biological records). We are satisfied with the results of the survey and we require no additional information to be submitted prior to determination of the planning application."*

3.6.2 Reptiles

The survey has identified that there is a low potential reptiles being present within the hedgerows. As a result an ecological watching brief has been proposed when the hedges are being removed. Details of the watching brief must be submitted for comment as a condition of planning permission, if granted.

3.6.3 Breeding Birds

As detailed within the report there are suitable features for nesting birds within the site. If the vegetation and buildings are removed during the breeding bird season a survey must be carried out prior to works beginning. If any breeding birds are identified all works in that area must cease until all the young have fledged.

3.6.4 Bats

Bats have been recorded within the surrounding area. Lighting can be detrimental to roosting, foraging and commuting bats. We advise that the Bat Conservation Trust's Bats

and Lighting in the UK guidance is adhered to in the lighting design (see end of this note for a summary of key requirements).

3.6.5 **Enhancements**

One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged".

3.6.6 *It is welcomed that planting proposed for the site is to be native species. However other enhancements can be incorporated in to the site – consideration should be given to including bat bricks or tiles in the new buildings or bird boxes within the site."*

3.7 **Conservation Officer:** Raise no objections subject to conditions;

3.7.1 *"The site lies almost opposite the listed Tanyard Farmhouse, which is set back from the road by a considerable distance. The redevelopment of this site in the manner proposed, with modestly-scaled dwellings of attractive design, will have no adverse impact on the setting of the listed building. Raise no objections in terms of impact on setting of Lenham Conservation Area. Condition for samples of materials is recommended."*

3.8 **UK Power Networks:** Raise no objections.

3.9 **Environment Agency:** Raises no objections with recommended condition and informatives;

3.9.1 *"We have no objection to the development at this location however we request that the following condition is included in any permission granted:*

3.9.2 *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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.*

Reason: To protect groundwater because the site is located within a Principal Aquifer and to comply with the NFFP."

3.9.3 The recommended informatives have duly been added.

3.10 **Scotland Gas Networks:** Gave no response.

3.11 **Southern Water:** Raises no objection;

3.11.1 *"Southern Water requires a formal application for the connection to the public foul sewer to be made by the applicant or developer. Recommend condition for details of the*

proposed means of foul and surface water sewage disposal to be submitted to, and approved in writing by, the Local Planning Authority.

3.11.2 The recommended informatives and condition have duly been added.

3.12 **Natural England:** Raise no objections;

3.12.1 *"This application is within the setting of Kent Downs Area of Outstanding Natural Beauty. Natural England has no comments to make on this proposal as we do not believe that this development is likely to impact on the reasons for which the site is designated."*

3.13 **Kent Downs AONB Unit:** Raise no objections;

3.13.1 *"Our comments, which are of a general nature in relation to developments within the setting and having an impact on the views out from the AONB, are as follows:*

3.13.2 *Design to mitigate impact*

We would like you to consider the roofing materials carefully - be non-reflective and recessive in colour, and any solar panels/ photovoltaics faced south to avoid glint and glare. (We would assume this to be the case anyway to ensure best efficiency.) Black, non-reflective is the least obtrusive. We would also like you to address the height and alignment of the buildings in relation to the visibility from the AONB.

3.13.3 *Light Pollution*

The impact of light pollution at this sensitive location at the foot of the downs should also be considered. The KDAONB would suggest that street lighting is not needed in this location or for this size of development, so close to the rural area. Careful design and conditions are needed to reduce any form of private lighting to a minimum.

3.13.4 *Green Infrastructure*

Design of any new developments should afford sufficient green infrastructure to relieve pressure on more sensitive landscapes beyond the boundaries of the development, which in this case includes the AONB.

3.13.5 *With this in mind we note that the area to the west of Groom Way is currently open space, not within the curtilage of Northland. It provides a landscaped entrance to the Community Centre and Surgery. This would be lost if this development goes ahead with this number of houses.*

3.13.6 *Sustainability*

Developments need to design in biomass (wood chip) systems at an early stage and we would encourage you to suggest this to the applicant as part of their sustainability and energy strategy. This site is well located within easy distance of wood chip supplies."

Consultation responses with regards to contributions:

3.14 Mouchel (acting for KCC education and Adult Services):

Primary School education provision;

3.14.1 *Having received confirmation from MBC that 9 units will remain sheltered in perpetuity in accordance with the Design & Access statement, KCC have agreed to withdraw the primary requirement only on these 9 units. Thus reviewing the application, 3 new family homes are proposed; but as one is a replacement, there will be 2 'applicable' family units for Primary Education contributions amounting to (2 x £2360.96) = **£4721.92***

3.14.2 *The new primary school accommodation is intended to provide locally and delivered in accordance with the Local Planning Authority's Infrastructure Delivery Plan (where available), timetable and phasing. Two primary schools within a 2 mile radius are in Lenham and Platts Heath.*

3.14.3 *There is no current requirement for secondary school education provision.*

Libraries, youth and community learning;

3.14.4 *Local libraries - **£305.57**
Youth facilities - No current requirement
Community Learning - **£240.81***

3.14.5 *The County Council will mitigate the shortfall of local libraries book stocks through the provision of additional stock at Lenham library which is local to the development.*

3.14.6 *In terms of community learning, the contribution would be to the project for Lenham and Harrietsham area and will be delivered as the monies are received and will accord with the Local Planning Authority's Infrastructure Delivery Plan (where applicable).*

*Adult social services; **£170.14***

3.14.7 *Facilities for Kent Adult Social Services (older people, and adults with learning or physical disabilities) are already fully allocated. Therefore, the proposed development will result in a demand upon social services which KASS are under a statutory obligation to meet but will have no additional funding to do so. The County Council will mitigate this impact through the provision of new/expanded facilities and services in Maidstone local to the development.*

3.14.8 *Project 1 is for assistive technology (Telecare): enabling clients to live as independently and secure as possible in their own homes on this development technology items, including: pendants, fall sensors and alarms. Project 2 is 'Building Community Capacity', with enhancement of local community facilities to ensure full DDA access to clients to*

participate in community activities and groups. Both projects are related to the Harrietsham and Lenham ward.

TOTAL CONTRIBUTIONS OF £5438.44

3.15 West Kent Primary Care Trust (PCT):

3.15.1 *"In terms of this particular application, a need has been identified for contributions to support the delivery of investments highlighted within the PCT's Strategic Service Development Plan. These improvements to the primary care infrastructure will enable the PCT to support the registrations of the new population, in addition to the commissioning and delivery of health services to all. This proposed development is expected to result in a need to invest in a number of local surgery premises:*

- *Len Valley Surgery (Main) Lenham*
- *The Glebe Surgery (Branch) Harrietsham*

3.15.2 *These surgeries are within a two mile radius of the development. This contribution will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity.*

3.15.3 *NHS West Kent has used the same formulae for calculating s106 contributions for some time and believes these are calculated as fair and reasonable. The application identifies unit sizes to calculate predicted occupancy multiplied by £360. The existing housing has been deducted from calculations and so the calculation therefore is based on 11 dwellings (with nine units are to be age restricted).*

3.15.4 *For this particular application the contribution has been revised as:*

*3 units x 3.5 persons less existing house at 3.5 persons = 7 persons
9 units x 2 persons occupancy = 18 persons*

*Total 25 persons @ £360pp = **£9,000***

3.15.5 *This figure has been calculated as the cost per person needed to enhance healthcare needs within the NHS services."*

3.16 The Council's Parks and Open Spaces Department:

3.16.1 *Clearly there is no on-site open space provision at this location and we would therefore request an off-site contribution to be written into the Section 106 Head of Terms. The development makes no contribution to publicly accessible and meaningfully useful open space provision, which is a stated priority for the council.*

3.16.2 *The contribution would be based on 12 units x £1575 per unit = £18900.
Minus 1 x £1575 for existing unit = **£17325***

3.16.3 *This would go towards enhancing, maintaining, repairing and renewing amenity areas and green spaces within a one mile radius of the proposed development. Primarily we would request that any contribution received be given to the Parish Council for general improvements and enhancements to the amenity, open and green spaces land they own and which would be used by any new residents in the area. This is the cost per dwelling as set out in the 'Supplementary Planning Guidelines' and Fields in Trust's (formerly National Playing Fields Association) guidelines as provision costs for outdoor playing space."*

4. REPRESENTATIONS

4.1 2 neighbour representations have been made raising concerns over the density of the application, arboricultural issues, highway safety including drivers speeding along Old Ashford Road and increased traffic movements.

5. CONSIDERATIONS

5.1 Background information

5.1.1 The applicant did receive pre-application advice from the Council back in April 2012. It was stated at this time that an application of this type in this location would be balanced, but that if the standard of development was of a high quality, the Council could support a scheme as a departure from the Development Plan due to the lack of harm. The applicant has removed a unit and reconfigured the layout since pre-application advice was given.

5.1.2 The community centre, doctor's surgery and the ten affordable local needs housing in Groom Way (approved under outline application MA/99/0813 and then subsequently full planning applications MA/02/0087, MA/00/1969 and MA/00/1917) are outside the defined village settlement and sits to the north/north-west of the application site.

5.2 Site Description

5.2.1 The relatively flat application site encompasses the residential curtilage of 'Northland', largely enclosed by a well established hedge some 2.5m in height, and the open areas of soft landscaping to the north and east of this property. The application site does fall outside the defined village boundary, with the edge of the defined envelope being the eastern boundary of the neighbouring property 'Eastwood'; and the site is also in the North Downs Special Landscape Area, as shown by the Maidstone Borough-Wide Local Plan 2000.

5.2.2 'Northland' is an unremarkable 1970's (two storey) property set back some 17m from Old Ashford Road that does have an existing vehicle access on to this said highway. The open area of land to the north and east of 'Northland' consists of

well maintained grass, with young trees planted close to the footpath along Groom Way. Covering an area of some 0.41ha, the application site is bordered by Groom Way to the east, Old Ashford Road to the south, residential property ('Eastwood') to the west, and a doctors' surgery to the north.

- 5.2.3 The doctors' surgery to the north of the site, is a low eaved, brick built building with first floor accommodation in its relatively steeply pitched hipped roof; the community centre is also a low eaved brick built building with hipped roof elements, taking on a 'barn-style' appearance; and the brick built residential properties in Groom Way are split into two terraces, with front porch projections and white horizontal timber cladding at first floor level. The level of hardstanding/parking areas linked with these three uses, particularly for the community centre, is also significantly noticeable, lending itself to a more urban feel than countryside.
- 5.2.4 The five residential properties to the west of the application that front onto Old Ashford Road are a mixture of different styles, ages and scales, with no clear building line; and their frontages vary from hedging, walls and fencing to no boundary treatment. Travelling further into Lenham village, the pattern of built development becomes denser.
- 5.2.5 The southern side of Old Lenham Road is strongly characterised by softly landscaped amenity areas up to the junction with Glebe Gardens; and as you travel eastwards along Old Ashford Road away from the village, the character of the landscape does change, with built development giving way to arable/grazing land.
- 5.2.6 This section of Old Ashford Road has a speed limit of 30mph, it does have street lighting, and there is a bus stop on either side of the road within 70m of the application site. The national speed limit is signalled some 70m to the east of the application site. Groom Way is not a through-road, leading only to the doctors' surgery, community centre and ten residential properties. There are a number of public footpaths surrounding the site in all directions.
- 5.2.7 The site is in a sustainable location, with Lenham's The Square 'Local Centre' being less than 300m to the west of the application site with facilities such as a bakery, greengrocers, convenience store, library, public houses that serve food, and a takeaway restaurant. Lenham is also served by a train station (some 1200m to the south-west of the application site); and there is a regular bus service (Stagecoach) that links the village to Maidstone and Ashford seven days a week. This will be discussed further later on in this report.

5.3 Proposal

- 5.3.1 The proposal is for the erection of twelve dwellinghouses and a five-bay carport with shared vehicle access to Units 1 and 2 from Old Ashford Road and a new vehicle access to the other Units from Groom Way. The proposed development would consist of eight 3 bedroom properties and 4 four bedroom properties, with Units 4-12 (inclusive) restricted to person/persons over the age of 55 years old (or persons who were living as part of a single household with such a person or persons who have since died). The detached five-bay carport would be sited close to the Groom Way vehicle entrance (southern side); and pedestrian access into the site would be from the north-western corner and north-eastern corner of the site. 'Northland' would be demolished as part of the proposed scheme.
- 5.3.2 With regards to the nine age-restricted units, the applicant suggests there is a strong local demand for such properties aimed at the retirement market. Moreover, this restriction has also seen the applicant reduce the number of parking spaces and that given the site's close proximity to the village centre, doctor's surgery and community centre, they consider it a suitable location to have this type of housing.
- 5.3.3 This application would calculate at a density of 29 dwellings per hectare; and all of the new dwellings would achieve Level 4 in terms of the Code for Sustainable Homes.
- 5.3.4 In general terms, the development would consist of three detached properties erected along the site's southern boundary; with Units 1 and 2 fronting onto Old Ashford Road and Unit 3 built side on, fronting onto Groom Way. Parking and a softly landscaped courtyard area would be located to the rear of the site, surrounded by two terraces of three houses (to the east and west of the site); a single detached dwelling (to the north of the site); and a pair of semi-detached houses (to the north of the site).
- 5.3.5 All nine of the properties to the rear of the site would have their frontages facing onto the courtyard, so that the rear gardens of Units 4, 5 and 6 would back onto Groom Way; the rear gardens of Units 7, 8 and 9 would back onto the doctors' surgery; and the rear gardens of 10, 11 and 12 would back onto the rear gardens of 'Eastwood' and 2 Groom Way.
- 5.3.6 A brief description of each property is as follows;
- 5.3.7 Unit 1 (fronting onto Old Ashford Road);
- Detached two storey dwellinghouse (4 bed) with gable-end front and rear projections; double attached side garage; and barn-hipped roof element.

- Its main ridge height would stand some 9m from ground level and its main eaves height some 4.5m.
- Externally, the walls are to be of red multi-stock brick with tile hanging elements at first floor level; and the roof will be laid with plain clay tiles.

5.3.8 Unit 2 (fronting onto Old Ashford Road);

- Detached two storey dwellinghouse (4 bed) with pitched roof and catslide roof element to the rear.
- Its main ridge height would stand some 9.35m from ground level and its main eaves height some 5.3m.
- Externally, the walls are to be largely clad with softwood feather-edged weatherboarding, with red multi-stock brick elements (plinth, chimney and bay window); and the roof will be laid with slate tiles.

5.3.9 Unit 3 (fronting onto Groom Way);

- Detached two storey dwellinghouse (4 bed) with pitched roof and catslide roof element to the side.
- Its main ridge height would stand some 8.9m from ground level and its main eaves height some 4.8m.
- Externally, the walls are to be part clad with softwood feather-edged weatherboarding and red multi-stock brick; and the roof will be laid with plain clay tiles.

5.3.10 Unit 4 (fronting westwards onto internal courtyard area);

- End of terrace, two storey dwellinghouse (3 bed) with pitched roof.
- Its main ridge height would stand some 8.6m from ground level and its main eaves height some 4.5m.
- Externally, the ground floor level would be of red multi-stock brick and the first floor level of tile hanging; and the roof will be laid with plain clay tiles.

5.3.11 Units 5 & 6 (fronting westwards onto internal courtyard area);

- Adjoining mid-terrace and end of terrace, two storey dwellinghouses (3 bed) with pitched roofs.
- Main ridge heights would stand some 9.6m from ground level and main eaves heights some 5.1m.
- Externally, the properties would be of red multi-stock brick, with plain clay roof tiles.

5.3.12 Units 7 & 8 (fronting southwards onto internal courtyard area);

- Pair of semi-detached, two storey dwellinghouses (3 bed) with pitched roofs.
- Main ridge heights would stand some 9.2m from ground level and main eaves heights some 5.45m.
- Externally, the properties would be of red multi-stock brick, with plain clay roof tiles.

5.3.13 Unit 9 (fronting southwards onto internal courtyard area);

- Detached, two storey dwellinghouse (4 bed) with pitched roofs.
- Main ridge heights would stand some 8.6m from ground level and main eaves heights some 4.8m.
- Externally, the walls are to be largely clad with softwood feather-edged weatherboarding, with red multi-stock brick elements (i.e. plinth and chimney); and the roof will be laid with slate tiles.

5.3.14 Units 10, 11 & 12 (fronting eastwards onto internal courtyard area);

- When viewed from the front, the three adjoining properties (3 bed) would be two storey in appearance and gable-ended. Units 10 and 11 would have a ridge height of some 7m from ground level and an eaves height of 4.3m; and Unit 12 would have a ridge height of some 8.25m and an eaves height of some 4.75m.
- To the rear, Units 10 and 11 would have a lower eaves height (some 3.2m), with Unit 10 also having a single storey element projecting out on its own.
- From the rear, Unit 12 would also have a catslide roof element with a single storey glazed projection.
- Externally, these buildings would be a mixture of softwood feather-edged weatherboarding and red multi-stock brick; and the roof will be laid with slate tiles.

5.3.15 In terms of parking, Units 1 and 2 would have parking to the front (private driveways and double detached garages); Unit 3 would have three allocated parking spaces; and Units 4-12 would have a total of 15 allocated parking spaces, equating to 1.6 spaces per unit. The five-bay carport (with bin store) would measure some 16.8m in length and some 5.7m in depth; and with its pitched roof would stand some 5m in height from its ridge to ground level. Its eaves height would measure some 2.2m. In terms of materials, it would be largely clad with softwood feather-edged weatherboarding, with a red multi-stock brick plinth; and its roof would be laid with slate tiles. The open parking

areas would be of bound gravel, framed by local stock brick walls (some 1m in height).

- 5.3.16 In terms of contributions, Mouchel (acting for KCC education and Adult Services) has requested a total of £5,438.44; West Kent Primary Care Trust has requested a total of £9,000; and the Council's Parks and Open Spaces Department has requested a total of £17,325. A breakdown of these requests has previously been shown under sections 3.14-3.16 of this report. The applicant has also provisionally agreed to these contributions.
- 5.3.17 Given the scale of the proposed development, no affordable housing provision is required.

5.4 Relevant policy and guidance

- 5.4.1 The application site does fall outside the defined village envelope of Lenham and this proposal is not one of the listed exceptions of development in the countryside shown in policy ENV28 of the Maidstone Borough-Wide Local Plan 2000. The proposal is therefore a departure from the Development Plan. However, as will be explained in detail further on the report, I take the view that the proposed development would not be visually harmful and therefore acceptable.
- 5.4.2 South East Plan 2009 policies listed at the beginning of this report are also of relevance.
- 5.4.3 Moreover, at the heart of the National Planning Policy Framework (NPPF) is a "*presumption in favour of sustainable development*", which should be seen as a golden thread running through both plan-making and decision-taking. The NPPF goes on to state that... "*Housing applications should be considered in the context of the presumption in favour of sustainable development*".
- 5.4.4 Paragraph 53 of the NPPF does state;
- "Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area."*
- 5.4.5 Whilst garden land is no longer 'previously developed land', the NPPF does not prohibit the erection of houses on gardens and it does not restrict new housing only to previously development land, but clearly the scheme must be appropriate and not cause significant harm to the amenity of the local area. It must also be a material consideration that there is an existing building on site.

5.4.6 The draft Maidstone Core Strategy, although not adopted, is a planning document that sets the general direction of development in the borough until 2026 and should therefore, be given some, albeit limited, weight. The draft Core Strategy seeks to direct 20% of all housing development over the plan period to the rural area and specifically to the five rural service centres, of which Lenham is one.

5.4.7 The Council has identified that collectively, RSCs have not seen significant growth in the past few years, with no allocated sites within the village confines of Lenham that would see any significant development in the short/medium term. The draft Core Strategy shows that the Council has a clear objective in terms of housing provision in Rural Service Centres, including Lenham, and I am of the view that bringing forward this high quality development now would be acceptable. Indeed, with the anticipated delay of the Core Strategy, why wait if the principle of the development is considered acceptable.

5.4.8 The NPPF that states housing applications should be considered in the context of the presumption in favour of sustainable development, which includes good design. In line with this, I will go on to explain why I consider the proposal to be sustainable and visually acceptable, and therefore acceptable in principle.

5.4.9 Notwithstanding this, a material consideration in the determination of this application comes in the way of a recent Planning Inspectorate appeal decision at 41 & 56 Valley Drive (APP/U2235/A/12/2174289). The Council at the time of this appeal, and now, cannot demonstrate a deliverable five year supply of housing land and so there is a shortfall in the Borough. The NPPF does state that in order to promote house building, relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites. The Inspector concluded on the Valley Drive appeal that;

"In these circumstances, restricting development to the urban area is not up to date because addressing a shortfall in housing supply could well necessitate the use of the land that is not inside the urban area. As a result in considering this proposal I have not attached significant weight to Local Plan policy ENV28."

5.4.10 The lack of a 5 year supply is a relevant factor but does not, of itself, direct that this application should be approved. Indeed, this proposal would make a relatively marginal contribution to the borough's housing land supply position. It is the specific details of this proposal that, in my view, make the development acceptable in this case.

5.5 Sustainability

5.5.1 I am of the view that the application is in a sustainable location, and as it states in the Planning for Growth Ministerial Statement (March 2011);

"Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision."

5.5.2 As previously mentioned, The Square 'Local Centre' is less than 300m to the west of the application site with facilities such as a bakery, greengrocers, convenience store, library, public houses that serve food, and a takeaway restaurant; Lenham is served by a train station (some 1200m to the south-west of the application site); and there is a regular bus service (Stagecoach) that links the village to Maidstone and Ashford seven days a week. In terms of frequency, there are more than ten buses a day in both directions (to Maidstone and Ashford) Mondays to Saturdays; and five buses each way on Sundays/Bank Holidays. There is a bus stop on either side of Old Lenham Road, within 70m of the application site; and there are other bus stops close to The Square and along Ashford Road.

5.5.3 Moreover, there are three doctor surgeries within five miles of the application site, including the Len Valley Practice that is immediately to the north of the site on Groom Way, and a branch of this practice known as the Glebe Medical Centre on Church Road, Harrietsham. The other surgery is in Charing, and at the time of writing this report all three were accepting new patients. In addition, there are fourteen dentists within a ten mile radius that are accepting new patients. This information was taken from the official NHS Direct website at the time of writing this report.

5.5.4 In terms of education, Lenham does have a primary school and secondary school, both in Ham Lane (less than a mile away from the application site).

5.6 Design, siting and appearance

5.6.1 Given the surrounding existing built development of the dwellings in Groom Way, the community centre and the doctor's surgery to the north/north-west of the site, and Groom Way to the east of the site, I am of the view that the village entrance here is not 'soft' in appearance and that the application site does not 'read' as countryside but as being in the confines of the village.

5.6.2 Furthermore, there is no clear uniform pattern of existing built development for this scheme to adversely effect. Indeed, there is no real built frontage to speak of along the southern side of this Old Ashford Road; and the properties on the northern side do vary in degrees of set back from the road. Moreover, the positioning of the doctor's surgery, community centre and dwellings to the north of the site, and Groom Way to the east of the site (that are outside the defined

village) is such that the proposal would not noticeably encroach into the countryside with the surrounding development providing a clearly defined end to the built up area. In terms of the impact on the wider area, cul-de-sacs are very much a common feature of Lenham village, including both Groom Way immediately to the north of the site and Glebe Gardens to the south. I also consider the density of 29 dwellings per hectare and the layout shown to fully respect the site's edge of village location, where built development becomes less dense, giving way to agricultural land and a more rural landscape. I therefore take the view that this proposal would not have a detrimental impact on the pattern and grain of development of the surrounding area; and in this instance consider it to be an appropriate edge of village development.

- 5.6.3 I will now specifically turn to the proposal's layout. In terms of the Old Ashford Road frontage, the spacing (at first floor level) between 'Eastwood' and Unit 1 would be more than 8m; between Unit 1 and Unit 2 some 3.5m; and between Unit 2 and Unit 3 some 9m. This generous spacing creates an open feel to the development, with the properties sitting comfortably within the allocated plots.
- 5.6.4 Furthermore, the set back of these three units from the road would positively relate with the five residential properties to the immediate west of the site; and the varying styles and ridge heights would continue the mix of building designs and sizes along this row. Unit 2 would have a detached garage to the front of the site. However, given this garage's modest footprint, low eaves height, pitched roof design and orientation, I am satisfied that this element of the proposal would not appear over dominant or incongruous in the street. I am also satisfied that the flank of Unit 3 that faces onto Old Ashford Road is well-detailed, providing an acceptable level of visual interest; and that the unit's overall positioning, orientation, design, set back from both highways and scale would fully respect its corner plot location, preserving a softly landscaped and open feel.
- 5.6.5 In terms of the Groom Way frontage, the buildings would be set back more than 6m from this highway; and the staggered building line, varying ridge heights; and differing styles of buildings and materials would ensure a visually interesting development. I am also not over concerned with the terrace (Units 4, 5 and 6) being set with the rear gardens backing onto Groom Way, as the terrace is well set back from the road, with the use of planting as part of the boundary treatment to further soften the scheme. In addition to this, the well articulated and active elevations of Units 3 and 7 either side of the terrace puts it into context; and the 7m set back of Units 7 and 8 from the northern boundary of the site, would also provide a good break between the propose development and the doctor's surgery. Again, the spacing and orientation of the units would create an open feel to the development when viewed from Groom Way, with the properties sitting comfortably within the allocated plots.

- 5.6.6 Within the site, I consider the layout to be spacious and open in feel, with each unit set well within its plot and within the site as a whole; and the softly landscaped courtyard area and frontages to the units along with the linear parking area being broken up with landscaping and the traditionally styled carport further enhances the scheme. The differing styles, heights, and choice of materials for the units facing into the site also add to the visual interest of this high quality development. The 1.8m high local stock brick wall along the rear boundaries of Units 1 and 2 would also preserve the traditional feel to the scheme.
- 5.6.7 In general terms, there is a good variety of house types within the proposed development, with the use of a similar palette of external materials bringing the scheme together well. Indeed, the mixture of brickwork, feather edged timber boarding, tile hanging and tile/slate roof tiles, would create a visually interesting development of good quality. The use of granite sets and appropriate hardstanding (bound gravel) through-out the development together with the soft landscaping would also visually enhance the scheme. The applicant will be directed by way of condition for what external materials should be used in the development.
- 5.6.8 The use of non-reflective plain clay and slate roof tiles would avoid glint and glare when viewed from the Kent Downs AONB to north of Ashford Road; and given the existing built development close to the site and how this proposal would be read in context with it, I am not of the view that the scale/height of the proposed development would have an adverse impact on the setting of the AONB. Furthermore, planning permission would be required for any proposed external lighting, and so its potential impact on the surrounding area and the AONB would be considered then; and the proposal will include a good level of landscaping and ecological enhancements (to be discussed later on in report), going some way to relieve the pressure on the surrounding countryside and the AONB to the north. The use of biomass (wood chip) systems at an early stage has been suggested by the Kent Downs AONB Unit, but I do not consider this to be within the remit of planning and therefore do not consider it appropriate to pursue this matter any further.
- 5.6.9 Tanyard Farmhouse, a Grade II listed building to the south-east of the site, is set back some 120m from Old Ashford Road; and Lenham Conservation Area is some 85m away to the west of the site. Given these considerable separation distances; and the well designed scheme proposed, I am satisfied that this development would not have a detrimental impact on the character and setting of these historic designations. The Council's Conservation Officer also raises no objections.

5.6.10 I am therefore of the view that this is a well designed and sustainable development that would not appear out of context, cramped or visually incongruous within the setting, pattern and character of the wider area, but a cohesive development that allows a soft transition into the countryside. I therefore consider the principle acceptable for this proposed development.

5.7 Residential Amenity

5.7.1 The nearest property to the proposed development is 'Eastwood', a modestly sized bungalow that is located immediately to the west of the application site.

5.7.2 As it stands, suitable boundary treatments would maintain acceptable levels of privacy at ground floor level; no new first floor openings in Unit 1 would directly overlook this property or its immediate outdoor amenity space; and no two storey built development would be within 8.5m of 'Eastwood', with the proposed single storey garage of Unit 1 separating the two properties. In addition to this, the siting and design of Units 10, 11 and 12 would ensure there to be no significant levels of overlooking into the garden area of 'Eastwood'. I am therefore satisfied that this proposal would not result in a development that would unacceptably overwhelm, or result in a significant loss of light, privacy or outlook to the occupants of 'Eastwood'.

5.7.3 There is an extant planning permission for 'Eastwood' that has granted the erection of a part two storey, part single storey rear extension and roof extension (MA/12/0411). If this were to be implemented, I am satisfied that the amenity of the occupants of this property would still be fully respected.

5.7.4 2 Groom Way and the adjoining properties along this terrace would be more than 15m away from the closest proposed properties (Units 10 & 11), which I consider a significant enough distance for the proposal to not overwhelm/over dominate these neighbours; Units 10 and 11 are low eaved in height from the rear elevations, further reducing any visual presence when viewed from these properties; and the proposed units and the existing properties in Groom Way are orientated in such a way that I have no significant concerns with the scheme causing a significant loss of light, privacy or outlook to the occupants of these houses.

5.7.5 No other residential property would be in a significant enough distance of this proposal, to be adversely affected by it.

5.8 Impact on future occupants

5.8.1 I am satisfied that the fenestration arrangements of the new dwellings would result in acceptable levels of outlook, daylight and privacy for the occupants.

Appropriate boundary treatments and conditioning all bathroom and ensuite openings to be obscure glazed and fixed shut would also maintain acceptable levels of privacy for future occupants.

- 5.8.2 I do consider the level of proposed outdoor amenity space to be acceptable for properties of this size.
- 5.8.3 I am also satisfied that the residential amenity of future occupiers would not be significantly affected by the existing surrounding properties, given their separation distances, orientation and fenestration detail.

5.9 Highways

- 5.9.1 The existing vehicular access point for 'Northland' is to be replaced by an access point more centrally placed along Old Ashford Road (for Units 1 & 2) and an access point centrally placed onto Groom Way. The two access points would measure some 4.4m wide at the junctions with the said highways, and a pavement would edge the eastern and southern boundaries of the site. I am of the view that these access points would be adequate for the frequency/level of vehicle movements of twelve residential properties and Old Ashford Road and Groom Way would be capable of satisfactorily accommodating the extra traffic generated by this new development.
- 5.9.2 I am also of the view that the 'shared surface' type approach within the site is acceptable, there is good all round visibility; and given the layout, no vehicle should be travelling at any great speed to endanger pedestrians. Furthermore, the KCC Highways Officer has not raised any specific objections to the proposed scheme and is satisfied with the stated visibility splays of 43m x 2.4m being adequate for this location.
- 5.9.3 In terms of parking, Units 1 and 2 would have parking to the front (private driveways and double detached garages); Unit 3 would have three allocated parking spaces; and Units 4-12 (for persons 55yrs and over) would have a total of 15 allocated parking spaces, equating to 1.6 spaces per unit.
- 5.9.4 I consider the new accesses would safely accommodate and serve the proposed development; and whilst there are no adopted minimum or maximum parking standards for the Council to adhere to for a development like this, I am of the view that the parking provision shown is sufficient, given the site's sustainable location, and given that a household of persons 55yrs and over are likely to have fewer cars than a younger family say. I am therefore of the view that the proposed development would not have a significant impact on highway safety.

- 5.9.5 The KCC Highways Officer has made reference to improving the two existing bus stops close to the application site. The suggestion being that the provision of bus boarders would make them more accessible to the residents of this development and thus enhance the use of the bus service. The KCC Highways Officer recommended that this was requested by way of the applicant entering into a Section 278 Agreement to undertake the works.
- 5.9.6 Given the close proximity of the two bus stops in question and the fact that nine of the units would be given over to persons 55yrs and over (a demographic of people that are more likely to use public transport than a family say), I am satisfied that this request is reasonable and will therefore duly impose a condition ensuring that this contribution is met.

5.10 Landscaping

- 5.10.1 The submitted Arboricultural Survey and Planning Integration Report shows that the five trees and the hedges within the site (except for parts along the western boundary) are of no landscape significance or in a poor condition and are to be removed as part of the proposed development. In addition, the report indicatively shows there is considerable scope for new planting within the site, and an appropriate landscape scheme will be requested by way of condition to ensure this is adhered to. This condition will specifically detail what I expect to see in the way of landscaping, including the use of indigenous species, and hedging and tree planting on the visually important southern and eastern boundaries of the site, reflecting the rural character of the rural area. The applicant has agreed to use a mix of suitable native hedge planting along the southern and eastern boundaries would be used instead of the Cypress hedging shown on the drawings. This will be ensured by way of condition.
- 5.10.2 The report also confirms that the two trees in the neighbouring garden of 'Eastwood' are to be retained and whilst the larger tree at the rear of the site will require special foundations to be used in its vicinity, the proposal does comply with current standards and advice. A method statement for the foundation construction within root protection areas (RPA) will be asked for by way of condition prior to the commencement of any works. Furthermore, the report confirms that one of the existing trees along Groom Way is to be replanted on the opposite side of this highway.
- 5.10.3 Whilst no further information is required at this stage, I do consider it reasonable to impose prior to commencement conditions requiring the compliance with the submitted Arboricultural Survey and Planning Integration Report together full details of the recommendations set out in paragraph 10.1 of this report.

5.10.4 After consultation with the Council's Landscape Officer, the submitted details are considered to be acceptable on arboricultural grounds; and I am of the view that the proposal would provide a good level of appropriate planting within the site, having a positive impact upon the character and appearance of the locality.

5.11 Biodiversity/ecology

5.11.1 The submitted ecological scoping report concludes that given the very short grassland nature of the majority of the site with planted exotic borders and conifer hedge lines, there appears to be limited potential for protected species to occur.

5.11.2 Indeed, the site is not considered suitable for water vole or dormouse; and the short mown grassland does not favour reptile species although there was some very limited potential for this group along a few hedge areas that have not been tightly mown. Great crested newts (GCN) are known to occur in the pond some 35m to the south of the application site, yet the site itself has very limited GCN terrestrial habitat and is separated from the pond by Old Ashford Road. Furthermore, none of the trees on site are thought to provide potential roosting areas for bats, although there is a Poplar tree with potential on the neighbouring property to the west of the site; and the existing trees/hedging on site does provide potential nesting areas for birds.

5.11.3 I am therefore in agreement with this report's conclusion and the KCC Biodiversity Officer is also satisfied that no additional information is required to be submitted prior to determination of the planning application.

5.11.4 However, if any clearance works (buildings and vegetation) are to be started during bird breeding season, I do consider it reasonable to impose a condition requesting a survey to be submitted to the Council for approval; and I also consider it reasonable to request (by way of condition) an ecological watching brief to be submitted for the Council's approval prior to when the hedges on site are to be removed.

5.11.5 In addition to this, one of the principles of the National Planning Policy Framework is that "*opportunities to incorporate biodiversity in and around developments should be encouraged*". Proposed native planting is obviously welcomed in this respect, and I will also be asking for details of rear boundary treatments to incorporate a minimum gap of 150mm from ground level, and for details of the provision of swift and/or bat boxes within the development. This is in the interests of enhancing the ecology and biodiversity of the site and surrounding area.

5.12 Unilateral Undertaking details

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

It is:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

Maidstone Borough Council Parks and Open Space -

5.12.2 Contributions of £17,325 have been sought from Maidstone Borough Council Parks and Open Space, as the proposed development makes no contribution to publicly accessible and meaningfully useful open space provision, which is a stated priority for the council.

5.12.3 These contributions would be used for enhancing, maintaining, repairing and renewing amenity areas and green spaces within a one mile radius of the proposed development. The contributions would be given to Maidstone Borough Council to then pass on to Lenham Parish Council, for improvements and enhancements to the amenity, open and green spaces land that is in their ownership and in close proximity to the application site.

5.12.4 The question was raised whether the occupants of the age restricted units would make any demands for playing fields, sports facilities and children's play spaces. In response, the Parks and Open Spaces Department has made it clear that the Green Spaces Strategy identifies eight categories of Open Space that not only includes playing fields, sports facilities and children's play spaces, but also parks and gardens, natural and semi-natural greens pace, allotments and community gardens, green corridors and cemeteries and churchyards. It is also worth noting that there is a growing trend for outdoor gym equipment in parkland areas which are specifically aimed at the more senior residents in towns and boroughs.

5.12.5 I therefore consider the use of the contributions proposed by the Council's Parks and Open Space to be related to this development, as they are within close proximity of the site and there is a good indication as to how the money will be spent. Moreover, there is no space within the site to provide any on-site open space (except for the properties rear gardens) and Maidstone Borough Council does have an adopted Development Plan Document (DPD) that requires applicants to provide open space on site. So, when open space is not provided on site, off-site contributions are sought, to improve the facilities within the

locality, that will ensure that the additional strain placed upon the open spaces is addressed.

West Kent Primary Care Trust -

- 5.12.6 West Kent Primary Care Trust has requested that a contribution of £9,000 to be invested in the Len Valley Surgery, Lenham and the Glebe Surgery, Harrietsham (which is a branch surgery to the Len Valley Surgery). The requested contributions would be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity. This figure has taken into account nine of the units would be age restricted and therefore more than likely to have a lower occupancy ratio.
- 5.12.7 Len Valley Surgery is immediately adjacent (to the north) of the application site and the Glebe Surgery, Harrietsham is the next nearest surgery some 1.8 miles away from the application site. Glebe Surgery is a branch associated to the Len Valley Surgery, so there is the possibility of patients attending certain clinics or using certain services only available at this smaller surgery. I consider the use of the contributions proposed by West Kent Primary Care Trust to be reasonable and clearly related to this development and there is a good indication as to how the money will be spent.

Kent County Council (Mouchel) -

- 5.12.8 Nine units would be occupied by persons 55yrs or older and so it would be unreasonable to request primary school contributions based on these units. Therefore, because two new family homes are proposed (one is a replacement and so not 'applicable'), the contributions have been calculated £4721.92.
- 5.12.9 These contributions would locally provide new primary school accommodation, to be delivered in accordance with the Local Planning Authority's Infrastructure Delivery Plan (where available), timetable and phasing. Two primary schools within a 2 mile radius are in Lenham and Platts Heath. I am satisfied that this contribution would meet the tests of Regulation 122, in that it would be necessary, directly related and of a suitable scale.
- 5.12.10 No secondary school contributions have been requested.
- 5.12.11 A request for £546.38 for libraries and community learning has been made. This would be spent on providing additional book stock for Lenham library and on projects within the Harrietsham and Lenham ward. I am satisfied that this contribution would meet the tests of Regulation 122, in that it would be necessary, directly related and of a suitable scale.

- 5.12.12 A request of £170.14 for adult social services has also been made to provide new/expanded facilities and services in Maidstone local to the development. Project 1 is for assistive technology (Telecare), enabling clients to live as independently and securely as possible in their own homes by using technology including pendants, fall sensors and alarms. Project 2 is for 'Building Community Capacity', with the enhancement of local community facilities to ensure full DDA access to clients to participate in community activities and groups. Both projects are related to the Harrietsham and Lenham ward. It is not as important for these services to be within walking distance of the site and in any case several of these services are provided by way of home-based visits by carers/assessors. I am satisfied that implementation within the Harrietsham and Lenham ward is reasonable, necessary and related to the proposed development.
- 5.12.13 I am satisfied that the contributions sought meet the specific tests of Regulation 122 of the Act; and as such, should be provided by the applicant.

5.13 Other Matters

- 5.13.1 The applicant has stated that each dwelling would achieve a minimum of Level 4 in terms of the Code for Sustainable Homes, ensuring a sustainable and energy efficient form of development.
- 5.13.2 Whilst the development is acceptable in terms of its design and layout, I consider it reasonable to remove each property's permitted development rights to extend both the building and the roof area, to build front porches, and to erect boundary treatments. This will ensure the character and open feel to the development is retained and that the amenity of future occupants and existing surrounding neighbours is respected.
- 5.13.3 The site is not within a Flood Zone, as designated by the Environment Agency and is not within close proximity of any noticeable watercourse. Therefore, this development would not be prejudicial to flood flow, storage capacity and drainage within the area. The Environment Agency also raises no objections.
- 5.14.4 Given the application site's location and advice taken from the Council's Environmental Health Officer, I do not consider it necessary to impose the condition regarding contamination, as recommended by the Environment Agency; or to request further details in terms of acoustic and air quality surveys.

6. CONCLUSION

- 6.1 Lenham Parish Council did not wish to comment on this application and the issues raised by the two neighbour representations have been dealt with in the main body of this report. I would also like to add that the issue of speeding vehicles along Old Ashford Road is not a material planning consideration in the determination of this application.
- 6.2 For the reasons outlined above, I consider the development would not cause any demonstrable harm to the character of the area and it would not significantly harm the amenities of existing residents. It is therefore considered overall that the proposal is acceptable for the reasons given and so I recommend conditional approval of the application.

7. 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, written details and samples of the following 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;

- i) red multi-stock bricks;
- ii) plain clay roof tiles;
- iii) slate roof tiles;
- iii) plain clay tile hangings;
- iv) details of softwood feather edged weatherboarding and colour of painted finish to be used;

The development shall be constructed using the approved materials and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development. This is in accordance with policies ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan 2000, policies BE1, CC1, CC4 and CC6 of the South East Plan 2009 and the National Planning Policy Framework.

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(s) or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers. This is in accordance with policies ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan 2000, polices BE1, CC1, CC4 and CC6 of the South East Plan 2009 and the National Planning Policy Framework.

4. The development shall not commence until details of the hardsurfacing within the site have been submitted to and approved in writing by the Local Planning Authority and maintained thereafter;

Reason: To ensure that the development positively responds to the character and appearance of the locality and to ensure highway safety. This is in accordance with policies ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan 2000, polices BE1, CC1, CC4 and CC6 of the South East Plan 2009 and the National Planning Policy Framework.

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

(i) Details of windows and doors and recesses/reveals which shall be a minimum of 70mm;

(ii) Details of treatment of eaves finishing;

The development shall thereafter be undertaken in accordance with the subsequently approved details. This is in accordance with policies ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan 2000, polices BE1, CC1, CC4 and CC6 of the South East Plan 2009 and the National Planning Policy Framework.

6. Before the development hereby permitted is first occupied, the proposed windows serving bathroom and ensuite facilities shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such;

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers. This is in accordance with policies

ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan 2000, polices BE1, CC1, CC4 and CC6 of the South East Plan 2009 and the National Planning Policy Framework.

7. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall be in accordance with BS 5837 (2012) 'Trees in relation to design, demolition and construction - Recommendations' with indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and shall include the following;
 - i) Details of the species, size, density and location of all new planting within the site;
 - ii) Except for 1 *Malus hupehensis*, the retention of all existing trees along the application site's eastern boundary;
 - iii) The southern and eastern boundary hedges of the site to consist of 10% Field Maple, 70% Hawthorn, 15% Hazel and 5% Holly mix; to be planted at 45cm centres in a double staggered row with 30cm between the rows;

Reason: In the interests of visual amenity and biodiversity. This is in accordance with policy ENV6 of the Maidstone Borough-Wide Local Plan 2000, policy NRM5 of the South East Plan 2009 and the National Planning Policy Framework.

8. 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 is in accordance with policy ENV6 of the Maidstone Borough-Wide Local Plan 2000 and the National Planning Policy Framework.

9. All trees to be retained must be protected in accordance with the Arboricultural Survey and Planning Integration Report received 28/09/12, 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 fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, 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. This is in accordance with policy ENV6 of the Maidstone Borough-Wide Local Plan 2000 the National Planning Policy Framework.

10. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority full details relating to the recommendations set out under paragraph 10.1 of the Arboricultural Survey and Planning Integration Report received 28/09/12, and an Arboricultural Method Statement for the foundation construction within the root protection areas, which shall be in accordance with BS 5837 (2012) Trees in relation to design, demolition and construction - Recommendations that shall include details of what works there will be to existing trees prior to the commencement of works together with measures for their protection in the course of development.

Reason: To ensure the retention of existing trees within the site. This is in accordance with policy ENV6 of the Maidstone Borough-Wide Local Plan 2000 and the National Planning Policy Framework.

11. All site clearance works (buildings and vegetation) shall not commence until an ecological watching brief for protected species (which accords with the recommendation in the Preliminary Ecological Scoping Report received 28/09/12), has been submitted to and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy unless any amendments are agreed in writing by the local planning authority.

Reason: In the interests of ecology and biodiversity. This is in accordance with policy NRM5 of the South East Plan 2009 and the National Planning Policy Framework.

12. The development shall not commence until details of the following have been submitted to and approved in writing by the Local Planning Authority and maintained thereafter;

- i) details of the provision of swift and/or bat/bird boxes within the development;
- ii) details of rear boundary treatments to incorporate a minimum gap of 150mm from ground level;

Reason: In the interests of ecology and biodiversity. This is in accordance with policy NRM5 of the South East Plan 2009 and the National Planning Policy Framework.

13. 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, Class(es) A, B, D and E and Schedule 2, Part 2, Class A shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by existing and prospective occupiers. This is in accordance with the National Planning Policy Framework.

14. The dwellings shall achieve Level 4 or better of the Code for Sustainable Homes. The dwellings shall not be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 or better has been achieved;

Reason: To ensure a sustainable and energy efficient form of development. This is in accordance with policy CC4 of the South East Plan 2009 and the National Planning Policy Framework.

15. Units 4-12 (inclusive) of the residential development hereby permitted shall be occupied only by persons of 55yrs and over or persons who were living as part of a single household with such a person or persons who have since died;

Reason: Development without adequate parking provision is likely to lead to parking inconvenient to other road users and in the interests of road safety. This is in accordance with the National Planning Policy Framework.

16. No free standing lighting shall be installed on the site without the prior written consent of the Local Planning Authority;

Reason: To safeguard visual amenity and the residential amenity of future occupants. This in accordance with the National Planning Policy Framework.

17. Unless otherwise agreed in writing by the Local Planning Authority no development permitted by this permission shall commence until such time as an agreement under Section 278 of the Highways Act 1980 has been completed with respect to the following highway works: a) The provision of bus boarders to the two bus stops on each side of Old Ashford Road closest to the application

site. No part of the development hereby permitted shall be occupied until such time as the above mentioned highway works are complete;

Reason: In the interests of highway safety in accordance with the National Planning Policy Framework. This is in accordance with the National Planning Policy Framework.

18. The development hereby permitted shall not be commenced until the vehicle visibility splays stated in the Design and Access statement received 28/09/12 have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety. This in accordance with the National Planning Policy Framework.

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

Reason: In the interests of highway safety. This is in accordance with the National Planning Policy Framework.

20. 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 provision is likely to lead to parking inconvenient to other road users and in the interests of road safety. This is in accordance with the National Planning Policy Framework.

21. No development shall take place until details of the cycle storage areas have been submitted to and approved in writing by the Local Planning Authority. Any details as are approved shall be fully implemented prior to the first occupation of any of the residential units.

Reason: No such details have been submitted and to ensure highway safety. This is in accordance with the National Planning Policy Framework.

22. The development shall not commence until details of a scheme of foul and surface water drainage for the site have been submitted to an approved by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details;

Reason: To ensure adequate drainage arrangements. This is in accordance with the National Planning Policy Framework.

23. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways;

Reason: To prevent pollution of the water environment. This is in accordance with the National Planning Policy Framework.

24. The development hereby permitted shall be carried out in accordance with the following approved plans: 596: P02, P03, P04, P07 and P15 received 28/09/12 and 596: P01 A, P05 A, P06 A, P10 A and P11 A received 20/11/12;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers. This is in accordance with policies ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan 2000, polices BE1, CC1, CC4 and CC6 of the South East Plan 2009 and the National Planning Policy Framework.

Informatives set out below

Bats have been recorded within the surrounding area, lighting can be detrimental to roosting, foraging and commuting bats. To minimise impact on bats we advise that the Bat Conservation Trust's Bats and Lighting in the UK guidance is adhered to in the lighting design (see end of this note for a summary of key requirements). The two most important features of street and security lighting with respect to bats are:

1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.
2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

UV characteristics:

Low

- Low pressure Sodium Lamps (SOX) emit a minimal UV component.
 - High pressure Sodium Lamps (SON) emit a small UV component.
 - White SON, though low in UV, emit more than regular SON.
- High
- Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps
 - Mercury lamps (MBF) emit a high UV component.
 - Tungsten Halogen, if unfiltered, emit a high UV component
 - Compact Fluorescent (CFL), if unfiltered, emit a high UV component.
- Variable
- Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output.

Glass glazing and UV filtering lenses are recommended to reduce UV output.

Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels. Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided.

If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

The above recommendations concerning UV output and direction apply. In addition:

Lighting should illuminate only ground floor areas. Light should not leak upwards to illuminate first floor and higher levels. Lamps of greater than 2000 lumens (150 W) must not be used. Movement or similar sensors must be used. They must be carefully installed and aimed, to reduce the amount of time a light is on each night. Light must illuminate only the immediate area required, by using as sharp a downward angle as possible. Light must not be directed at or close to bat roost access points or flight paths from the roost. A shield or hood can be used to control or restrict the area to be lit. Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife. Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation

(web:www.kent.gov.uk/roads_and_transport.aspx) or telephone: 08458 247800) in order to obtain the necessary Application Pack.

The site lies on a major aquifer, therefore the following points should be noted wherever soakaways are proposed:

- Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used to prevent hydrocarbons draining to ground from roads, hardstandings and car parks. Clean uncontaminated roof water should drain directly to soakaways entering after any pollution prevention methods.
- No soakaway should be sited in or allowed to discharge into land impacted by contamination or land previously identified as being contaminated.
- There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of soakaways and the water table.
- A series of shallow soakaways are preferable to deep bored soakaways, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater.

All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention, the applicant should refer to our guidance 'PPG1 - General guide to prevention of pollution', which is available on our website at www.environment-agency.gov.uk.

Waste from the development must be re-used, re-cycled or otherwise disposed of in accordance with Environmental Protection Act 1990 and in particular the Duty of Care.

Please also note that contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore its handling, transport, treatment and disposal is subject to waste management legislation which includes:

- i. Duty of Care Regulations 1991
- ii. The Waste (England and Wales) Regulations 2011
- iii. Hazardous Waste (England and Wales) Regulations 2005
- iv. Pollution Prevention and Control Regulations (England and Wales) 2000
- v. Environmental Permitting (England and Wales) Regulations 2010

If waste is to be stored on site;

1) It must be done in accordance with Section 34 of the Environmental Protection Act and the Duty of Care in respect of waste, any waste generated on site is to be stored in a safe and secure manner in order to prevent its escape or its handling by unauthorised persons. Details should be made available of where waste is going to be taken as soon as an agreement is made with disposal sites, especially exempt sites.

2) An environmental permit or registered exemption will be required from us to

store, treat and re-use demolition waste (under the Environmental Protection Act 1990 or the Environmental Permitting (England and Wales) Regulations 2010). Please visit our website <http://www.environment-agency.gov.uk/business/topics/permitting/32330.aspx> for details on whether the proposed activity requires an environmental permit or is an exempt activity. The granting of planning permission does not guarantee the granting of a permit under the Environmental Permitting Regulations 2010.

For information on determining whether the excavated material is a waste please visit <http://www.claire.co.uk/> for the CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste.

A formal application for connection to the public sewage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel: 01962 858688), or www.southernwater.co.uk.

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 future works commence on site. The applicant is advised to discuss the matter further with Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel: 01962 858688), or www.southernwater.co.uk.

Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 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 EHM regarding noise control requirements.

Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc to nearby residential properties. Advice on minimising any potential nuisance is available from the EHM.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time

on Sunday and Bank Holidays.

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

Provision should be made for the separate storage of recyclables from household waste. Advice on recycling can be obtained from the Environmental Services Manager.

The developer may be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. As per the relevant act and the Site Waste Management Regulations 2008, this should be available for inspection by the Local Authority at any time prior to and during the development.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside the normal working hours, cannot be stressed enough. Where possible, the developer shall provide the Council and residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work, for example scaffolding alarm misfiring late in the night/early hours of the morning, any over-run of any kind.

Attention is drawn to Approved Document E Building Regulations 2003 'Resistance to the Passage of Sound'. It is recommended that the applicant adheres to the standards set out in this document in order to reduce the transmission of excessive airborne and impact noise between the separate units in this development and other dwellings.

In order to minimise dust and dirt being blown about and potentially causing a nuisance to occupiers of nearby premises the following precautions should be taken.

- Reasonable and practicable steps should be used during any demolition or removal of existing structure and fixtures, to dampen down the general site area, using a suitable water or liquid spray system.
- Where practicable, all loose material on the site should be covered during the demolition process.
- During the construction, reconstruction, refurbishment or modification of the building and where practicable the exterior should be sheeted, enclosing

openings etc. as necessary.

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

As an initial operation on site, adequate precautions should be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway, for example washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances before leaving site.

The proposed development is not in accordance with Development Plan policy. However in this specific case, the proposed development would not represent an unjustified form of development that would cause unacceptable visual harm to the character and appearance of the countryside. For the reasons set out, it is considered to represent circumstances that can outweigh the existing policies in the Development Plan and there are no overriding material considerations to indicate a refusal of planning consent.

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 pre-application advice.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

The proposed development is not in accordance with Development Plan policy or central Government guidance. However in this specific case, the proposed development would not represent an unjustified form of development that would cause unacceptable visual harm to the character and appearance of the countryside. For the reasons set out, it is considered to represent circumstances that can outweigh the existing policies in the Development Plan and there are no overriding material considerations to indicate a refusal of planning consent.

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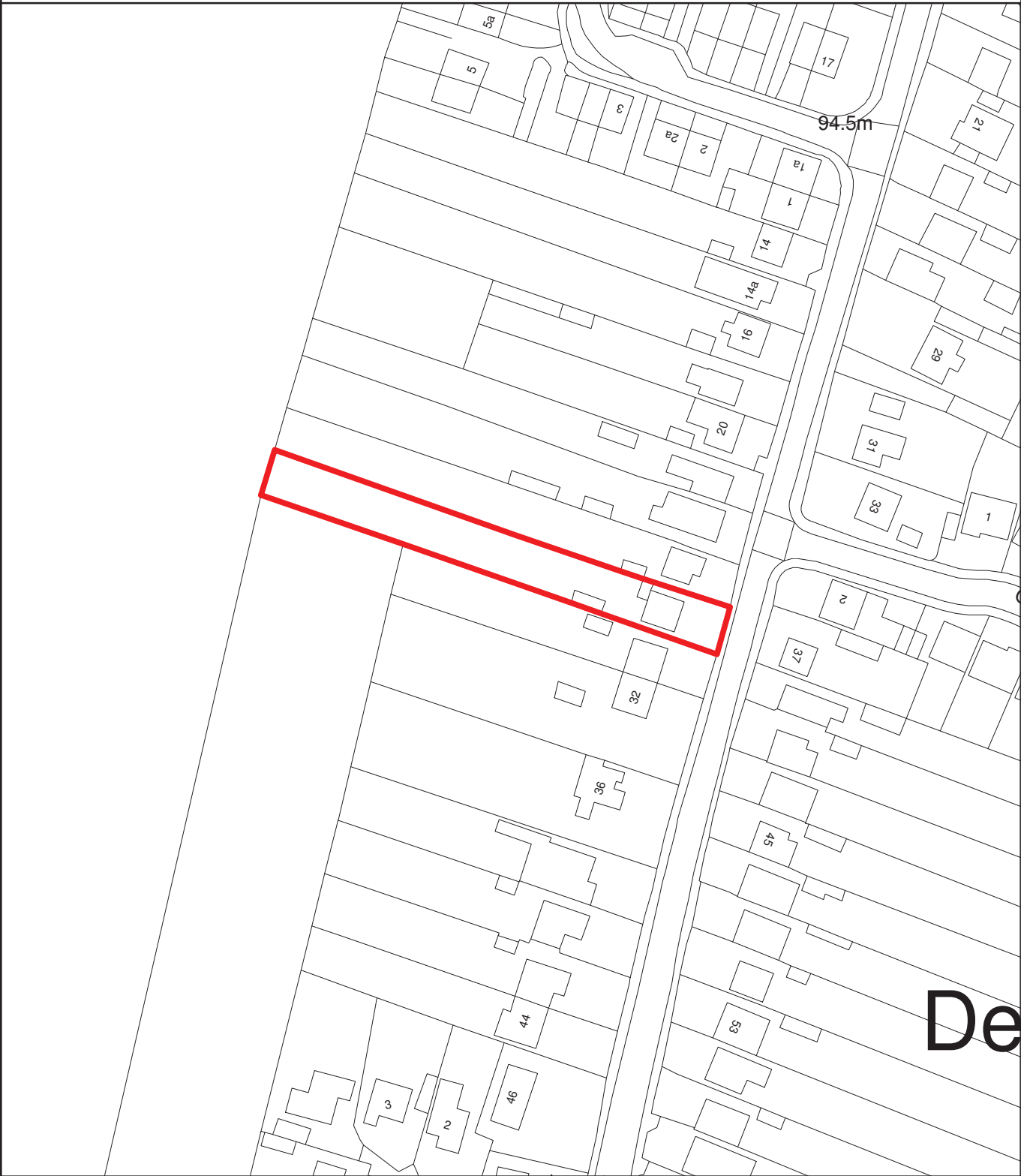
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THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/12/1806

GRID REF: TQ7957

**28 HOCKERS LANE,
DETLING.**



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**Rob Jarman
Head of Planning**

APPLICATION: MA/12/1806 Date: 4 October 2012 Received: 12 October 2012
APPLICANT: Mr & Mrs Tim Batchelor
LOCATION: 28, HOCKERS LANE, DETLING, MAIDSTONE, KENT, ME14 3JN
PARISH: Detling
PROPOSAL: Erection of single storey rear extension and alterations to roof to form pitched roof with raising of existing ridge (resubmission of MA/12/0888 and MA/12/1376) as shown on drawing numbers 12/0449 and 12/0450 received 4th October 2012, supported by a design and access statement received 10th October 2012.
AGENDA DATE: 31st January 2013
CASE OFFICER: Catherine Slade

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

- It is contrary to views expressed by **Detling Parish Council**.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV31, ENV33, ENV34, H18, T13
- South East Plan 2009: CC1, CC6, C3
- Village Design Statement: Not applicable
- Other: Residential Extensions Development Plan Document 2009
- Government Policy: National Planning Policy Framework 2012

2. HISTORY

MA/12/1376 Erection of single storey rear extension and alterations to roof to form pitched roof with raising of existing ridge - REFUSED

MA/12/0888 Erection of single storey rear extension and alterations to roof to form pitched roof with raising of existing ridge - REFUSED

MA/09/0558 Erection of a rear conservatory - APPROVED WITH CONDITIONS

- 2.1 The current application is the resubmission of two previous applications which have been refused, both on the grounds of harm to the residential amenity of

the occupiers of neighbouring properties by way of loss of privacy, in the case of MA/12/0888 30 Hockers Lane, and in the case of MA/12/1376 26 Hockers Lane. In both cases the harm would have resulted from the inclusion of roof lights to the side roof elevation in the schemes put forward.

3. CONSULTATIONS

3.1 **Detling Parish Council** wish to see the application refused on the grounds that “the proposed extension is too big and obtrusive”, and note that letters of objection have been received by the Parish Council in regard to the application.

4. REPRESENTATIONS

4.1 Three representations were received, which raised the following concerns:

- Design and impact on the streetscene.
- Harm to residential amenity by way of loss of privacy, loss of light.
- Issues of highway safety, traffic generation and onsite parking provision.
- Noise and disturbance during the construction period.
- Concerns over the consultation procedure and the description of the proposal.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The application relates to a site located in the defined village settlement of Detling. A residential plot, the site contains a detached bungalow which has been previously extended with a rear extension previously permitted under MA/09/0558. The site is also located within the North Downs Area of Outstanding Natural Beauty and a Special Landscape Area.

5.1.2 The proposal site has an existing vehicular access to Hockers Lane, an unclassified highway, and off road parking for three vehicles to the front of the main dwellinghouse. Although a detached garage is located to the rear of the main dwelling, the access leading to this is not wide enough to allow vehicular access to the building.

5.1.3 The surrounding area comprises detached properties which are predominantly single storey in scale. The properties are largely of a similar age although differ in design and scale as many have been subject to rear extensions and roof additions. There is a consistent pattern of development and building line to the western side of the streetscene. To the eastern side, there is a greater mix of development with a number of two storey properties and single storey dwellings with first floor front additions.

5.2 Proposal

- 5.2.1 The proposed development is the erection of a rear extension and alterations to the roof including an increase in the ridge height and the introduction of gables to the front and rear elevations, as shown on drawing number 12/0450.
- 5.2.2 The proposed works would result in the extension of the building to the rear and the form of the building changing from a square footprint with a central apex and rear conservatory to a rectangular building with a central ridge running from front to rear. The proposal would result in an increase in the depth of the building of 4.1m, and in the maximum height of the building of 1.6m. The eaves heights of the building and its width would remain unchanged. The proposal includes the introduction of two roof lights to the north elevation and one to the south elevation; the submitted plans show these to serve a bathroom and en suite, and a wardrobe, respectively.
- 5.2.3 The current application is the resubmission of a scheme which has been submitted and refused on two previous occasions. The previous applications were refused on the grounds that the roof lights to the side roof slopes would result in direct overlooking of the adjacent properties as a result of serving habitable rooms, it not being considered reasonable to condition such openings to be opaque glazed and fixed. The scale and design of the scheme, and its impact on the streetscene and the amenity of neighbouring occupiers in respect of light, outlook and privacy have been fully assessed in the determination of the two previous applications, and the scheme was found to be unacceptable on the grounds of privacy only.
- 5.2.4 The application before Members from those previously assessed in the arrangement of the openings to the side roof slopes and the internal layout of the accommodation in the roof space.

5.3 Principle of Development

- 5.3.1 Extensions to residential properties in locations such as this which fall within defined settlements are primarily assessed under the provisions of policy H18 of the Local Plan, which requires proposals to be of an appropriate scale and design; to complement the streetscene and surrounding area; to maintain residential amenity; and provide adequate car parking within the site.
- 5.3.2 Applications for residential extensions are also subject to assessment against the policies set out in the Maidstone Borough Council Residential Extensions Supplementary Planning Document (SPD), which require extensions to dwellings within defined settlements to be of high quality and to respect the existing

pattern of built development and the amenity of the occupiers of adjacent properties.

5.3.3 This policy and SPD are in accordance with policies CC1 and CC6 of the South East Plan 2009, which seek to secure a high quality of design in new development.

5.3.4 These policies are in accord with central government planning policy and guidance as set out in the National Planning Policy Framework 2012.

5.4 Design and Visual Impact

5.4.1 The proposed extensions and alterations to the dwellinghouse are considered to be well related to the character and appearance of the existing dwellinghouse, in accordance with Development Plan policy. Whilst the proposal would result in an increase in the height of the building, it is considered that the overall visual impact of the proposal on the streetscene would be acceptable in this location given the variety of housing scales and type in the immediate vicinity of the site.

5.4.2 For these reasons, there is therefore no objection to the proposal on the grounds of design or visual impact, and in this I concur with the assessment of the previous schemes.

5.4.3 For these reasons, there is therefore no objection to the proposal on the grounds of design or visual impact.

5.5 Impact on residential amenity

5.5.1 The relationship of the development to the adjacent dwellings in respect of outlook and loss of light has been previously assessed in the determination of the previous applications, and has been found to be acceptable. Given the similarities with the previous schemes in respect of the scale and form of the proposed additions and alterations to the building, I have no reason to diverge from the previous findings.

5.5.2 The previous applications were refused on the grounds that the inclusion of roof lights to the side roof slopes would result in loss of privacy to the occupiers of the neighbouring properties to the north and south, and this harm could not satisfactorily be addressed by way of condition as it would not be considered reasonable to require the only openings to habitable rooms to be opaque glazed and fixed. The applicant has overcome this objection through the rearrangement of the internal layout, which allows the three bedrooms to be provided to have windows to the front and rear elevations. As the roof lights now serve non-habitable rooms, the Council can exercise control over their glazing and opening,

which will protect the amenity of the occupiers of numbers 26 and 30 Hockers Lane. It is therefore considered that the applicant has adequately overcome the reason for the refusal of the previous schemes, and there is no longer any objection to the proposal on the grounds of loss of privacy.

5.5.3 I note that objection has been raised on the grounds of the introduction of openings to the side elevations of the dwelling. In most cases these would serve non-habitable rooms, and in any case, to my mind, would not significantly increase overlooking in comparison with the existing openings. For this reason I do not consider that an objection on this ground could be sustained at appeal.

5.5 Other Matters

5.5.1 The proposal would not result in any changes to the existing access arrangement or provision of onsite parking provision. The proposal would result in a net increase in one bedroom, and given the scale of the increase in accommodation, the existing provision of onsite car parking (which would remain unchanged) and the village centre location of the site, it is not considered that there is any objection to the proposal on the grounds of highway safety.

5.5.2 The proposal would have no implications for heritage or ecological assets, and is not in a location recorded by the Environment Agency to flood. Although the proposal would result in the loss of an area of lawn, this is limited in extent. The proposed development would not have any significant visual impact upon the quality or appearance of the AONB or SLA.

5.5.3 The comments relating to the consultation procedure are noted, however the application was publicised in accordance with the relevant legislation through the display of a site notice. In addition, letters were sent to the occupiers of the two adjacent properties. It is considered that the description of the proposal is adequate, and that reasonable steps have been taken to allow members of the public to view applications.

5.5.4 Members will be aware that disturbance and noise resulting from construction works are not a planning matter.

6. CONCLUSION

6.1 For the reasons set out above, the proposed development is considered to be in accordance with the policies of the Maidstone Borough-Wide, Local Plan 2000 and South East Plan 2009, and with the Maidstone Borough Council Residential Extensions SPD and national planning policy as set out in the National Planning Policy Framework 2012, having regard to all other material considerations, and it is therefore recommended for approval subject to conditions.

7. 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building;

Reason: To ensure a satisfactory appearance to the development in accordance with policies H18 of the Maidstone Borough-Wide Local Plan 2000 and CC1 and CC6 of the South East Plan 2009, and central government planning policy and guidance as set out in the National Planning Policy Framework 2012.

3. Before the development hereby permitted is first occupied, the proposed rooflights to the north and south elevations of the development hereby permitted shall be obscure glazed and shall be incapable of being opened, and shall subsequently be maintained as such;

Reason: To prevent overlooking of adjoining properties in accordance with policies H18 of the Maidstone Borough-Wide Local Plan 2000 and CC6 of the South East Plan.

4. The development hereby permitted shall be carried out in accordance with the following approved plans:

drawing numbers 12/0449 received 4th October 2012, supported by a design and access statement received 10th October 2012;

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 H18 of the Maidstone Borough-Wide Local Plan 2000 and CC1 and CC6 of the South East Plan 2009, and central government planning policy and guidance as set out in the National Planning Policy Framework 2012.

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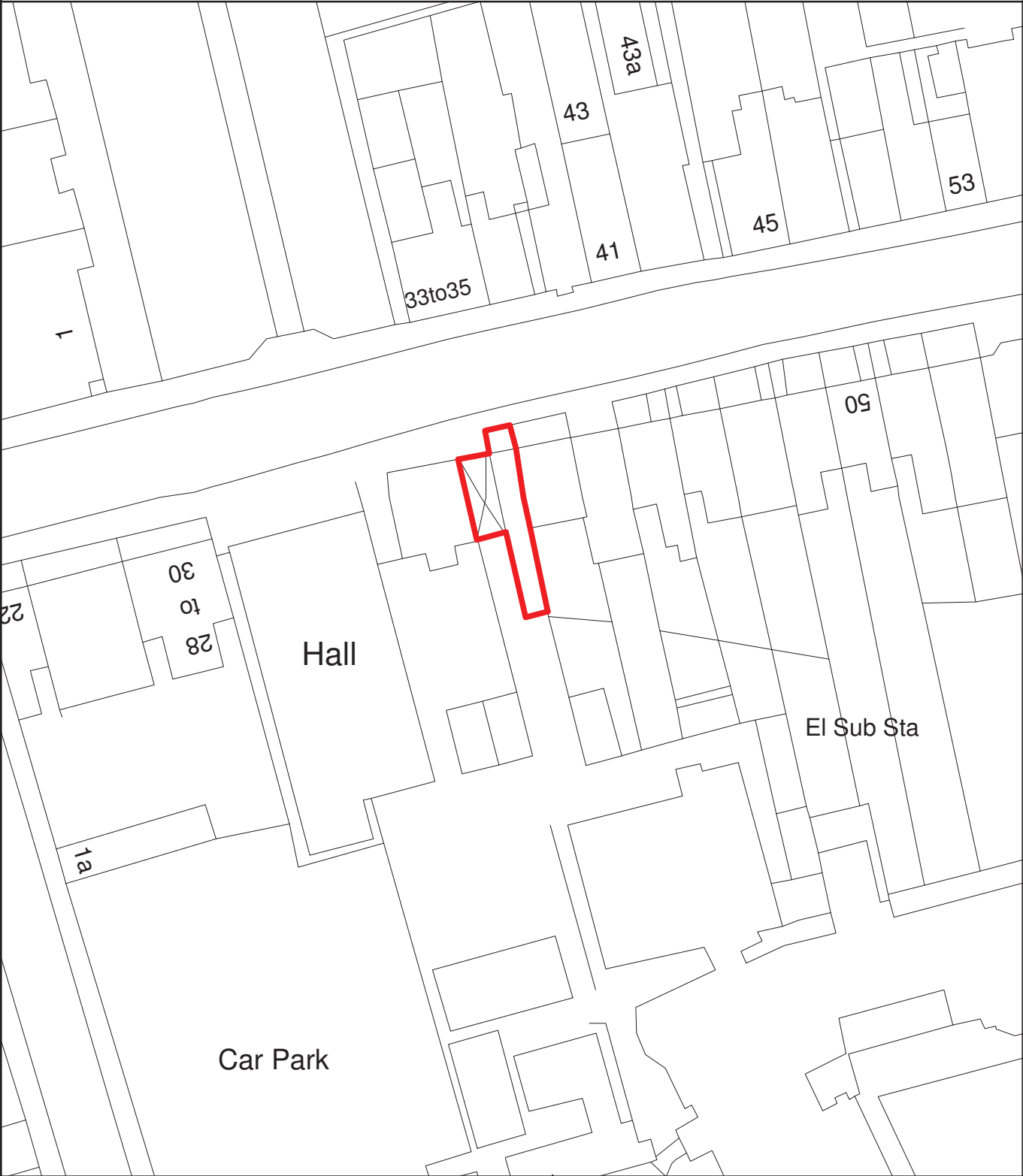


THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/12/1827

GRID REF: TQ7655

**36 UNION STREET,
MAIDSTONE.**



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**Rob Jarman
Head of Planning**

APPLICATION: MA/12/1827 Date: 9 October 2012 Received: 9 October 2012
APPLICANT: Mr M Nugent
LOCATION: 36, UNION STREET, MAIDSTONE, KENT, ME14 1ED
PARISH: Maidstone
PROPOSAL: Erection of front porch as shown on plan numbers 11-113 012 RevP1, 11-113 001 RevP1, Design and Access Statement and Application Form received 9th October 2012 and plan numbers 11-113 010 RevP1 and 11-113 011 RevP1 received 3rd December 2012.
AGENDA DATE: 31st January 2013
CASE OFFICER: Kevin Hope

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

Councillor Fran Wilson has requested it be reported to planning committee should the council recommend approval for the following reasons:-

- The development would result in harm to the character and appearance of the surrounding Conservation Area.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: R9
- South East Plan 2009: BE1, BE6, CC6
- Village Design Statement: N/A
- Government Policy: National Planning Policy Framework 2012

2. HISTORY

MA/11/1761 - Erection of front porch – Refused

ENF/11660 - Erection of external signage on no. 38 Union Street by owner of No. 36 – Breach resolved

3. CONSULTATIONS

- **Conservation Officer** – Raises no objections with the following comments:-

No. 36 forms the end unit of the terrace which extends to No. 70 and which was built circa 1800-1805. The rest of the terrace is Grade II listed and the omission of No. 36 from the listing may be a mistake. The terrace as a whole is identified as being essential to the character and appearance of the Holy Trinity Conservation Area in the approved Conservation Area Appraisal.

Nos. 36 – 70 were built as houses, although a number have been converted to shops over the years, and some (such as No. 38 adjacent) have had bungalow shopfronts added prior to the listing of the terrace in 1974. These bungalow shopfronts have resulted in harm to the appearance and significance of the terrace. A proposal to add a flat roofed porch of unsympathetic modern design to No.36, higher than the bungalow shopfront to No. 38, which would have resulted in further visual harm to the terrace and to the character of the Conservation Area, was refused under reference MA/11/1761.

The current proposal has been redesigned in the form of a shopfront of classical design, with a fascia which continues above the carriage entrance, thus unifying the treatment of the front of the building and integrating the new addition better into the building as a whole. It is a little lower in height than the previous proposal and relates much better to the existing bungalow shopfront at No. 38. I believe that the proposal as it now stands will add character to the somewhat bland current appearance of the ground floor of this building and will also have the benefit of providing a properly-detailed fascia for signage which should remove the need for the rather crudely applied signs which currently exist, thus benefitting the character of the conservation area.

I therefore raise no objections on heritage grounds subject to conditions requiring the submission of large scale drawings (including cross sections) to be submitted for approval and all signage to be contained within the limits of the fascia as shown on the approved drawings.

4. REPRESENTATIONS

4.1 Three representations have been received raising the following points:-

- The proximity of the proposed porch to the neighbouring existing porch.
- The visual impact upon No38.
- Harm to the amenity of No38.
- Harm to the setting of the Grade II listed building.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 This application refers to a two storey terraced property used as a piercing studio. The site is located within the town centre and is allocated under policy

R9 of the Maidstone Borough Wide Local Plan 2000 as a tertiary shopping area. The site is also within the Holy Trinity Church Conservation Area and article 4 direction area restricting permitted development. The application building forms part of a long row of terraced properties within this street, some of which are Grade II listed although the application building is not.

5.2 Proposal

5.2.1 Planning permission is sought for the erection of a front porch. This would project approximately 1m from the front elevation of the building and would measure 2m in width. The extension would have a flat roof design with an overall height of 3.3m. The proposal would also involve a fascia to extend above the existing vehicular entrance.

5.3 Principle of development

5.3.1 In principle, extensions to buildings such as this are acceptable. Guidance within section 12 of the National Planning Policy Framework 2012 discusses the importance of the conservation of heritage assets and gives weight to development which would enhance existing heritage assets and make a contribution to local character and distinctiveness.

5.3.2 Policy BE6 of the South East Plan 2009 relates to the preservation of the historic environment and supports sensitive proposals to historic assets within the built environment. Similarly, policy CC6 of the South East Plan 2009 also relates to this proposal and supports development which would enhance the character and distinctiveness and an area.

5.4 Visual Impact and design

5.4.1 The design of the extension has been significantly amended following the previous refused application (MA/11/1761) which was refused on design grounds due to its harm to the character and appearance of the host building, the Conservation Area and the setting of the neighbouring Grade II listed building.

5.4.2 The proposed extension would clearly be prominent within this section of the streetscene of Union Street. However, this revised proposal includes classical features to the frame and corners of the fascia sympathetic to the character of building. Furthermore, elements of this design are characteristic of many of the shop fronts within this locality. In terms of scale, the extension would be of an appropriate height, significantly reduced from the previous proposal and would appear modest and subservient to the host building as well as in the context of the streetscene itself.

5.4.3 A number of comments have been raised with regard to the position of the proposed porch and the resulting space between this and the existing front extension to No38. At present, No38 has a fully glazed extension with front entrance and window display area. As a result of this proposal, the western elevation of this extension would be obstructed by the proposed porch and would result in a gap between the extensions. Whilst I acknowledge that this is not an ideal relationship between the buildings, I do not consider that it would result in significant visual harm to the appearance or character of these buildings or the Conservation Area. The overall design of the extension is traditional and sympathetic to the historic nature of these buildings and would enhance their overall appearance. As such, I do not consider that this proposal would result in visual harm or a detrimental impact upon the setting of the adjoining listed building. This is also the view of the Conservation Officer who supports this application as can be seen in the comments included within section 3.

5.4.4 The Conservation Officer has also recommended the imposition of a condition restricting any advertisements to within the fascia of the porch. Whilst I acknowledge this issue that has been raised, I do not consider it is reasonable to impose this by condition. I will therefore add an informative to advise the applicant with regard to future advertisements. In any case, an advertisement outside of this area is likely to require advertisement consent involving an assessment of any impact.

5.5 **Neighbouring Amenity**

5.5.1 With regard to amenity, whilst I acknowledge that the proposed porch would obstruct the windows within the western elevation of No38, the north and eastern elevation remain fully glazed and would ensure a sufficient level of light is still retained within the building. In any case, the building is occupied by a business and does not relate to any residential amenity issues.

5.5.2 Due to the modest scale and the proximity of the proposed porch to other buildings, some of which are in residential use, I do not consider that there would be any amenity issues to any other neighbouring buildings.

6. **CONCLUSION**

6.1 For the reasons outlined above, I consider the development would not cause any demonstrable harm to the character or appearance of the existing buildings and would not have a detrimental impact upon the character or appearance of the Holy Trinity Conservation Area. I therefore consider overall that the proposal is acceptable with regard to the relevant provisions of the development plan and amenity impacts on the local environment and other material considerations

such as are relevant. I therefore recommend conditional approval of the application on this basis.

7. RECOMMENDATION

I therefore recommend approval 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, written details and samples of the materials to be used in the construction of the external surfaces of the porch extension 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 policies BE6 and CC6 of the South East Plan 2009 and the guidance contained within the National Planning Policy Framework 2012.

3. The development shall not commence until, full details of the following matters have been submitted to and approved in writing by the Local Planning Authority:-

New external joinery in the form of large scale drawings including cross sections.

The development shall be carried out in accordance with the approved details;

Reason: To ensure the appearance and the character of the building are maintained in accordance with policies BE6 and CC6 of the South East Plan 2009 and the guidance contained within the National Planning Policy Framework 2012.

4. The development hereby permitted shall be carried out in accordance with the following approved plans:

Plan numbers 11-113 012 RevP1, 11-113 001 RevP1, Design and Access

Statement and Application Form received 9th October 2012 and plan numbers 11-113 010 RevP1 and 11-113 011 RevP1 received 3rd December 2012.

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 BE6 and CC6 of the South East Plan 2009 and the guidance contained within the National Planning Policy Framework 2012.

Informatives set out below

The applicant should be aware that any future advertisements to the frontage of this building should be located within the fascia of the porch hereby permitted only.

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 the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.

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EXCHANGE *Boutique* 38

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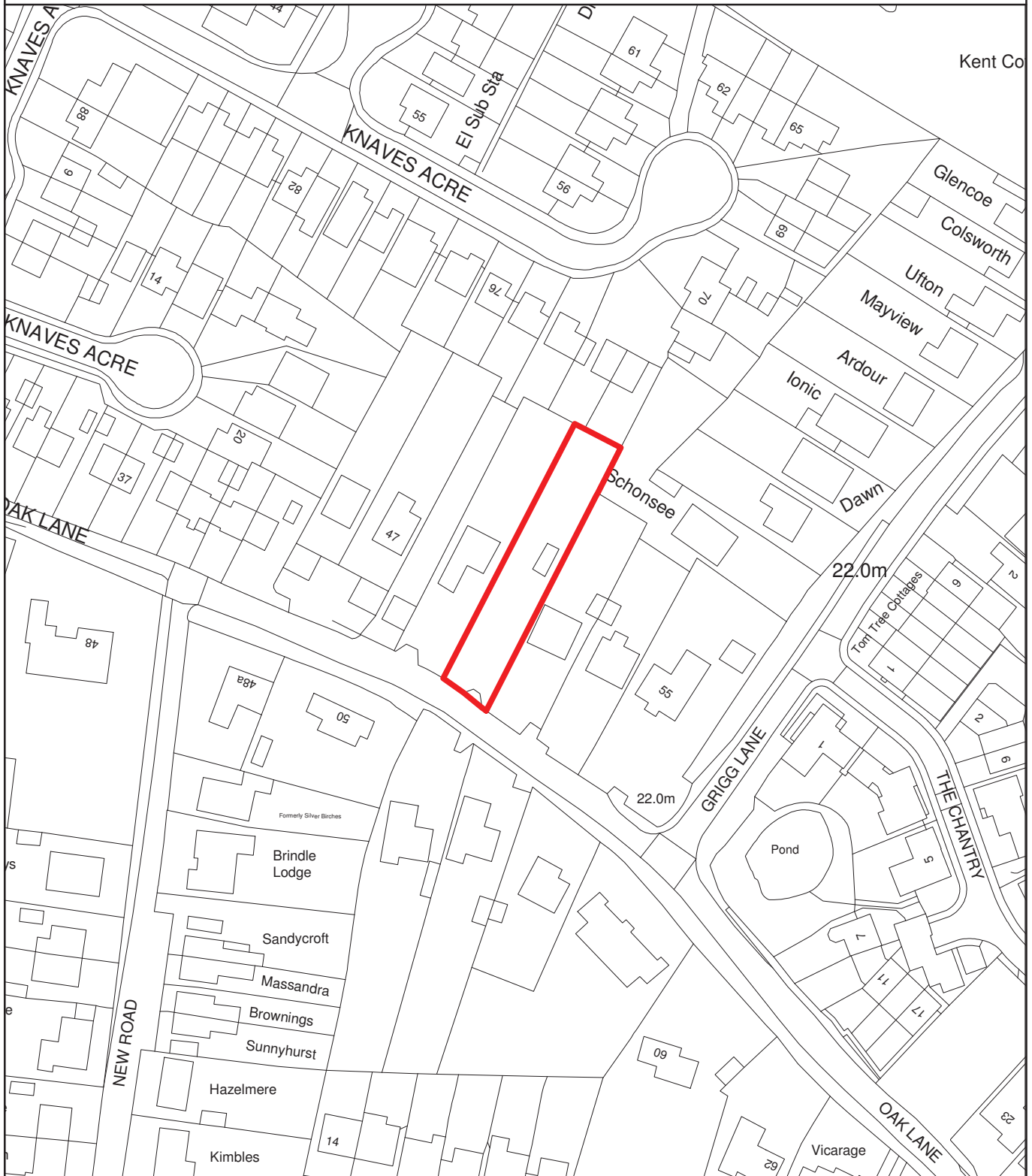
Agenda Item 18

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/12/1844

GRID REF: TQ8344

LAND ADJOINING 49 OAK LANE,
HEADCORN.



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Rob Jarman
Head of Planning

APPLICATION: MA/12/1844 Date: 11 October 2012 Received: 14 December 2012

APPLICANT: Mr Robert Senft

LOCATION: LAND ADJOINING, 49, OAK LANE, HEADCORN, ASHFORD, KENT, TN27 9TG

PARISH: Headcorn

PROPOSAL: Construction of a new three-bedroomed dwelling with basement and detached garage as shown on drawing nos. 010/P2, 011/P3, 012/P2, 013/P3, 014/P4, 015/P3, 016/P4, 017/P4, 018/P3, 019-1/P3, 019-2/P4, 019-3/P3, 020/P2, 021/P3 received on 6/12/12.

AGENDA DATE: 31st January 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 the Parish Council and committee consideration has been requested.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, H27
- South East Plan 2009: CC1, CC4, CC6, BE1
- Village Design Statement: N/A
- Government Policy: NPPF

2. HISTORY

The relevant planning history is considered to be:

MA/10/0019 – Outline application for the erection of a new two storey dwelling with all matters reserved for future consideration – Approved

3. CONSULTATIONS

3.1 HEADCORN PARISH COUNCIL states:

“Please be advised that my Council would wish to see this application refused and would wish for this to be reported to the planning committee for the following reason if it is contrary to your decision.

1. The appearance of the building would be out of keeping with the existing street scene.

Concerns were raised regarding the construction of a cellar on heavy Wealden clay to neighbouring properties which may lead to subsidence and flooding. We note that on drawing number 11, a soakaway to the rear of the property is planned, this is not an acceptable form of drainage in Headcorn and an alternative method should be sought.”

- 3.2 THE MBC ENVIRONMENTAL HEALTH OFFICER has no objection.

4. REPRESENTATIONS

- 4.1 LETTERS OF OBJECTION HAVE BEEN RECEIVED FROM FOUR LOCAL RESIDENTS. The following points are made:
 - a) The design and materials of the house are not acceptable. It would be out of keeping with its surroundings. Existing screening would be reduced.
 - b) The dwelling would cause a loss of privacy to neighbours.
 - c) The construction of a basement would affect the stability of neighbouring property.

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 The application site is located within the defined village envelop of Headcorn. It is situated off the north east side of Oak Lane and comprises a long rectangular area of garden land. This is side garden to No. 49; a detached two storey dwelling with a double garage in its front garden, close to its own access onto Oak Lane. No. 49 is to the west of the site. To the east is No. 51; a detached bungalow that presents a blank side elevation to the application site.
- 5.1.2 The site is principally laid to grass and is an intensively managed side garden. It has a beech hedge to Oak Lane with a gated vehicular access to the highway. The site has a large shed in a roughly central position and a scattering of bushes and small trees.

5.2 Proposal

- 5.2.1 This application is a full application for the erection of a detached two storey dwelling (with a basement below) and a detached garage. This follows the grant of outline permission under reference MA/09/0019.
- 5.2.2 The existing access would be utilised with the frontage hedge cut back to provide improved visibility. The new dwelling would be located in a central position, with its front elevation roughly in line with that of No. 51. The new property would feature three bedrooms and a rear conservatory
- 5.2.3 The architect describes this as a “contemporary eco-house” and the design concept as “a re-interpretation of ‘Art-Deco’ but in a more modernist style”. The two storey building would have a combination of flat and monopitched roofs with a parapet to the main roof. The elevations are broken up horizontally and vertically and exhibit the curved lines of art deco design. Materials would involve white rendered walls, patinated copper cladding and black aluminium glazing units and copings. The dwelling would achieve at least Level 4 in the Code for Sustainable Homes, with features including solar panels, an air source heat pump and a very high standard of insulation incorporated in the design.
- 5.2.4 A flat-roofed double garage of a similar design and materials is proposed in the front garden.

5.3 Principle of Development

- 5.3.1 The principle of a new two storey dwelling has already been accepted by virtue of extant permission MA/09/0019. This application is a full application (rather than the reserved matters pursuant to that outline application) but the principle remains established. This current application presents issues as to whether the detail of what is proposed is acceptable.

5.4 Visual Impact

- 5.4.1 The main issue with this application (and the main source of objection from the Parish Council and local residents) is the impact of the dwelling on the character of the area.
- 5.4.2 This is a locality within the built up area of Headcorn that is relatively unconstrained. There are no listed buildings or conservation areas affected by this application, nor are there any other significant constraints on design. Such localities present the opportunity for a more adventurous design approach than would be the case on other developable sites, particularly as this part of Oak Lane exhibits a range of different scales and styles in terms of building design. There are bungalows here but also a range of two storey properties of varying

ages and styles. In these circumstances I see no need for the architect to seek to replicate or copy elements from these surroundings.

- 5.4.3 In my view the dwelling proposed represents an interesting contemporary approach with art deco elements. Given the quality of the design I do not consider that it would represent a jarring element in the street scene. Its overall scale and height has been devised to present a step from the two storey dwelling at 49 down to the bungalow at 51. In fact the house would only be marginally higher than the bungalow at 51 and lower than 49. The detailing and the choice of materials represent good contemporary design and I disagree with the view that such a development would be harmful to the character of the area.
- 5.4.4 There is no significant building line hereabouts and houses to the west have garaging in their front gardens. With this in mind, I consider the garage proposed (which is of similar design and materials as the house) would be acceptable.

5.5 Residential Amenity

- 5.5.1 The dwelling has been designed to respect the amenities of neighbours. Neither immediate neighbour has significant windows on flank elevations facing the site. There would be no loss of light or outlook to those properties. Objection has been raised due to loss of privacy but there is only one window proposed above ground level in the flank facing 51 and that would be near the front of the building such that it would not face any window or sensitive area. I conclude that the proposed development would not adversely affect the living conditions of neighbours to any significant degree.

5.6 Highways

- 5.6.1 The development would use an existing access which I consider suitable to serve a single dwelling. The new dwelling would have adequate parking and turning space.

5.7 Landscaping

- 5.7.1 An arboricultural assessment has been submitted which confirms my view that no tree on site is of significant amenity value. However, four trees are worthy of retention and are shown as retained on the submitted plans. This includes the small beech near the site frontage and the beech hedge at the front boundary. New landscaping is offered in the application and the detail of this can be secured by conditions. This is intensively managed garden and I consider it unlikely to be of significant ecological value. The application indicates that bat boxes would be put in place and, again, this could be the subject of a condition.

5.8 Other Matters

- 5.8 A consulting engineers' report has been submitted which states that there are a number methods that could be successfully employed to deal with surface water disposal: I conclude that the method of surface water disposal could be the subject of a condition. The report also states that the construction of a basement in this location could be achieved without adversely affecting the stability of neighbouring properties or groundwater conditions. There is no justifiable reason to refuse this application on those grounds. The architect informs me that the dwelling would achieve at least Level 4 in the Code for Sustainable Homes and this is to be welcomed (the Council normally requires a minimum of Level 3).

6. CONCLUSION

- 6.1 The principle of a new dwelling has already been accepted. I consider the detail, including the contemporary design, to be acceptable and I recommend that permission be granted.

7. 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 hereby permitted shall be carried out in accordance with the following approved plans:
drawing nos. 010/P2, 011/P3, 012/P2, 013/P3, 014/P4, 015/P3, 016/P4, 017/P4, 018/P3, 019-1/P3, 019-2/P4, 019-3/P3, 020/P2, 021/P3 received on 6/12/12;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers. This in accordance with Policies CC1, CC6 and BE1 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, CC6 and BE1 of The South East Plan 2009.

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping (including boundary treatments, details of the trimming back of the front hedge and ecological enhancement works), 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. This in accordance with Policies CC1, CC6 and BE1 of The South East Plan 2009.

5. 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 Policies CC1, CC6 and BE1 of The South East Plan 2009.

6. The dwelling shall achieve a minimum of Level 4 of the Code for Sustainable Homes. The dwelling shall not be occupied until a final Code Certificate has been issued for it certifying that (at least) Code Level 4 has been achieved;

Reason: To ensure a sustainable and energy efficient form of development in accordance with Policy CC4 of The South East Plan 2009 and the National Planning Policy Framework 2012.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development within Schedule 2, Part 1, Class A shall be carried out without the permission of the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development is maintained and to ensure levels of amenity are maintained in accordance with Policies CC1, CC6 and BE1 of the South East Plan (2009).

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 the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.

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Animation



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Animation

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Agenda Item 19

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/12/1851

GRID REF: TQ7555

**FLAGPOLES AT JUBILEE SQUARE & MAIDSTONE MUSEUM,
HIGH STREET & ST. FAITHS STREET, MAIDSTONE.**



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**Rob Jarman
Head of Planning**

APPLICATION: MA/12/1851 Date: 15 October 2012 Received: 15 October 2012

APPLICANT: Jennifer Hunt, Maidstone Borough Council

LOCATION: FLAGPOLES AT JUBILEE SQUARE & MAIDSTONE MUSEUM, HIGH STREET & ST FAITHS STREET, MAIDSTONE, KENT

PARISH: Maidstone

PROPOSAL: Retrospective advertisement consent to display three flags on flagpoles on Jubilee Square and two flags on flagpoles in Brenchley Gardens as shown on the site location plans, block plans elevation plans and the flagpole particulars received on 15/10/12 and the email from the Economic Development Manager received on 20/12/12.

AGENDA DATE: 31st January 2013

CASE OFFICER: Angela Welsford

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

- The Council is the applicant.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV8
- South East Plan 2009: BE1, BE6
- Village Design Statement: Not applicable.
- Government Policy: National Planning Policy Framework.

2. BACKGROUND

2.1 This application was withdrawn from consideration at Planning Committee on 22/11/12 to allow further discussions to take place between Officers and Members regarding the flag poles and banners at the Museum site. Those discussions have now taken place and the outcome is set out in paragraph 6.4.2 below.

3. HISTORY

3.1 Jubilee Square

Of most relevance are:-

MA/10/0692 An application for listed building consent for the relocation of the cannon and its placement on a new plinth together with installation of lighting to illuminate the Queen's Monument, the relocated cannon and other listed buildings and ancillary works thereto – APPROVED

MA/10/0691 Planning application for the provision of new ramps, steps and landing areas on the south side of Bishops Way to improve pedestrian connection from the High Street to the Bridge and the closure of one existing subway, relocation of the cannon and its placement on a new plinth, removal of 3 existing Plane Trees and 1 Field Maple and their replacement with 8 Cherry and 7 Hornbeam Trees, provision of illumination for the Queen's Monument, the relocated cannon and other listed buildings and ancillary works thereto, in connection with other works (which do not require the benefit of planning permission) including the realignment and re-paving of carriageways and pedestrian areas and crossing points, the relocation of 'bus stops and shelters, taxi ranks, loading bays and disabled parking bays and the removal/relocation and/or provision of new street furniture including benches, lighting, leaning-posts, telephone boxes, removal of planters and shrubs and the relocation of the existing CCTV pole by the cannon – APPROVED

3.2 Maidstone Museum

This site has an extensive planning history. Of most relevance are:

MA/10/0883 An application for advertisement consent for the installation of 4 non-illuminated poster signs and 2 directional signs – APPROVED

MA/07/1364 An application for advertisement consent for installation of internally illuminated individual letters with white translucent front surface and metal side profile to match proposed museum extension cladding on east elevation – WITHDRAWN

4. CONSULTATIONS

4.1 **Conservation Officer:** Raises no objection. "Both locations affect the settings of listed buildings and are within conservation areas. The application is not

accompanied by a Heritage Statement assessing the impact of the proposals on the significance of the conservation areas or the settings of listed buildings. Nor is there any statement setting out the need and justification for these flagpoles. However, although the flagpoles are very tall and inelegantly detailed at their base, they have a relatively minor impact on their surroundings, which is helped by the spaciousness of these surroundings within which they do not appear out of scale.”

4.2 **Kent Highway Services:** No response received to date.

5. REPRESENTATIONS

5.1 No response received from neighbouring occupiers to date.

6. CONSIDERATIONS

6.1 Site Description

6.1.1 This application for advertisement consent relates to two separate sites – the newly-created Jubilee Square in Maidstone High Street and land adjacent to the entrance to Maidstone Museum in St Faith’s Street, Maidstone.

6.1.2 Jubilee Square is the new public square that has been created in front of the Grade II* listed Maidstone Town Hall as part of the town centre re-development scheme. It features public seating areas and trees as well as the Grade II listed Queen Victoria statue. The site falls within the Core Shopping Area and Maidstone Town Centre Conservation Area and is also surrounded by a number of other listed buildings (Grade II).

6.1.3 The land adjacent to the entrance to Maidstone Museum (Grade II* listed) is associated with Brenchley Gardens, to the rear of the museum. It is part of an area of lawn, featuring trees, to the fore of St Faith’s Church, and falls within the Chillington House Conservation Area. The almshouses opposite are Grade II listed.

6.2 Proposal

6.2.1 Advertisement consent is sought to display three flags on flagpoles in Jubilee Square and two flags on flagpoles adjacent to Maidstone Museum.

6.2.2 The white fibreglass flagpoles, (which are already in place), have a total height of 7.7m. They stand on a fibrecrete base 0.5m high with a diameter of 1m. Each is finished with a brass finial on top and features a 0.9m long aluminium banner arm.

6.2.3 Each proposed flag would measure 3.6m in length by 0.9m in width and would hang from the banner arm such that its base would be 3.9m above ground level. The flags would be made from polyester and would not be of a fixed design. The application form states that, at Jubilee Square, a number of different flags would be produced to enable the promotion of Maidstone as well as numerous different events/occasions; whilst at Brenchley Gardens the flags would promote Maidstone Museum and various events/exhibitions held by it. As such, the colour of the text and background would change and cannot be specified. However, it is noted that none of the advertisements would be illuminated.

6.3 Assessment

6.3.1 The National Planning Policy Framework requires consideration to be given to the issues of visual amenity and public safety, and, indeed, visual amenity and public safety are the only considerations for this type of application under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007. The most relevant policy under the Maidstone Borough Wide Local Plan 2000 is Policy ENV8 which permits new advertisements provided that, in terms of scale and design, they would not be detrimental to the character and appearance of the surrounding area.

6.4 Visual Impact

Jubilee Square

6.4.1 In terms of visual amenity, the issue to consider is whether the proposed flags and poles would cause visual harm to the surrounding area given that this site is within a Conservation Area, adjacent to a Grade II* listed building and surrounded by a number of Grade II listed structures. The proposed flags would be clearly visible in views along Maidstone High Street, and from the junctions with Gabriel's Hill, Week Street, King Street and Bank Street. However, in my view the flagpoles are slim structures of minimal mass and the flags would be lightweight additions that would not look out of place among the many advertisements along the colourful, busy, retail frontages of the High Street. Indeed, Members may recall that these flagpoles were used to carry the Olympic banners in August this year and, in my opinion, did not cause any material visual harm then. Jubilee Square is a spacious area and I consider there to be a sufficient degree of separation between the flags and the surrounding listed buildings to avoid any harm to their settings. Nor would they harm the character of the Maidstone Town Centre Conservation Area. I note that the Conservation Officer has not raised objection. In my view they are what one might expect to see in a modern, vibrant town centre and would contribute to

the vitality of Maidstone. I therefore consider the impact on visual amenity at this site to be acceptable.

Maidstone Museum

6.4.2 In terms of visual amenity, the issue to consider is whether the proposed flags and poles would cause visual harm to the surrounding area given that this site is within a Conservation Area, adjacent to a Grade II* listed building and opposite the Grade II listed terrace block of almshouses. The proposed flags would be clearly visible from the pedestrian access into Fremlin Walk, the eastern and western approach along St Faith's Street, Station Road and Brenchley Gardens. However, in my view the flagpoles are slim structures of minimal mass and the flags would be lightweight additions, such that they would have a relatively minor impact on the spacious surroundings. The flagpoles stand either side of a substantially taller lamppost, so would not appear out of scale, and are positioned such that they would not compromise or obstruct views of the important Grade II* listed museum building. Also, although this area is not characterised by the advertising on retail frontages seen in the High Street, it nevertheless does still fall within the town centre and is close to the shops at the eastern end of St Faith's Street, so on balance I do not consider that the flags would appear out of keeping or cause any material visual harm to their surroundings.

6.4.3 There are currently a number of banner signs on the railings at the front of Maidstone Museum, and rather more within the courtyard area at the front, (some 40m to the south-west of the application site). Following discussions between Officers and Members, it has been agreed that the number of banners within the courtyard would be reduced to two and that the banners on the railings would be removed altogether in order to avoid a proliferation of signs if the flagpoles subject of this application are granted consent. An informative will be attached to this effect.

6.5 Public Safety

Jubilee Square

6.5.1 The flagpoles are positioned on the pedestrianised area of Jubilee Square. They are grouped with the seating areas, trees, bins and other street-furniture, but have ample space around them to allow the safe passage of wheelchairs and prams as well as pedestrians. The flags would be a sufficient height above ground to prevent interference. The submission indicates that the base weight is 554kg, which should be sufficient to prevent them tipping/blowing over onto passers-by in heavy winds or being moved.

6.5.2 Due to their height and non-illuminated nature, I do not consider that the flags would affect highway safety.

Maidstone Museum

6.5.3 The flagpoles are standing on the grass verge and do not encroach onto the pavement of St Faith's Street or the access to Brenchley Gardens/Maidstone Museum, so should not obstruct pedestrians and the flags would be a sufficient height above ground to prevent interference. The submission indicates that the base weight is 554kg, which should be sufficient to prevent them tipping/blowing over onto passers-by in heavy winds or being moved.

6.5.4 Due to their height and non-illuminated nature, I do not consider that the flags would affect highway safety.

7. CONCLUSION

7.1 Taking all of the above into account, it is considered overall that the proposals comply with Development Plan policy and the Central Government guidance as set out in the National Planning Policy Framework. As the public consultation period has not yet expired, I recommend that Members grant delegated powers to permit the application subject to the conditions set out below.

8. RECOMMENDATION

SUBJECT TO the expiry of the public consultation period and no receipt of any representations raising new material planning considerations, the HEAD OF PLANNING BE DELEGATED POWER TO GRANT ADVERTISEMENT CONSENT subject to the following conditions:

1. (i) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

(ii) No advertisement shall be sited or displayed so as to-
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

- (iii) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the

visual amenity of the site.

(iv) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

(v) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: In accordance with the provisions of Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. The advertisement(s) for which consent is hereby granted must be removed in accordance with condition 1 (iii) within five years of the date of this consent;

Reason: In accordance with the provisions of Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Informatives set out below

In accordance with the email from the Economic Development Manager dated 20/12/12, you are reminded that the existing banners in the Museum courtyard should be reduced to 2 and that the banners on the railings should be removed before the flags hereby permitted are displayed at the Museum.

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02.11.2012



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THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 31st January 2013**

APPEAL DECISIONS:

- 1. – MA/11/1659** - Demolition of existing garages and the erection of 6 dwellings as shown on drawing numbers (00)02, (11)01, (11)02, (11)03, (11)04 and (11)05 received on 27/09/11 as amended by drawing numbers (00)02 and (11)01 Rev A and ownership certificate received on 09/01/12.

APPEAL: DISMISSED

GARAGES R/O 48, GRECIAN STREET, MAIDSTONE,
KENT, ME14 2TS (address)

Planning Committee

- 2. – MA/12/1053** - Two storey extension as shown on drawing numbers 127-P1, 127-P2, 127-P3, 127-P4, 127-P5, 127-P6, 127-P7, 127-P8, 127-P9, 127-P10, 127-P11 and 127-P12, supported by a design and access statement, all received 6th June 2012.

APPEAL: DISMISSED

The Barn St. Martins Vineyard, Seed Road, Doddington,
Sittingbourne ME9 0NN

DELEGATED POWERS
